Financial Conflicts of Interest Policy

This DIRECTIVE sets out general principles to protect the interests of the University (employees; members of University organs)

This DIRECTIVE is an official translation of the DIRECTIVE 0007 « Conflits d'intérêts financiers » published on June the 7th 2011 in the University of Geneva MEMENTO. In the event of inconsistency or discrepancy between the English and the French version of the Directive, the French versions shall prevail.

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Directive

Preamble

University teachers and employees have varied and numerous ties to the private sector.

These interactions may bring many benefits. For example, they encourage instruction rooted in practice; they encourage research on current, concrete problems; they can assist students in their professional insertion; they benefit society when they result in new products or services. As a general rule, the University is in favor of creating such ties, and encourages teachers and employees in such initiatives, as the University strongly supports the search for external funding for research.

However, these interactions also present risks tied to the existence of divergent financial interests. Managed imprudently, these could, for example, lead to research that is excessively commercially oriented, to the abandonment of important research, or to the non-publication of results obtained for the sole benefit of the private sector.
The University is aware of the benefits and the risks of these interactions, and of the delicate balance that must be maintained to maximize the former and minimize the latter.

To prevent and manage such conflicts of interest, a number of rules have already been established and published in various internal directives (cf. Article 8 of this directive), but these are incomplete. As a consequence, the Rectorate wishes to set out general principles to protect the interests of the University, including the six principles of the University’s Code of Ethics (hereinafter, "the interests of the University").

This directive also draws inspiration from the conclusions of the Ethics Committee of the University of Geneva on 19 December 2007.

PART A: INTRODUCTION

Article 1: Definitions

1.1. For purposes of this directive, a situation of conflict of interest exists when a University employee is confronted by divergent interests, one of which arises through an interaction with the private sector. The existence of such a situation does not necessarily mean that risks will materialize or that difficulties will be experienced.

1.2. The term "private sector" shall be understood in the broadest possible sense, including all individuals and companies engaged in commercial activities; it includes public institutions when these act as commercial enterprises.

1.3. The term "interaction" shall be understood in the broadest possible sense. It includes, but is not limited to, gifts, sponsoring, research contracts, loans, positions within companies, financial assistance for events, and start-up and technology-transfer activities, whenever the private sector is involved.

1.4. The term "employee" shall be understood as anyone with a work relationship with the University. When several employees are directly interacting with the private sector, each of them is expected to apply this directive. However, by written approval, they may arrange for declarations to hierarchical superiors (required by this directive) to be submitted by one of them in the name of all.

1.5. The term "Dean" in this directive refers to the Dean of the Faculty which hosts the employee engaged in the interaction with the private sector.

1.6. The term "hierarchical superior" refers to the direct hierarchical superior of the employee. For professors, the hierarchical superior is in principle the Dean. For Deans, the hierarchical superior is in principle the Rector.

1.7. The expression "participant in research projects" refers to a person who agrees to assist researchers by submitting to a research or experimental protocol.

Article 2: Scope

2.1. This directive applies to all University employees.
2.2. The purpose of this directive is, *inter alia*, to clarify:

a. the principles that govern the activities of University employees;
b. when an employee must inform his/her hierarchical superior of a conflict of interest situation;
c. when a Faculty Dean must be informed of conflict of interest situations;
d. when the Rectorate must be informed of conflict of interest situations.

2.3. This directive also applies by extension to individuals assuming a role as an external representative within a University body (for example, the University Assembly, the Strategic Planning Committee, the Ethics and Deontological Committee, the Audit Committee, etc.). For purposes of this directive, the body to which the representative belongs is considered to be his/her hierarchical superior; that organ shall be responsible for informing the Rectorate as stipulated in this directive.

**PART B: GENERAL PRINCIPLES**

**Article 3: Primacy of University interests**

3.1. Each employee of the University shall protect the interests of the University, particularly the interest in high-quality instruction and research.

3.2. If there is a conflict between the interests of the University and interests in engaging in an interaction with the private sector, priority shall be given to the interests of the University.

3.3. Similarly, if there is a conflict between the interests of the University and the financial interests of an employee, the conflict must be managed by giving priority to the interests of the University.

**Article 4: Individual responsibility and hierarchical responsibility**

4.1. Each employee of the University must exercise judgment and act responsibly when he/she is confronted with a situation of conflict of interest and is obliged to apply the principles from Article 3 above.

4.2. If the employee is unsure whether or not there is a situation of conflict of interest, or how to give priority to the interests of the University, the employee shall inform his/her hierarchical superior and, if required, determine with his/her hierarchical superior what measures shall be taken.

4.3. If a situation of conflict of interest concerns a person close to the employee (for example, a spouse or child), and the situation could be seen as harming the interests of the University, the employee shall inform his/her hierarchical superior of the situation.
4.4. Deans are responsible for managing and monitoring conflicts of interest touching on their Faculties. In accordance with Article 11 below, they may clarify the rules in this directive; they shall evaluate conflict of interest situations that are reported to them; they shall report on these situations to the Rectorate.

4.5. In accordance with Article 12 below, the Rectorate ensures that the Faculties manage their conflicts of interest in such a way as to faithfully protect the interests of the University.

**Article 5: Employee influence on University decisions**

5.1. If an employee occupies a position enabling him/her to influence decisions at Faculty or University level (e.g. a decision to make a purchase, or to enter into a contract), the employee shall wield such influence in the interests of the University.

5.2. If the employee's financial interests, or his/her interests in an interaction with the private sector, could influence his/her judgment, he/she must inform his/her hierarchical superior of that fact. Depending on the circumstances, the employee may recuse himself/herself, or defer the decision to the employee's hierarchical superior.

**Article 6: Protection of patients and participants in research projects**

6.1. If an employee's activities involve patients or participants in research projects, he/she shall take the greatest possible care to protect their interests.

6.2. The employee shall pay particular attention to situations of conflict of interest which could harm the interests of patients or participants in research projects, as well as situations that merely might give the impression of a conflict of interest.

As a rule, patients and participants in research projects must be informed of conflicts of interest before they give any consent to participate in such research.

6.3. Faculties in which this kind of research is routinely carried out shall establish more detailed internal rules.

6.4. The principles set forth herein are without prejudice to the provisions which apply to the Ethics Committee of the Geneva University Hospitals.

**Article 7: Transparency**

7.1. An employee who asks a student or another employee to work in the interest of the private sector must inform him/her in advance of the nature of that interaction.

The employee shall take due account of the interests of his/her students and colleagues, especially their interest in quickly publishing the results of their research and promptly completing their university studies.
7.2. To the extent possible, teachers shall indicate on their University web page all long-term and significant ties between their interests and the private sector (for example: regular activities with the private sector, seats on boards or similar committees, ownership of companies).

7.3. Employees must likewise report ties to the private sector which could give the impression that a conflict of interest situation might arise:

a. when asked to do so by a potential funding source in the context of a grant request;
b. when asked to do so by a scientific journal regarding a publication;
c. when asked to do so by conference organizers;
d. without being asked to do so, if this is necessary for readers or conference participants to be able to objectively assess the employee's writings or presentations.

PART C: SPECIFIC INTERACTIONS WITH THE PRIVATE SECTOR

Article 8: Existing directives

8.1. In cases where University directives require the submission of a document or a behavior for review or approval by a hierarchical superior or other administrator, the document or behavior must be studied taking duly into account the principles regarding conflicts of interest set forth in this directive.

8.2. The directives referred to in Article 8.1 above include:
   the Directives regarding integrity in the domain of scientific research,
   the Directives regarding agreements on knowledge and technology transfers,
   the Directives regarding signing of orders, contracts, or agreements in the name of the University,
   - the Directive on gifts, bequests, and subsidies,
   - the Directive on outside activities of University instructors.

Article 9: Positions on the boards of private companies

9.1. Any person employed by the University, wether full- or part-time, shall inform the Dean, or if appropriate the Rectorate, before accepting a position as a member of a board (or similar entity such as an advisory council) in the private sector.

Such a position must be refused if it entails responsibilities (for example: work, time, travel) incompatible with the employee's obligations towards the University.

9.2. The Dean shall report such cases to the Rector.

9.3. The employee and the Dean shall determine the measures necessary for guaranteeing protection of the interests of the University. The Rector shall confirm the soundness of these measures.

Unless agreed in writing by the Rector, the position is solely in the name of and on behalf of the employee, never in the name of and on behalf of the University.
Article 10: Financial investments

10.1. An employee who holds a financial stake (stock, options, or similar instruments) in a company shall inform the Dean if that investment could give the impression of creating a conflict of interest.

10.2. This disclosure requirement must not be sidestepped by putting the stake in the name of a third party, for example a family member, a company, or a foundation.

10.3. There is no conflict of interest – and therefore no disclosure requirement – in the following cases:

   a. a stake of less than 5% in a publicly-traded company and provided the employee holds no position therein;
   b. a stake of less than 15% in an unlisted company and provided that neither the employee nor his/her close relatives hold no position therein and that neither the employee nor the University entertain any ties with it.

10.4. The Dean shall inform the Rector if the financial investment is deemed to potentially harm the interests of the University.

10.5. The employee and the Dean, or if appropriate the Rector, shall determine the measures necessary for guaranteeing protection of the interests of the University.

PART D: COMPETENCIES, REPORTS, AND COMMITTEES

Article 11: The role of the Deans

11.1. Deans ensure that new employees in their Faculties are informed of the rules applicable to conflicts of interest.

11.2. In accordance with the procedures that apply in their Faculties, Deans may clarify the scope of this directive through internal rules. Such rules shall be submitted to the Rectorate for approval.

11.3. Each year, Deans shall present a report to the Rectorate providing a brief description of the conflicts of interest that required their intervention or specific management measures.

11.4. A Dean may delegate the management of conflicts of interest pursuant to this directive to a committee created at the Faculty level or to members of the Dean’s Office.

Article 12: The role of the Rectorate

12.1. The Rectorate analyzes the reports received from the Deans and ensures that the interactions with the private sector in the various Faculties are managed in such a way as to protect the interests of the University.
12.2. The Rectorate may request additional information from the Deans and/or the employees concerned by conflicts of interest.

12.3. If the Rectorate determines that interactions with the private sector are not being managed efficiently and transparently, the Rectorate shall take remedial action.

Article 13: Entry into force

This directive enters into force the day after its publication in the University of Geneva Mémento.