



CONFLICT OF INTEREST POLICY

Policy Section Name	Policy Category	Policy Number	Supersedes:
Corporate	Corporate	300CO-CO-005	n/a
Organizational Scope	IPC (Yes/No)	Effective Date	Next Review Date
ICES-Network (site-specific procedures)	Yes	November 1994	April 2019
Authority (Title)		Owner (Name and Title)	
Executive Committee		CEO	
Required Reviewers			
Executive Committee	Program Leaders	Conflict of Interest Committee	

Glossary of Terms

Please refer to the [glossary](#) for all terms and definitions.

List of terms: NA

1. INTRODUCTION AND PURPOSE

ICES is a publicly funded, not-for-profit research institute, whose mission is research excellence resulting in trusted evidence that makes policy better, health care stronger and people healthier. To meet its mandate, ICES must produce, and be perceived as producing, trusted and excellent research that is in the public interest. The Institute must protect its reputation to maintain continued public trust, by ensuring that the work done at or under the auspices of the Institute by those in the ICES community reflects ICES' mission. Therefore ICES must ensure that staff and scientists affiliated with the Institute act in ways that advance our mission, and enhance our reputation. Actual, perceived or potential conflicts of interests (COI) in the ICES community can harm the institution's reputation and ultimately damage the public's trust in ICES.

The purposes of this Policy are to ensure we maintain a robust framework to avoid, minimize and effectively manage actual, perceived or potential COIs.

2. POLICY SCOPE

Application

This Policy applies to the following members of the ICES community: employees (including employed Scientists), appointees (including Scientists who are non-employees appointed to ICES) and affiliates (e.g., visiting scientists, students, fellows, consultants representing ICES). Individuals who are applying for employment or an appointment to ICES will declare conflicts of interest, current and for the prior 3 years, at the time of their application.

This Policy is of particular relevance to persons who conduct research and disseminate findings, who, by the nature of his/her position, responsibilities or otherwise, interacts with suppliers, potential suppliers, or any organization/individual that has or may have business dealings with ICES who may be directly or



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indirectly affected by research conducted at ICES. Last, it is of particular relevance to staff that, by virtue of their position, responsibilities, and/or expertise have marketable skills of interest to others, such as external research teams, organizations, and companies.

3. POLICY DETAILS

Definitions

Conflict of Interest:

Refers to any situation where there is a potential divergence between an individual's interests and his or her obligations to ICES. A conflict of interest may be actual, perceived or potential.

A conflict of interest exists when it can be reasonably determined that an Individual Financial Interest (see definition below) or Benefit or Family Financial Interest or Benefit (see definition below) could directly affect (or reasonably be perceived to affect):

- (a) the research question, design, conduct, analysis or reporting of a study
- (b) an ICES action (e.g., business decisions or transactions, prioritizing of research or resources)
- (c) ICES business, mission or reputation

Individual Financial Interest or Benefit:

This is interpreted broadly, and means anything relating to an individual's private interests (regardless of monetary value) now or in the future. It includes, but is not limited to, money, stocks, stock options, goods, speaker's fees, stipends and honoraria, gifts (including offers of products or services), bonus or milestone payments, equity interest and the opportunity to receive a financial interest or benefit received either directly or indirectly.

Note:

1. The benefit does not necessarily need to be monetary (e.g., access to research support) and it may be provided as a direct or indirect benefit. That is, the benefit may be directly given to the individual or it may be given to a third party/entity for direct benefit to the individual (e.g., flowed through a research account or through a professional corporation).
2. The Financial interest or benefit as defined in this Policy excludes income in the form of wages and salaries paid by ICES and by other public institutions (e.g., government, publicly-funded research institutes and peer-reviewed granting agencies).

Family Financial Interest or Benefit:

Defined the same as for Individuals, except this refers to Financial Interest or Benefit received directly or indirectly by a member of the Individual's immediate family, defined as spouse/spouse equivalent; parents (step and in laws); brothers/sisters (step and in laws); and sons/daughters (step and in laws).

Managing Conflicts of Interest:

Refers to any condition or restriction applied by ICES to manage conflicts of interest. Management Plans are developed in consultation with the individual, but are ultimately determined by ICES at its sole discretion.



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Guiding Principles

1. All ICES' decisions for addressing conflicts of interest situations will be guided by the institution's obligation to maintain the public's trust. No research or ICES activities will be undertaken with unmanaged conflicts of interest;
2. ICES may determine a conflict of interest cannot be adequately managed in cases where a) the individual will not or cannot comply with the management plan, b) the management plan cannot be determined or enforced, or c) the ICES resources needed to manage the situation are deemed excessive by ICES;
3. ICES embraces transparency and accountability in its processes for dealing with conflict of interest situations and will ensure consistent application of this Policy;
4. ICES may make a summary of all COI declarations and management plans publicly available, such as by posting on our public website if it decides this is prudent for good governance;
5. Employment with and/or ongoing appointment to ICES requires full and accurate disclosure of actual, perceived and potential conflicts of interest annually, as well as ad-hoc as soon as they become known to the individual;
6. ICES requires accuracy and completeness in COI Declarations. ICES may undertake random or selected audits of individuals' conflict of interest declarations. If ICES receives additional information about COIs beyond what was disclosed in the individual's COI declaration, ICES will review these additional COIs as part of this Policy;
7. Decisions rendered under this Policy are to be made by the CEO [or delegate(s)] except for decisions concerning the CEO. Decisions regarding conflict-of-interest declarations made by the CEO are the responsibility of the Chair of the ICES Board of Directors.

Prohibited Activities

It is not possible to provide an exhaustive list of all prohibited activities. The following situations serve as examples.

1. Using one's position, influence or authority in ICES for individual/family financial interest or benefit;
2. Using ICES resources or information gained through employment, appointment or affiliation with ICES for individual/family financial interest or benefit;
3. Allowing a sponsor or stakeholder of ICES (or of ICES research) the right to veto or change the design, analysis, interpretation or reportage of research findings or its dissemination (an opportunity to comment is allowable so long as it does not exceed 30 days);
4. Guaranteeing to a sponsor or stakeholder of ICES (or of ICES research) a specific scientific finding;



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5. Conducting research with, or for, another entity which uses ICES data, name, resources, logo or business tools without ICES approval;
6. Accepting money, individual interests/benefits, or family interests/benefits from a for-profit entity for research which uses ICES data, name, resources, logo or business tools;
7. Posing a research question or designing, analyzing, interpreting or reporting a study in order that it will or may produce individual/family financial interest or benefit;
8. Signing a contract or agreeing to an undertaking on behalf of ICES that is contrary to this Policy;
9. Using an ICES employee for non-ICES work or activities that contribute to one's individual/family financial interest or benefit;
10. Owning stock or stock options in, being employed by, acting as a Director of, or otherwise receiving a financial interest or benefit from a for-profit company that is related to a drug, technology or health service that ICES is studying or may reasonably do so in the future;
11. Being a member of a Speakers Bureau (or equivalent speaker arrangement) for a for-profit company or entity;
12. Providing educational or research talks for a for-profit company or entity where the individual does not create the content and is not able to exercise academic control over the content and its delivery. Note: even if these conditions are met it may still be prohibited activity if these particular features are not transparent to ICES or the audience and/or if it otherwise compromises the public's trust in ICES;
13. Acting as a consultant or advisor for a for-profit company or entity and providing non-scientific general or specific business advice, regardless of the dollar amount involved;
14. Acting as a consultant or advisor for a for-profit company or entity without having a written agreement or written contract acceptable to ICES. Such an agreement/contract should be for a fixed-term and explicitly set out expectations for each of the parties with no further obligations after the termination date. These contracts must be submitted to ICES at the time of COI declaration);
15. Taking any administrative action (including, but not limited to, hiring of staff, procurement of materials, managing contracting, selecting equipment or supplies) within or on behalf of ICES with an organization/individual where an individual (or family member) stands to gain a financial interest or benefit (or appears to be doing so);
16. Offering or accepting financial interest or benefit in order to influence business transactions in which ICES is involved;
17. Using ICES resources (e.g. ICES email, computer networks, mobile devices, postal location, facsimile, computers, printers, office space) for any prohibited activity.

Allowable Activities

The following activities are allowable if these are independent from ICES; do not use ICES data; name, logo or resources; and do not compromise, or be reasonably seen to compromise, ICES reputation or mission. It is not possible to provide an exhaustive list of all allowable activities. The following situations serve as examples.

Even when allowed, the policy requires that **these activities still be disclosed to ICES as part of the COI disclosure process.**



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1. Participating in a properly constituted Independent Data Safety Monitoring Board for a particular trial or trials in a for-profit pharmaceutical, device, or other health products company;
2. Being a member of the Steering Committee, Publishing Committee, or Coordinating Committee for a particular trial or trials in a non-profit or for-profit pharmaceutical, device, or other health products company;
3. Conducting research directly or through another institution for a commercial entity (e.g., conducting an industry-sponsored clinical trial which has a research agreement between the sponsor, the individual, and his or her other institution) where the activity does not compromise ICES reputation for independence and integrity
4. Providing an acceptable service (e.g., scientific and/or clinical consulting or advice) to a for-profit company or agency with an acceptable written agreement or contract concerning a drug, technology or health service that ICES could reasonably study in the future, and that is not in conflict with (and not perceived to be in conflict) one's ICES work;
5. Participating in an external committee with the authority to review or approve a drug, technology or health service, such as a Federal or Provincial panel;

Payment and benefits to individuals for allowable activities

It is acceptable to receive reasonable honorariums, stipends, payments or small gifts paid directly to the individual from a for-profit or non-profit company or entity for providing a specific allowable activity/service as long as these, by their frequency or amount (singly or accumulated) do not affect (or reasonably be perceived to affect) an individual's work at ICES or ICES's mission or reputation.

Certain allowable activities are nonetheless subject to annual total remuneration limits to be considered allowable by ICES. Specifically, individuals may not receive remuneration or financial benefit directly or indirectly from for-profit companies or entities for educational talks, advisory/consultative roles and activities that exceed the annual dollar value limit as determined by ICES from time to time. The current total allowable limit is \$10,000 per annum for all such activities.

Declaring Conflicts Of Interest

It is the responsibility of all ICES community members to whom this Policy applies (see section 2) to report actual, perceived or potential conflicts of interest.

ICES encourages disclosing any activity where the individual is uncertain whether it may represent a perceived, potential or actual COI. Even if an individual believes an activity falls within the examples of Allowable Activities, the individual is required to make a declaration.

Nothing in this Policy shall be interpreted to mean that there are no obligations or duties to report the same conflicts of interest elsewhere. For example, individuals are reminded that Research Ethics Boards, journals, and other public institutions will require declarations of conflict of interest.



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All members of the ICES community will:

- Provide full and accurate disclosure of actual, perceived or potential conflicts of interest situations annually and as these become known to the individual and in advance through ad-hoc disclosures;
- Disclosures must be made using standard ICES forms and tools (e.g. online app) within specified deadlines;
- Respond as soon as reasonably possible to ICES requests for disclosure or details;
- Report in good-faith;
- Seek clarification from the CEO (or from the Board Chair if the CEO) about what is or might be seen as conflict of interest situations if in doubt;

The CEO will declare his or her own actual, perceived or potential conflict of interest to the Chair of the Board in writing at the earliest opportunity.

Reviewing and Managing Conflicts Of Interest

i. Reviewing Declaration Forms

An ICES conflict of interest committee will review all Declaration Forms other than that of the CEO (which is reviewed by the Board Chair). Members are appointed by the CEO; the committee acts in an advisory capacity to the CEO. The CEO (or his/her delegate) may determine which declarations require review by the entire committee. The CEO and COI committee may request additional information and documents, contact other parties relevant to the declaration, obtain additional information, and meet with individuals reporting a conflict(s) of interest in order to make a determination regarding a declaration.

The review will determine if each declared activity represents a conflict of interest, and if so determine the details of any required management plan. The CEO or his/her delegate will discuss all decisions regarding declared activities with the affected individual along with the management plan, if applicable.

Management Plans are binding on the individual and will vary depending on the nature of the conflicts of interest and the circumstances. The review decisions are final and binding. They will be communicated to the individual in writing and included in future appointment and/or employment letters as required.

Declaration forms for the CEO will be reviewed by the ICES Board Chair. The Board Chair may meet with the CEO when reporting a conflict(s) of interest. The meeting will be for information gathering and to explore more fully the actual, perceived or potential conflicts of interests. The Board Chair will determine if the activity represents a conflict of interest, and if so determine the details of any required management plan. All decisions rendered by the Board Chair shall be final and binding.

ii. Confidentiality

The CEO (or the Board Chair) may consult in confidence with others inside and outside of ICES for the purposes of reviewing or managing conflicts of interest. The CEO may reveal in confidence necessary information regarding conflict of interest determinations and management plans only to those staff and



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scientists or outside parties where, in the opinion of ICES, it is required for the effective implementation of the management plan, and/or to protect ICES reputation and mission

Information gathered in the Disclosure Form, the Management Plan, and discussions and notes about these documents and the conflicts of interest shall be considered part of the institutional record. ICES may make a summary of all COI declarations and management plans publicly available, such as by posting on our public website if it decides this is prudent for good governance. Notice was given in 2016 that, starting in 2017, ICES will be making information on scientist COIs publicly available. For each Scientist, there will be a statement that they have or have not declared any "ICES-relevant COIs". More information, including any management plan will be available upon request.

iii. Penalties

Breaches of this policy may be cause for reprimand, limitations of ICES privileges, activities or work, dismissal or otherwise loss of employment, appointment or affiliation with the institution. Penalties for policy breach will depend upon the nature and severity of the conflict in each case. All decisions regarding penalties shall be made by the CEO and are final and binding. The Board Chair shall make decisions relating to the CEO's conflicts of interest.

4. ADMINISTRATIVE PROCEDURES

5. TRAINING AND COMMUNICATION

Policies are available on the ICES Intranet. Employees and contractors are made aware of applicable policies during onboarding. Policy awareness is supported and promoted by the Policy Owner.

6. COMPLIANCE AND ENFORCEMENT

Compliance to all ICES policies and procedures is subject to audit and review.

Suspected violations of policies should be reported to the appropriate authorities. The information will be reviewed by the appropriate authorities, including Human Resources, as required.

Policy violations due to human error or operational procedure gaps/deficiencies will be addressed through training and/or modifications to procedures as required.

All other violations may be subject to a range of disciplinary actions including warning, temporary or permanent loss of access privileges, legal sanctions and/or termination of employment or contract with ICES.

7. CROSS REFERENCES / RELATED DOCUMENTATION

Conflict of Interest Declaration Form (Annual and Ad Hoc)

8. ADDITIONAL INFORMATION



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9. CHANGE TRACKING TABLE

Review Date	Change Description	Changed By	Reviewed By	Policy Status
October 2002	Regular review			Archived
November 2007	Regular review			Archived
May 2008	Regular review			Archived
October, 2012	New policy template	Senior Director, Corporate Services		Archived
March 31, 2015	Updated policy	Assistant to the CEO	COI Committee (CEO, CSO, L. Ferris)	Archived
April 5, 2016	Updated verbiage of section 1 & 2 of COI declaration as well as section on Managing Conflicts of Interest	Assistant to the CEO	COI Committee (CEO, CSO, L. Ferris)	Archived
April 2017	Updated COI reporting period from 2016 - 17 to 2017 - 18	PMO	n/a, content change was to date only	Archived
December 2017	Regular review; reset review cycle date	COI Committee (CEO, L. Ferris) Assistant to the CEO; PMO	COI Committee (CEO, L. Ferris, Executive Team)	In Effect



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CONFLICT OF INTEREST (COI) DECLARATION FORM

For declaring COI and no COI Annually and Ad Hoc (and if asked, at the time of Appointment renewal)

Name: _____ (Please print)

Date: _____

Is this an: [] Annual Disclosure [] Ad Hoc Disclosure [] Appointment Renewal

Instructions:

Please complete only Section 1 if you have NO conflicts of interest to declare.
-OR-
Please complete Section 2 if you have conflicts of interest to declare (actual, perceived or potential).

Note: If this is the first time you are completing the ICES COI Declaration Form, please report all COI (or no COI) for the past three (3) years.

Section 1

I have read the ICES Conflict of Interest Policy, I have received orientation to this Policy, and all my questions concerning it have been answered. I am declaring that I have no actual, perceived or potential conflicts of interest to disclose for the period _____ to _____. I do not anticipate having any conflicts of interest for this year, nor do I have any undeclared COIs from the past 12 months. If any conflicts of interest arise, I will make an ad-hoc declaration to the CEO's office by emailing coi@ices.on.ca.

_____ (Signature).

_____ (Date or Fiscal Year Covered)

Section 2

I have read the ICES Conflict of Interest Policy. I am declaring that I have conflict(s) of interest (actual, perceived or potential) to disclose for period _____ to _____. If any additional conflicts of interest arise, I will immediately notify the Office of the CEO by emailing coi@ices.on.ca. Below is a listing of the conflicts of interest I am declaring including those for the past 12 months (if not previously reported).



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_____ (Signature)

_____ (Date or Fiscal Year Covered)

For Confidential Office Use Only:

I have reviewed this Declaration Form and no further action is needed at this time.

I have reviewed this Declaration Form and will meet with the individual.

_____ Signature (CEO)