

academic priorities of the University. Fulfilment of the obligations requires a primary commitment of expertise, time and energy.

- 4.4 Since requirements for field research and other reasons for absence from campus differ across the University, each School/Section should define what is meant by inappropriate, extended or frequent absences for the benefit of the staff within that School/section. Policy and procedure for leave of absence or sabbatical leave should be adhered to.
- 4.5 Staff must maintain an appropriate presence on campus (Edinburgh, Galashiels, Dubai or Orkney) throughout the term of their contract. All external activity, even such as government service in the public interest, must be managed in agreement with the Head of School/Section so as not to take precedence over a member of staff's primary commitment to the University. Aside from time commitments, external professional activities which are not undertaken as a primary activity for the benefit of the University can generate conflicts of interest, in particular, but not exclusively, where:
- Use of Heriot-Watt University resources is unavoidable in practice;
 - Action can result in placing students and staff in conflict of interest situations.

It is difficult, if not impossible, for the University to review and reward contributions of Heriot-Watt University staff and students for work undertaken elsewhere;

- 4.6 Clear boundaries must be established to separate University obligations and external activities in order to avoid questions about appropriate use of resources and attribution of products resulting from work undertaken.
- 4.7 Staff must disclose current or prospective situations involving or potentially involving conflict of interest as soon as such situations become known. Further information is provided in this document on appropriate procedures.
- 4.8 Staff must not allow other activities to detract from their obligations to the University. For example, a staff member must not have significant outside managerial responsibilities and may not act as principal investigator on sponsored projects submitted and managed through another institution which could be conducted at Heriot-Watt University, unless this is in the form of an approved, structured and co-sponsored research collaborative activity.
- 4.9 The integrity of the University as a community of scholars requires the free and open exchange of ideas and results of scholarly activity. Staff are obliged to maintain an atmosphere free from unwarranted external influences. Students and staff must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate results of work to other scholars and the public (taking into account issues of confidentiality as defined in this document).
- 4.10 Subject to the obligations of confidentiality set out in this policy statement staff must encourage an atmosphere of academic freedom by:

CONFLICT OF INTEREST DISCLOSURE FORM

APPENDIX B – COMPLIANCE FORM



HERIOT-WATT UNIVERSITY REGISTER OF INTERESTS COMPLIANCE WITH CONFLICT OF INTEREST POLICY FORM

| | |
|----------------------------|--|
| Name | |
| Position within University | |
| School/Section | |
| | |

| YES | NO | PLEASE ANSWER THE FOLLOWING QUESTIONS: |
|-----|----|--|
| | | <ul style="list-style-type: none"> Is there any relationship, either internal or external, which you feel could cause potential or apparent conflict of interest with your University activities? If yes, please provide further details of the relationship below |
| | | <ul style="list-style-type: none"> Q1. Have you performed consultancy work or engaged in any other paid work in the last academic year other than that which has been pre-approved? |
| | | <ul style="list-style-type: none"> Q2. Do you have outside activities that involve Heriot-Watt University students? |
| | | <ul style="list-style-type: none"> Q3. To your knowledge, do you or any member of your immediate family have a significant or influential relationship with (or a financial interest when aggregated for your immediate family in) any other the following: <ul style="list-style-type: none"> A third party that tests, markets or manufactures a product which could be evaluated or developed further through your research activities? A third party, whose actions you are in a position to influence, which does business with Heriot-Watt University? A sponsor or collaborator involved with research projects? Any other business in which there could be a conflict of interest? |
| | | <ul style="list-style-type: none"> Q4. Do you hold any position or appointment as a Director (Executive or Non-executive) or Company Secretary in any company, whether or not this company does business with Heriot-Watt University? |
| | | <ul style="list-style-type: none"> Q5. Are you aware of any other circumstances that could constitute a conflict of interest with your position within the University? |

If you have answered 'YES' to any of the questions above, please give full details overleaf.
PLEASE TURN OVER

Authors : [REDACTED]
 Updated June 2009: : [REDACTED] Approved by [REDACTED]
[REDACTED] Nov 2009, IB 8-12-09 & PME 18-12-09, SSC 12-03-10.
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POLICY

1. In general, staff are advised against joining the Boards of companies likely to place contracts with the University, or with which the University itself is likely to place contracts. University staff must not be seen influencing companies to place such contracts, or influencing the University to place contracts with their Company, particularly where there is any element of private gain. It is unacceptable for any member of academic staff to be in a position to legally bind both the Company and the University in respect of any decisions of this nature. The University has a clear hierarchy of decision making, and only the Heads of School and Section, or, if they are involved in the Company, the Vice-Principal/Secretary of the University, can take decisions on behalf of the University with regard to its dealings with companies. It is essential that these decisions are clearly defined in the form of a contract. Where a research, consultancy or service contract between the Company and the University is under consideration, the staff member concerned should declare his/her interest and should, under normal circumstances retire from the meeting whilst the contract is discussed. Under no circumstances should academic staff set up organisations, whether companies or other vehicles, solely designed to distribute research or consultancy income to themselves;
2. There must be clear separation of University duties from any duties within or for a company likely to lead to financial gain. This is particularly important where the Company is set up to market Intellectual Property derived from the Staff Member's research activities. It should be noted that the legal presumption is that all such IP is the property of the University; should the decision to license the IP back to the Company be taken by the University, on the basis that this offers the most attractive method for exploiting that IP, then such licensing will be done on the same basis as for any other company;
3. Staff forming a company may not use University premises as the address of that company's registered office. Further, no approach may be made to Companies House on the University's behalf other than through the Technology & Research Services Office;
4. Members of staff who wish to form their own companies must seek advice and approval through Technology & Research Services. However, care must be taken when approaching bankers, lawyers, accountants and other professional advisors to ensure that these advisors fully understand that the member of staff concerned is dealing with them in his/her or her own right as a director of a company and is not representing the University. The University does not provide company secretarial or accounting services directly, save in the most exceptional circumstances;
5. A private company engaged in marketing University-owned IP must operate entirely outside the University and use none of its facilities. Alternatively, it may make full payment at agreed commercial rates for those facilities through a contract with the University. It is a serious disciplinary offence to use University resources for private profit without such a contract being in place.
6. It is also a serious disciplinary offence to use paper displaying the University logo or other resources so as to imply that the University has endorsed the activities of any company set up by a member of staff. This may also constitute infringement of registered trademarks owned by the University, for which the University will seek legal remedies.

Authors : ██████████

Updated June 2009: : ██████████

██████████ Nov 2009, IB 8-12-09 & PME 18-12-09, SSC 12-03-10.

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APPENDIX E - Categorisation and Examples of Possible Conflict Situations

The following classification is reproduced from guidelines issued by the University of Glasgow and adopted from the University of Colorado, and usefully sets out a potential range of conflict situations. Activities and situations that could present conflicts of interest or commitment can be divided into three categories:

- A. Activities that ordinarily are permissible;
- B. Activities that appear to present potential conflicts of interest or commitment;
- C. Activities that clearly present such serious problems as to be incompatible with University policies.

The separation into categories is imperfect and the following list of examples is not exhaustive.

A. Activities that ordinarily are permissible include:

- i) Participation in scientific or professional association activities, editorial responsibilities, or service on scientific review boards and panels.
- ii) Acceptance of honoraria for commissioned papers and occasional lectures.
- iii) Performance of professionally-related activities such as consulting, textbook authorship, involvement with professional societies, participation on review panels, etc.
- iv) Service as a consultant to outside organisations, provided the arrangement does not unreasonably restrict publication of research results obtained within the University.
- v) Service on boards and committees of organisations, public or private, that does not distract unduly from University obligations.
- vi) Performance of duties that are specified under approved agreements.

B. Activities that appear to present potential conflicts of interest or commitment:

- i) Relationships that might enable an employee to influence the University's dealings with an outside organisation in ways leading to personal gain or to improper advantage for anyone. For example, an employee could have a financial interest in an enterprise with which the University does business and be in a position to influence relevant business decisions. Ordinarily such problems may be resolved by full disclosure as well as making appropriate arrangements that clearly exclude that employee from participating in the decisions.
- ii) Situations in which the time or creative energy an employee devotes to extramural activities, including those listed in A, appears substantial enough to compromise the amount or quality of his or her participation in the instructional, scholarly, and administrative work of the University itself.
- iii) Activities (research projects, conferences, teaching programs, remunerative consulting agreements, etc.) for which employees are personally remunerated that involve, or might reasonably be perceived to involve, the University, its name, its laboratories, computers or other facilities and equipment.
- iv) Activities that violate or might reasonably be perceived to violate any of the principles governing research supported by funds administered through the University insofar as these principles are relevant to individual behaviour.

C. Activities that present such serious problems as to be incompatible with University policies:

- i) Situations in which the individual assumes responsibilities for an outside organisation that divert his or her attention from University duties, or create other conflicts of loyalty.
- ii) Use for personal profit of unpublished information emanating from University research or other confidential University sources, or assisting an outside organisation by giving it unreasonably exclusive access to such information or consulting under arrangements that impose obligations that conflict with University patent policy or with the University's obligations to research sponsors.
- iii) Circumstances in which research that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.

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