



# MTU

Ollscoil Teicneolaíochta na Mumhan  
Munster Technological University

## **Policy on Conflict of Interest or Commitment and on External Work**

**28<sup>th</sup> June 2021**

Version: 1.0

[www.mtu.ie/policies](http://www.mtu.ie/policies)

## Table of Contents

|  |    |
|--|----|
| 1. Purpose.....  | 4  |
| 2. Scope .....   | 4  |
| 2.1 Interpretation.....  | 4  |
| 3. Roles and Responsibilities.....   | 5  |
| 3.1 All Persons Engaged in University Activities.....                      | 5  |
| 3.2 Members of University Staff in Receipt of a Disclosure .....           | 6  |
| 4. Policy .....  | 6  |
| 4.1 Basic Principle.....   | 6  |
| 4.2 Disclosure .....   | 7  |
| 4.3 Management .....   | 7  |
| 4.4 Discontinuation .....  | 7  |
| 5. Avoidance, Disclosure and Management of Conflicts .....                 | 7  |
| 5.1 Evaluation and Arrangement of Interests .....                          | 7  |
| 5.1.1 Principles for Evaluation and Arrangement .....                      | 7  |
| 5.1.2 Practical Guidelines for the Avoidance of Conflict of Interest ..... | 7  |
| 5.2 Disclosure .....   | 8  |
| 5.2.1 Conflicts Involving Members of Governing Body .....                  | 8  |
| 5.2.2 Conflicts Involving the President.....                               | 8  |
| 5.2.3 Conflicts Involving Members of University Staff .....                | 8  |
| 5.2.4 Conflicts Involving External Parties (Declaration of Interest) ..... | 8  |
| 5.2.5 Appearance of Conflict .....   | 9  |
| 5.2.6 Advice on Declaring Conflict.....                                    | 9  |
| 5.3 Management .....   | 10 |
| 5.4 Discontinuation .....  | 10 |
| 5.5 Conflicts Register .....   | 10 |
| 6. Declaration, Approval and Management of External Work .....             | 12 |
| 6.1 General Principles.....  | 12 |
| 6.2 Application and Approval .....   | 12 |
| 6.3 Ownership of a Company or Enterprise .....                             | 13 |
| 7. Compliance.....   | 13 |
| 7.1 Non-compliance .....   | 13 |
| 8. Review.....   | 13 |
| Appendix A – Examples of Potential Conflicts.....                          | 14 |

|  |    |
|--|----|
| Appendix B – Avoiding Conflict of Interest in IP Commercialisation – Guidelines .....  | 15 |
| Appendix C – Avoiding Conflict of Interest in the Selection of Panel Members for Academic Validation and Review Panels – Guidelines .....    | 16 |
| Appendix D – Avoiding Conflict of Interest in the Recruitment of the External Examiners for Taught Modules and Programmes – Guidelines ..... | 17 |
| Appendix E – Avoiding Conflict in the Recruitment of Internal and External Examiners for Research Degree Programmes – Guidelines.....        | 18 |
| Document Control .....   | 20 |

## 1. Purpose

This document sets out the policy of Munster Technological University (hereafter referred to as “the University”) for the identification, disclosure, and management of conflicts of interest or commitment and management of external work.

The maintenance of public confidence in the University requires that University staff, members of Governing Body, as well as external contributors engaged in its activities, perform their duties with integrity and proper professional judgment, aspiring to the highest ethical, professional, and academic standards. At the same time, in an outward-facing academic and research environment which seeks to foster two-way engagement, knowledge exchange and collaboration with a wide range of external partners, it is neither possible nor desirable to forestall all activities and engagements which may at one point, or another give rise to a conflict, whether actual or apparent. Engagement by staff in external activity can indeed be beneficial in that it may help staff members maintain their professional competence and keep abreast of current developments in their field.

## 2. Scope

This policy applies to all members of staff, members of Governing Body and external parties involved in the activities of the University as set out throughout the document.

It is intended to complement the existing academic and corporate policies of the University and any obligations under the Ethics Acts, or other pertinent legislation.

### 2.1 Interpretation

Engagement in external activities, and occasionally internal activities, may give rise to two types of conflict: Conflicts of interest, which may affect professional judgment; and conflicts of commitment, which are generally understood as conflicts which may affect the allocation of time and energy.

A ‘conflict of interest’ arises when an individual holds a personal interest, whether direct or indirect, which in the opinion of a reasonably informed and well-advised person is sufficient to call into question the independence, impartiality, and objectivity the individual is obliged to exercise in the performance of their duties. Conflicts of interest may be financial or nonfinancial or both.

General examples of conflicts of interest, as well as examples specific to certain areas within the University including academic activities and intellectual property commercialisation, are set out in Appendix A and B to this policy.<sup>1</sup>

---

<sup>1</sup> Columbia Center for New Media Teaching and Learning, Responsible Conduct in Research, Conflicts of Interest, 1.1, [http://ccnmtl.columbia.edu/projects/rcr/rcr\\_conflicts/foundation/#1](http://ccnmtl.columbia.edu/projects/rcr/rcr_conflicts/foundation/#1)

The interpretation of conflict of interest in this document encompasses actual, potential, and perceived conflicts: “[A] conflict of interest exists whether or not decisions are actually affected by a personal interest; [it] implies only the potential for bias, not a likelihood.”<sup>2</sup> Individuals may not always be conscious of the effects of a conflict of interest on their own judgment<sup>3</sup>. A conflict of interest may be presumed where it may reasonably appear to an independent observer with knowledge of the relevant facts that the professional decisions or actions of an individual acting on behalf of the University may be determined by a secondary, outside interest (be it financial or personal gain, professional advantage, intellectual bias, or any other interest)<sup>4</sup>.

The existence of an actual, perceived, or potential conflict of interest does not necessarily imply wrongdoing on anyone’s part. However, any private, personal, or commercial interests which give rise to such a conflict of interest must be recognised, disclosed appropriately and either eliminated or properly managed.

In many instances, the exercise of individual discretion to identify and disclose a conflict sufficiently minimises perceived bias and reputational risk to make further corrective or preventative action unnecessary.<sup>5</sup>

A ‘conflict of commitment’ occurs when the commitment to external activities of a staff member adversely affects their capacity to meet University responsibilities. This form of conflict may be recognised by a perceptible reduction of time and energy devoted by the individual to University activities. Conflicts of commitment primarily involve questions of obligation and effort but are often tied to financial remuneration or other inducements and in such cases, they may also constitute a conflict of interest. Therefore, the terms ‘conflict’ and ‘conflict of interest’ in this policy should also be read as including conflicts of commitment.

### 3. Roles and Responsibilities

#### 3.1 All Persons Engaged in University Activities

Each member of University staff, University student and external contributor to University activities is responsible for evaluating their own interests and for disclosing any potential conflicts in relation to these activities promptly and fully as outlined in this Policy.

---

<sup>2</sup> Columbia Center for New Media Teaching and Learning, Responsible Conduct in Research, Conflicts of Interest, 1.1, [http://ccnmtl.columbia.edu/projects/rcr/rcr\\_conflicts/foundation/#1](http://ccnmtl.columbia.edu/projects/rcr/rcr_conflicts/foundation/#1)

<sup>3</sup> American Association of University Professors, Statement on Conflicts of Interest, revised version November 2013, <http://www.aaup.org/report/statement-conflicts-interest>

<sup>4</sup> Ibid.

<sup>5</sup> See also University of Southern California, Policy on Conflict of Interest in Research, Section 1, March 2013, <http://policy.usc.edu/research-conflict-interest/>

Where, based on specific, factual circumstances, it appears to a University member or contributor that another individual may have an unidentified or undisclosed conflict in relation to a University activity which may be detrimental to the University or to persons associated with the activity, the University member or contributor may decide to draw the attention of the University to the apparent conflict. Persons disclosing an apparent conflict are responsible for doing so in a manner that maintains confidentiality and that protects the dignity and right to a good name of the individual who may have the conflict, and of any other persons involved.

### [3.2 Members of University Staff in Receipt of a Disclosure](#)

Disclosures regarding potential conflicts may be received by University staff in a variety of functions, depending on the activity and the exact role within the University, or relationship with the University, of those involved.

As a general rule, it is the University member responsible for managing a particular University unit or for directing or facilitating a particular University activity who will receive disclosures made by staff, students or external contributors attached to that unit or activity. The policy sections below set out in greater detail to whom potential conflicts, including conflicts involving University managers, should be disclosed in different situations.

University members who receive a disclosure are responsible for reviewing the case and deciding on an appropriate course of action to manage the potential conflict as per this policy. Decisions taken may include mitigating measures, onward referral of the case to a more appropriate University function, or a decision that no further action is required.

University members who receive a disclosure are also responsible for ensuring that the potential conflict and the measures taken are recorded in the University's Conflicts Register.

## **4. Policy**

The following sections set out the general principles for addressing conflict of interest and conflict of commitment and managing external work in the University. Section 5 discusses conflicts in greater detail and sets out the process for the avoidance, disclosure, and management of conflicts. Section 6 contains further details for the declaration, approval, and management of external work.

### [4.1 Basic Principle](#)

Staff of the University and any other individuals engaged in University activities should not enter into situations which may give rise to any conflict with regard to their obligations to the University.

## 4.2 Disclosure

Conflicts should be disclosed promptly and fully. Responsibility for disclosure lies first and foremost with the individual whose outside interests/activities give rise to the conflict.

## 4.3 Management

Upon disclosure the University will review the circumstances and decide on an appropriate course of action for managing the conflict. In many cases, full and prompt disclosure will be the only measure required to manage the conflict. The conflict will also be recorded on the University's Conflicts Register.

## 4.4 Discontinuation

In cases where a conflict of interest cannot be managed, the University activity affected must not commence, or current arrangements must be discontinued where an activity is ongoing.

# 5. Avoidance, Disclosure and Management of Conflicts

The following principles guide the University's approach to conflicts of interest or conflicts of commitment.

## 5.1 Evaluation and Arrangement of Interests

### 5.1.1 Principles for Evaluation and Arrangement

Individuals should evaluate their interests for sources of potential conflict before they initiate an activity. They should also be alert to conflicts which may arise when circumstances change in the course of ongoing activities.

Wherever possible, activities which may compromise an individual's ability to exercise sound and unbiased judgment should be arranged so as to wholly avoid or resolve the conflict. Where this cannot be achieved, for example because the conflict arises from a past engagement, the conflict must be disclosed.

Since apparent conflicts may be as damaging as actual ones, whenever an individual is in doubt as to the existence of a conflict, the relevant circumstances should be disclosed.

### 5.1.2 Practical Guidelines for the Avoidance of Conflict of Interest

Practical guidelines to help University members and external contributors identify and avoid typical sources of conflict in different University activities from the outset are provided in the appendices to this policy.

Appendix A provides some illustrative examples of how different types of conflict might appear in daily University life. Frequent sources of conflict of interest in relation to IP

Commercialisation are listed in Appendix B. Guidelines for the avoidance of conflict of interest in the appointment of internal and external review panel members and of external examiners for taught or research programmes are given in Appendices C – E.

## 5.2 Disclosure

Prompt and full formal disclosure should be made prior to the commencement of any new activity or commitment which may be, or may appear to be, affected by a conflict. Disclosure of the circumstances surrounding the conflict should be detailed enough to permit an informed, accurate and objective evaluation.

In cases where a conflict emerges or arises in the course of an ongoing commitment, the conflict should be disclosed as soon as it is identified.

Disclosures should be made as well as received, recorded, and referred onwards with all due regard for the professional and personal integrity of all involved and the rights of the individual regarding privacy and confidentiality of personal information.

### 5.2.1 Conflicts Involving Members of Governing Body

Disclosure should be made to the Chair of Governing Body in the first instance and recorded by the Secretary of Governing Body. Where the Chair may have a conflict, they should make a declaration to the Secretary of Governing Body.

An appropriate form for making such a disclosure will be available from the Secretary of Governing Body.

### 5.2.2 Conflicts Involving the President

Disclosure should be made to the Chair of Governing Body in the first instance and recorded by the Secretary of Governing Body.

### 5.2.3 Conflicts Involving Members of University Staff

Disclosure should be made to the staff member's Head of Department/Function in the first instance. Where a staff member's Head of Department/Function is a party to the conflict, disclosure should be made to the next most senior person in the management chain.

An appropriate form for making such a disclosure will be available from the Office of the President and the University intranet.

### 5.2.4 Conflicts Involving External Parties (Declaration of Interest)

Notwithstanding the fact that responsibility for disclosure lies with the individual with whom the conflict arises, University staff seeking to engage external parties should draw the attention of contributors to this policy and should as a rule seek a written declaration of interest prior to confirming the engagement.

Formal declarations of interest must always be sought from contractors to the University.

Formal declarations of interest should also be sought, prior to engagement, from external parties to activities related to examination and assessment, research projects, research degree provision and academic quality assurance. Amongst others, this includes prospective external examiners, research supervisors, and members of academic validation and review panels.

Outside of these contexts, where it reasonably appears to the designated member of University staff that an intended external contribution to University activity – such as delivery of a guest lecture on a module – is unlikely to engender conflict for the University, it may be decided not to seek a declaration in the first instance.

Declarations of interest in this context – whether indicating a conflict, or the absence of one – should be made to the designated University point of contact for the external party.

Likewise, conflicts arising for external parties during ongoing University engagements should be disclosed to the designated University point of contact in the first instance.

Where warranted by the circumstances, or in case of doubt, the University contact receiving a disclosure should report the conflict onwards to their Head of Department/Function, who may take a decision regarding management of the conflict or may in turn refer the disclosure onwards to the appropriate University function or board.

The University will also seek to address conflicts with potential contractors through appropriate declarations in its tender documents.

#### 5.2.5 Appearance of Conflict

Identification and disclosure of a conflict is first and foremost the responsibility of the individual(s) whose outside interests give rise to the conflict.

Where, however, it appears to someone, based on specific factual circumstances, that another individual may have an unidentified or undisclosed conflict in relation to a University activity, they may notify the perceived conflict to the University member responsible for directing the activity (normally, a Head of Department or Function).

Upon evaluation of the reported circumstances, the University staff member receiving the notification may decide that no action is required at this point, may decide to approach the individual concerned with a request to assess and declare their outside interest(s), or may in turn refer the issue to their own Head of Department/Function.

#### 5.2.6 Advice on Declaring Conflict

If a member of University staff requires advice on the declaration of a conflict, and any paperwork associated with same, they may contact the Human Resources Office.

If a member of Governing Body requires any such advice, they may contact the Secretary of Governing Body.

### [5.3 Management](#)

Following disclosure, the appropriate University Manager will review the facts and decide on the management of the conflict. In the case of conflicts involving members of Governing Body, the process will be managed by the Chair, and in the case of conflicts involving the Chair, such other member as deemed appropriate by the Secretary of Governing Body.

Where the initial disclosure is deemed sufficient to avert the attendant risks or contain them within tolerable limits, no further action may be necessary.

Additional measures may include, for example, wider disclosure of the conflict within or outside of the University, modification of the intended University activity or limitation of the role of the conflicted individual therein, appointment of a monitoring function (such as a second external supervisor), or a requirement to report on the conflict at set intervals to designated University functions.

### [5.4 Discontinuation](#)

Where a conflict pertaining to a planned University activity cannot be managed, the activity must not commence until alternative arrangements have been put in place which remove all sources of conflict. In some cases, the intended activity may need to be abandoned altogether.

Where a conflict emerges or arises during an ongoing activity, current arrangements must likewise be promptly discontinued, and the activity suspended until suitable alternative arrangements have been implemented. In extremis, the University may be obliged to cease an existing activity altogether. In such a case, due regard would need to be given to all statutory obligations e.g. with regard to learner protection.

Where an unmanageable conflict involves an external party, engagement of this individual must not proceed, or must cease if the conflict is identified during an ongoing commitment. In the latter case, it may be necessary to review the overall arrangements for the activity in order to contain any risk arising from the past involvement of the contributor.

### [5.5 Conflicts Register](#)

The Office of the President maintains a Conflicts Register for the University. Once a conflict has been disclosed and steps to manage it as deemed appropriate have been identified, the member of the University who has received the disclosure should provide details of the conflict and the measures taken (using the appropriate form) to the Office of the President for entry into the Conflicts Register. Where a case is referred onwards to another University function or where subsequent developments change the circumstances of the case, an

update should be added to the relevant entry in the Conflicts Register by the member of the University member who has taken the final decision on the management of the conflict.

The Conflicts Register will be put before Governing Body annually by way of summary report for review. This report should have due regard to the University's obligations under GDPR.

## 6. Declaration, Approval and Management of External Work

### 6.1 General Principles

The following principles regarding external work specifically are designed to ensure the University is aware of outside work commitments that may affect a person's ability to carry out their obligations to the University, and also to manage any risk of non-compliance with legislation, such as the Organisation of Working Time Act 1997, and relevant policies, such as public sector rules regarding multiple sources of publicly funded pay.

External work does not create a conflict in and of itself but has the potential to. The University acknowledges that not all staff are on full time contracts and may have to balance commitments for a number of organisations. However, to ensure that the University is protected the University needs to have reasonable visibility of the total commitment of its staff members.

Therefore, all staff of the University are obliged to declare, and seek approval for, external work through the Human Resources Office<sup>6</sup>, and to keep those declarations accurate and up to date. This is in addition to the obligations to declare conflicts as set out above.

Any external activity engaged in by staff must not be such as to interfere with the fulfilling of the staff member's duties and responsibilities to the University. Of particular relevance in the context of public sector rules regarding multiple sources of publicly funded pay are situations where staff are employed by another State funded agency, irrespective of whether the University or the State funded agency is the main employer. A record of external work declarations and decisions will be maintained by the University.

Further information on what constitutes external work is set out in separate guidance notes which are available from the Human Resources Office. The Human Resources Office circulates notifications about external work annually.

### 6.2 Application and Approval

Approval to undertake or continue external paid activities must be sought in writing and must be renewed on an annual basis.

Approval should be sought a minimum of four weeks but preferably eight weeks in advance to taking up external work using the appropriate form which is available on the University intranet. Exceptions may apply to this timeline depending on the circumstances relating to the external work. The form must be given to the relevant Head of Department/Function and approval is granted by the Vice President for Corporate Affairs and the President.

---

<sup>6</sup> This will be looked after by the Human Resources Office until September 2021 and will be the responsibility of the Office of the President thereafter.

### 6.3 Ownership of a Company or Enterprise

A staff member seeking permission to become involved in the ownership or control of a company or commercial enterprise, including a farm (e.g. as an executive and/or director), must disclose the extent of their time commitment and the nature and volume of any transactions between the University and the company or enterprise.

### 6.4 Nomination to an External Position by the University

Taking up of external positions on the formal nomination of the University does not require external work approval, as the University will be aware of such work, for example directorships on boards of University-related companies or representative bodies such as the Chamber of Commerce. However, any such nominations should be made through the Office of the President, where a record of them will be kept. Any individual taking up such a nomination must still have regard to the University's policy on conflicts as set out in this document when acting in their nominated capacity and disclose any conflicts as they arise in that context. Approval is not required for normal academic and administrative engagements such as external examining and sectoral working groups. Where there is any doubt, advice can be sought from the Office of the President.

## 7. Compliance

### 7.1 Non-compliance

Failure to disclose a conflict of interest or external work, or failure to keep such disclosures accurate and up to date, may result in disciplinary action under the University's Disciplinary Procedure. Refusal to cooperate with any measures/actions to neutralise a conflict may constitute a breach of a staff members contract of employment.

A failure by a member of Governing Body to disclose a conflict of interest may be deemed a breach of the Code of Conduct for Members of Governing Body and the University Code of Governance.

The University reserves the right to require a staff member to cease any activity that interferes with their contractual obligations to the University.

## 8. Review

This policy shall be reviewed at intervals not exceeding two years. Responsibility for initiating the review lies with the Office of the President.

## Appendix A – Examples of Potential Conflicts

The fictive examples below are meant to show what different types of conflict of interest might look like in daily University life. They are for illustration only and are not intended as an exhaustive list.

- a) A staff member is tasked with ranking tenders for paint supplies. The range supplied by one tenderer includes paints produced by a company whose sales manager is the staff member's relative. *(Potential financial benefit for a family member.)*
- b) An invigilator is rostered for an exam undertaken by a relative. *(Potential non-financial benefit for a closely connected person.)*
- c) The director of a regional company, an expert in their field, is proposed as the industry panellist on a new programme validation panel. The spouse of the proposed panellist, who does not bear the same last name, is a member of the proposing programme team, albeit they did not play a major role in drafting the programme proposal. *(Potential bias due to a family relationship with a staff member.)*
- d) An external academic on a validation panel for a novel programme is aware that a comparable programme is being finalised at their own institution. The market will easily sustain both new programmes, but the academic's home department would gain a reputational boost from being the first to launch a programme in this novel area. *(Potential reputational benefit for a competitor to the detriment of the University.)*
- e) A statistics lecturer has successfully applied to lead a data modelling project for the University in connection with the development of a KPI dashboard. While the project contract foresees 'buying out' some lecturing hours, it soon becomes clear that the lecturer – normally a model of engagement above and beyond – is unable to discharge their remaining teaching duties in more than the most perfunctory manner. *(Conflict of commitment due to secondary work for the University.)*
- f) A lecturer who is friends with the manager of a local bookmaker becomes an informal 'bookie's consultant', occasionally rating the form of up-and-coming teams. While this does not interfere with their lecturing duties and they are 'rewarded' with occasional free bets rather than (direct) monetary payouts, the manager is more than happy to make it known locally that the odds are based on the expert advice of a University staff member. *(As a minimum, potential reputational damage to the University.)*
- g) A proposed external examiner for a viva voce examination finds that some conclusions in the thesis of the candidate overlap with recent unpublished research findings of their own. The external examiner had hoped to derive several high-impact papers from their work. While the candidate takes a different approach, the examiner is still concerned that the impact of their papers will be diminished if the candidate were to publish first. *(Potential reputational benefit and increased research income for the external contributor to the detriment of a member of the University.)*

## Appendix B – Avoiding Conflict of Interest in IP Commercialisation – Guidelines

Potential conflicts of interest arising in IP commercialisation that should be avoided include:

- a) An individual using their University position to:
  - influence a contract or other favourable terms for a company in which they, or a relative or friend, has a financial interest;
  - obtain financial or non-financial benefits for themselves or for a relative or friend in return for providing advantage, or potential advantage;
  - use University resources or confidential information for personal financial or non-financial benefit, or benefit to a relative or friend.
- b) Conducting business, employment, or activity outside of the University which adversely affects the individual's ability to perform their duties.
- c) An individual compromising research objectivity or independence in return for financial or non-financial benefit for him/herself or for a relative or friend.
- d) A researcher having a financial interest in the company sponsoring research, this being exacerbated if the value of the researcher's interest may be affected by the outcome of the research.
- e) An individual is an inventor of patents or creator of other IP whose value may be affected by the outcome of research in which they are involved.
- f) An individual holds a position in an enterprise (e.g. as director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons or not wish to publish the results of the research.
- g) An individual having a financial interest or other personal interest in a spin-out or may have personal IP with which they are intending to create a start-up company.
- h) An individual having a financial interest in the licensee (or proposed licensee) of University intellectual property.
- i) An individual taking part in the negotiation of a contract between the University and a company, where the individual or their family or a close personal friend has a financial or non-financial interest (e.g. a directorship) in that company.
- j) Where a researcher holds shares in a spin-out company but may also be in a position to influence decisions relating to ongoing collaborative research between the University and the spin-out.
- k) Where it is proposed to license University technology to a company which is owned by a family member of the creator of that technology.
- l) Where a decision is being made on distribution of equity in a spin-out company between the University and creator, but the creator is part of the normal decision-making process for spin-out approval.

## Appendix C – Avoiding Conflict of Interest in the Selection of Panel Members for Academic Validation and Review Panels – Guidelines

To avoid some of the more common sources of conflict of interest in the context of academic reviews, the following principles of good practice require specific attention when recruiting panel members:

1. Panellists should not have had any previous involvement in putting together the programme under review or in writing any of the attached modules.
2. Panellists should not be in a family or other close relationship with members of the proposing or programme team.
3. Panellists should not have any other links with members of the programme team, or with other members of the Validation Panel, which may compromise, or be perceived to compromise, the proper discharge by the panellist of their duties.
4. Internal Panellists Specifically:
  - Internal panellists shall not be in a direct reporting relationship with any member of the proposing team.
  - Internal panellists should not come from the sponsoring School. Exceptions require prior sign-off from the Offices of the Registrars & Vice-Presidents for Academic Affairs.
5. External Panellists Specifically:
  - External panellists shall not have acted as External Examiners for any programme of the sponsoring Department within (3) years prior to the panel date.

## Appendix D – Avoiding Conflict of Interest in the Recruitment of the External Examiners for Taught Modules and Programmes – Guidelines

To avoid some of the more common sources of conflict of interest in the context of external examination, the following principles of good practice require specific attention when recruiting external examiners for University taught modules and programmes:

- a) The External Examiner for a specific module or a group of modules within a subject stream (such as a language) should not be in a family or other close relationship with any member of the module staff, the School sponsoring the module(s), or any external organisation contributing significantly to delivery of the relevant modules (e.g. by offering work placements).
- b) For the examination of industry-based student projects industry based external examiners should not be drawn from competitor companies.
- c) The External Examiner for a taught programme or group of programmes should not be in a family or other close relationship with any member of the programme staff, the School sponsoring the programme(s), or any external organisation contributing significantly to delivery of the relevant programme(s) (e.g. by offering work placements).
- d) On conclusion of a period of appointment, an External Examiner shall not be reappointed in that capacity for any module or programme sponsored by the School for at least (3) consecutive academic years.

## Appendix E – Avoiding Conflict in the Recruitment of Internal and External Examiners for Research Degree Programmes – Guidelines

To avoid some of the more common sources of conflict of interest in the context of the examination of research degrees, the following principles of good practice require specific attention when recruiting internal and external examiners for Masters' and doctoral research degree programmes (*some criteria may also apply to all members of the candidate's graduate supervisory panel*):

- a) The Research Examiner shall not have acted as a member of the candidate's graduate supervisory panel.
- b) The Research Examiner should not be in a family or other close relationship with the candidate, any member of the candidate's graduate supervisory panel, or any member of the department or research unit sponsoring or substantially contributing to the research programme.
- c) The Research Examiner should not have acted as an employer of the candidate in the past, or be aware, at the time of examination, that there will be an employer of the candidate in future.
- d) The Research Examiner should not have acted as an advisor to the candidate on matters directly pertinent to the research programme.
- e) The External Research Examiner specifically should not have been a staff member or student of the University in the (5) years preceding the examination, or for the duration of the research programme if this exceeds (5) years.
- f) The External Research Examiner specifically should not normally have examined the thesis of another candidate under the same University supervisor(s) within (3) years preceding the date of the examination. Where there is a reasoned case for an exception on the basis of an examiner's required specialist expertise, this should be made by the designated University staff member to the University function responsible for the appointment of external research examiners.
- g) The External Research Examiner specifically should not have shared authorship of a peer-reviewed publication or conference paper with either the supervisor(s) or candidate within (3) years preceding the date of the examination or since the date of first registration of the student, whichever is longer. For doctoral candidates transferred from the Masters' Register, the date of first registration refers to the date of registration on the Master's register.
- h) The External Research Examiner specifically should not normally be drawn from an institution or organisation located in the Munster region. Where there is a reasoned case for an exception on the basis of an examiner's required specialist expertise, this should be made to the relevant University function responsible by the designated University staff member (normally, the head of the University unit or function).
- i) For industry sponsored research degree programmes industry-based examiners shall only be appointed from companies not competing with the research sponsor.

- j) For industry sponsored research degree programmes, the external examiner should be wholly independent of the sponsoring industry (i.e. not a staff member of, or holding a financial interest in, the company).

## Document Control

### A. Document Details

|                             |  |
|-----------------------------|--|
| <b>Title:</b>               | Policy on Conflict of Interest or Commitment and External Work   |
| <b>Owner(s):</b>            | Office of the President  |
| <b>Author(s):</b>           | Staff from Corporate Affairs, Academic Affairs, External Affairs |
| <b>This Version Number:</b> | 1.0  |
| <b>Status:</b>              | Approved   |
| <b>Effective Date:</b>      | 28/06/2021   |
| <b>Review Date:</b>         | 06/2022  |

**Important Note:** If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon. An existing approved document is deemed relevant until such time as an updated document has been approved by the relevant approval authority and becomes the new binding document.

### B. Revision History

| Version Number | Revision Date | Summary of Changes  | Changes tracked? | Proposed Review Date |
|----------------|---------------|---|------------------|----------------------|
| 0.1            | 26/11/2020    | Creation of the Policy.   | Yes              |                      |
| 0.2            | 05/03/2021    | Reviewed and updated document up to section 7.1.  | Yes              |                      |
| 0.3            | 12/03/2021    | Reviewed and updated document from section 7.1 onwards, including Appendices.                   | Yes              |                      |
| 0.4            | 22/03/2021    | Updated based on additional feedback, removed guidelines, forms and created separate documents. | Yes              |                      |
| 0.5            | 15/04/2021    | Updated Appendix A.   | Yes              |                      |
| 0.6            | 01/06/2021    | Updated wording 2.1, 6.1, 6.2, 6.3, Appendices A and E  | Yes              |                      |

### C. Relevant/Related Existing Internal/External Documents

|                               |
|-------------------------------|
| Code of Governance            |
| Code of Conduct for Employees |
| Intellectual Property Policy  |
| Postgraduate Regulations      |
| External Examiner Regulations |
| Ethics Acts                   |

### D. Consultation History (where required)

***This document has been prepared in consultation with the following bodies:***

|                             |
|-----------------------------|
| Staff union representatives |
|-----------------------------|

### E. Approvals

***This document requires following approvals (in order where applicable):***

| Name           | Date       | Details of Approval Required |
|----------------|------------|------------------------------|
| Governing Body | 28/06/2021 |                              |

### F. Responsible for Communication and Implementation

**The Manager/Functional Area responsible for communication and implementation:**

| Title                   | Functional Area   | Date Implemented |
|-------------------------|-------------------|------------------|
| Office of the President | Corporate Affairs | 28/06/2021       |