



## **Relationships between the Schulich School of Medicine & Dentistry and Non-University Partners**

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### ***Introduction***

The following guidelines are intended to provide direction and encourage consistent policy for the various constituencies within the Schulich School of Medicine & Dentistry (SSMD) including undergraduates, postgraduates, graduate students, postdoctoral fellows, basic medical scientists, and faculty to govern their relationships with non-university partners (NUPs). The goal is for this document to be a “user friendly” document which will *clarify* and *assist* SSMD constituents in relationships with NUPs.

This document acknowledges many other guidelines and policies that relate to those individuals affiliated with the SSMD and their interactions with NUPs. These are referenced at the end. This document avoids, wherever possible, re-stating that which is adequately covered elsewhere.

### ***Purpose***

The purpose of these guidelines is to provide additional clarity and direction for individuals associated with the SSMD when dealing with NUPs, including situations that generate real, potential and perceived conflicts of interest, to provide means to manage conflicts of interest, to promote the best interests of students and others whose work depends on faculty direction and NUP interaction, and to describe NUP contact and activity that is prohibited.

### ***Definitions***

In most cases, “Non-University Partners,” referred to as “NUPs,” can be read as “industry,” although economic relationships with other agencies such as governments and philanthropic organizations would also fall under these guidelines. SSMD constituents include faculty members, adjunct and community faculty, postgraduate and undergraduate students, graduate students, postdoctoral fellows, and staff. “Faculty,” when used in this document, refers collectively to members of the faculty of the Schulich School of Medicine & Dentistry at The University of Western Ontario (UWO).

“Conflict of Interest” is defined as situation that occurs when there is a divergence between an individual’s private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual’s professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual.

## ***Preamble***

It is recognized that representatives from Non-University Partners and the members of the SSMD will perceive the opportunity for mutually advantageous interaction. It is also recognized that different missions will motivate the negotiated positions of each party in such activities. The SSMD exists to develop new, medically relevant knowledge and to educate individuals for careers in Medicine, Dentistry and in related basic medical science disciplines. Its overarching mission is to serve the health needs of Canadians.

It is the fundamental premise of this document that, when potential benefit can be realized by synergistic relationships between SSMD constituencies and NUPs, it is desirable to establish a working relationship that protects the mission and integrity of the SSMD.

It is also fundamental to these guidelines and the existing policies they support, that they equally apply to all constituents of the SSMD including undergraduates, postgraduates, basic medical scientists, and faculty members. While there is a degree of individual discretion and responsibility associated with the application of these NUP guidelines, SSMD constituencies are expected to maintain the highest possible ethical standard.

## ***“Who am I in this Relationship?”***

Before getting involved with any NUP it is important for faculty members and other SSMD constituents to determine on whose behalf they are acting. Why is this relevant? Faculty who fall under the UWOFA collective agreement are not authorized on their own to enter into contracts with NUPs unless the contract is for private consulting, i.e., faculty members cannot commit the corporate university in a contract, a confidential disclosure or a material transfer agreement with a NUP. If a faculty member is unsure of his/her status in relation to UWOFA, or the nature of the role he/she is playing with industry when signing a contract, it is strongly recommended that he/she contact the **Industry Liaison** office of the University and/or the appropriate office of the research institute in which he/she functions to clarify this. Alternatively, clarification of UWOFA status and its relevance can be quickly determined by checking with one’s department office.

Even if it is determined that you are not a member of UWOFA, and therefore not governed by the terms of that agreement, it is recommended that you look to your Department Chair for guidance in terms of how to relate. When in doubt, all faculty members should behave according to UWOFA regulations.

## ***Conflict of Interest and Conflict of Commitment***

Whenever partnerships are set up with another entity there exists the potential for conflict of interest and/or commitment. It is incumbent upon those entering into such agreements to have a clear understanding of policies governing this possibility and conduct themselves accordingly. Faculty who are members of UWOFA should familiarize themselves with the current UWOFA - UWO agreement for details that contractually might affect their NUP relationships. (See “References”)

### ***Determining Conflict of Interest***

The following constitutes a method of determining conflict of interest and can be used as a guideline for all faculty members and other SSMD constituents when questioning a situation, regardless of their UWOFA status.

A conflict of interest exists when:

- A person’s professional activities or non-professional activities undermine rather than enhance his/her ability to meet already agreed-upon responsibilities to the University or its affiliated institution.
- A person’s personal or financial interest conflicts with his/her responsibilities to the University or affiliated institution.
- A person’s personal or financial interest conflicts with his/her professional responsibility to the public.

All academic appointments to the SSMD entail year-round commitment (July 1 to June 30), unless there is a written agreement with the University to the contrary. This does not rule out a concurrent relationship with an NUP when it enhances or is neutral to one’s value to the University. This is also true for basic medical scientists who conduct work and research outside of their role at the University. However, it does recognize that one has a responsibility, and must adhere to University policy regarding NUPs year round. For students, this would govern conduct the entire time that students are enrolled in SSMD.

### **The following reporting is recommended:**

- a) Report any potential conflicts with your Division/Department Chair. They will be able to provide direction in terms of whether your proposed collaboration can proceed and, if so, what conditions will prevail.
- b) Regular reporting to the approving Division/Department Chair on the status of any NUP relationship that has been permitted despite the concerns of Conflict of Interest or commitment will be expected based on an approved format. (**Note:** It is suggested that the CDP be used as the annual review for tracking this process)

- c) Regardless of whether you fall under UWOFA, if there could be ethical questions about an NUP arrangement, discuss it with peers and your Division/Department Chair.

### ***Possible Compromising Situations***

Transactions which could raise questions of conflict of interest and commitment include:

- a) Gifts – The term “gifts” includes, but is not limited to, articles of value, travel, accommodation, meals, etc... from NUPs that offer products or services related to the person’s primary occupation or educational experience. Acceptance of gifts implies he/she may be in a position to influence others to use the NUP’s products or services.
- b) Paid Professional Activities – This is an activity funded by a NUP arising from the faculty member’s academic position and expertise and conferring a financial benefit.
- c) Unpaid Professional/Educational/Research Activities for which there is future expectation of payment or benefit.
- d) Conducting SSMD/UWO-based research for an entity in which one has a personal interest.
- e) Use of SSMD/UWO facilities, or resources, for the business of an entity in which one has a personal interest.
- f) The hiring of a student for whom one is responsible for supervising/teaching by an entity in which one holds a personal interest.

### ***Response/Compliance***

With the establishment of specific guidelines related to Non-University Partnerships, decisions on appropriate responses will be made by the responsible Division/Department Chair. The guidelines outlined below are to be reviewed with each faculty member, as well as with each individual affiliated with the SSMD at the time of their annual review.

When NUPs conflicts arise that cannot be resolved by the Division or Department, the Dean’s office is to be notified. It is recommended that the Dean be provided the option to set a committee, or not, for review of the conflict.

### ***Research***

First and foremost, UWO’s policies and the UWOFA agreement serve as the governing documentation for relationships with industry for the SSMD.

SSMD has a policy that states that ethics approval by a University-sponsored Research Ethics Board is perceived as being more objective and credible to government, the judiciary, and the

public than that of a private REB. Investigators within *any* SSMD constituency must ensure that any research study in which they participate has been approved by the appropriate UWO research review board prior to the commencement of the study.

This policy also applies to:

1. Multi-centre protocols in which a faculty member or other SSMD constituents plan to participate which are administrated outside of UWO.
2. Protocols conducted within UWO but by investigators not appointed to SSMD.

This guideline does not include situations when faculty members act only as external consultants.

Before commencing a NUP-funded research study, it is the responsibility of the researcher to ensure that there is a signed tripartite agreement satisfactory to the researcher, the NUP, and the institution(s) in which the research will be conducted. This agreement must outline the responsibilities and accountability of each party, and reference the institutional policies by which the study will be conducted.

No contractual relationship with an NUP should be made whereby the NUP agrees to take on the faculty member's or constituent's responsibility in the contract (e.g., responsibility for doing the research or writing the paper) in return for the attribution rights of the individual, SSMD, UWO or one of its affiliated institutions.

The fundamental principle underlying all research must be the freedom to do unbiased research and to disseminate, without restriction, the results obtained. Before signing a NUP contract, the ownership and/or the flow of revenues from the project must be clearly stipulated. If there is any uncertainty, it is strongly recommended that you check with the University's Industry Liaison office, your institute director, and/or Division/Department Chair for guidance.

## ***Education***

### **A. Education Material**

Faculty members or SSMD constituents may wish to enter into agreements with NUPs to develop educational materials. If this can be classified as "a major paid professional activity" (as defined by the UWO collective agreement), and *if you are subject to the terms of that commitment*, then you must involve UWO in your negotiations.

Additional guidelines for education activities include:

1. Income accruing from the content, organization and the medium for delivery of all educational materials produced by faculty members or SSMD constituents must be established by a tripartite agreement involving the NUP, UWO's Industry Liaison office, and yourself. (Industry Liaison's involvement in negotiation ensures that issues relating to intellectual property rights and ownership will be covered appropriately.)

2. Avoid contractual relationships with an NUP where you surrender rights to freely publish about the materials generated. However, this would not preclude the negotiation of a prepublication review by industry of the materials produced.
3. No contract should be negotiated which interferes with the right of any UWO student to defend his/her thesis.
4. No contractual relationship with an NUP should be made whereby it agrees to take on the faculty member's responsibility in the contract (e.g., the writing of an educational program in return for the attribution rights for the materials generated.)
5. The content of the materials should be produced in such a way as to avoid giving the impression that SSMD or UWO approves of or endorses a specific NUP product, service, or treatment (ref: branding policy UWO/SSMD).

#### B. NUP Educational Presentations

On occasion, to provide the best educational experience for SSMD students, faculty members or other SSMD constituents may wish to have presentations by NUPs. The following recommendations are made for the involvement of NUPs within the classroom:

1. Full disclosure of the NUP's affiliation is required at the beginning of the class session.
2. Prior to presentation by an NUP, it is the responsibility of the faculty member or SSMD constituent to review the presentation to ensure an un-biased representation of appropriate facts is conveyed to the students.
3. The NUP may only provide contact information on the approval of the faculty member or SSMD constituent associated with the presentation. The faculty member or SSMD constituent may wish to have students contact the NUP through them in order to control this bias.
4. At no time will a faculty member or a SSMD constituent make available a list of students or CME participants with contact information, either at the undergraduate, graduate or postgraduate level.

Sales and marketing representatives will only be permitted in patient care areas by appointment to provide service on a specific device or piece of equipment. Sales and marketing representatives are permitted in non-patient-care areas by appointment only for specific purposes as outlined by the hospital.

### C. Provisional Scholarships and Educational Funds to Students and Trainees

The provision by an NUP of bursaries, scholarships, awards, travel funds, prizes, or designated funds for support of academic activities is permissible. Criteria and dollar value for these gifts must be congruent with need and determined in collaboration between the Department Chair in consultation with Student Financial Services (if relevant) and the donor.

Industry support for students and trainees must be free of both actual and perceived conflict of interest, and must specify the purpose of education and comply with the following provisions:

1. The Schulich School of Medicine & Dentistry department, division or program must select the student or trainee.
2. The funds are provided to the Department, Division or program to be distributed to the student or trainee and not directly to the student or trainee. The corporate donor must always remain at arm's length from the decision regarding the specific allocation of such awards. The dispensation of these monies should remain exclusively the right of the SSMD. It is desirable, however, that a donor always be acknowledged publicly if they wish to be recognized.
3. The Department, Division or program will determine whether a funded conference is appropriate for educational merit.
4. There is no implicit or explicit expectation in providing something in return for the support.

***Sponsorships*** (Activities other than research or primary educational classroom teaching experiences that NUPs are involved in).

As a first step, you need to establish ownership of the event in question. Is it primarily a SSMD- or UWO-developed event for which you are soliciting/receiving NUP money to help underwrite costs, or has an NUP come to you for input to an event which they have organized and are totally funding?

#### Event Types

1. Faculty-organized Academic and Non-Academic Events Outside of the Classroom: NUP sponsorship of SSMD-organized academic enterprises and events is encouraged. Whenever it occurs, for the sake of transparency, acknowledgment of that involvement is required. However, specific product designation or endorsement as part of that acknowledgment is not permissible.

2. NUP-organized Events (outside of the classroom/educational time): While there is no restriction on faculty members or SSMD constituents participating in NUP- organized events, participants must ensure that the representation of their involvement does not confuse *participation* with *endorsement* of a particular product or enterprise (see below).

In situations where the NUP proposing to sponsor an event might be perceived to offer a service or product which is contrary to the SSMD's mission, or to that of its affiliated institution, the organizer of the event should reject such sponsorship.

3. Social/recreational functions sponsored by NUPs in conjunction with a SSMD organized event are permissible but such sponsorship:
  - i. Should not compete for participant attention with SSMD organized events.
  - ii. Should not give the impression of a faculty member's or SSMD's endorsement of a specific firm, service, or product. To that end, specific products may be exhibited and promoted at such events provided that this activity occurs in space separate from the event and only with the permission of the organizers of the event and the Division/Department chair.
4. Social/recreational event sponsorships by NUPs of functions to which SSMD constituents are invited to attend but which are not being held in conjunction with a SSMD-organized or sanctioned event are not subject to these guidelines. It is also incumbent upon the NUP to ensure that advertising of such a sponsored event does not imply that it is a SSMD sanctioned event.

## ***Philanthropy***

It is recommended the following guidelines be followed with regard to philanthropy:

1. Gifts of a philanthropic nature from NUPs to faculty members, SSMD constituents or its affiliated institutions may be accepted by a Division/Department Chair based on the congruence of the donor's corporate mission with the mission of the SSMD or affiliated institute. Whenever there is ambiguity in this regard, the issue shall be decided on by the appropriate Division/Department Chair and the Director of the affiliated institute as appropriate.
2. Solicitation of philanthropic donations for units of the SSMD must first be vetted by the Office of Alumni Relations and Development or the foundation of the relevant research institute (Note: this does not apply to acceptance of spontaneously proffered gifts.)
3. Philanthropic donations cease to be such if offered on a *quid pro quo* basis. Whenever there is an expected return for the "donation" by a NUP, it is advisable for the faculty member or SSMD constituent to consult with the Division/Department Chair or with the Director of an affiliated institute's foundation. UWO's Industry Liaison office should be consulted if the expected return is the rights of research results or intellectual property.

## ***References/Sources of Information***

1. It is recommended that faculty members and other SSMD constituents familiarize themselves with University policy when entering into any private arrangements with industry. Refer to:  
<http://www.uwo.ca/industry/>
2. For guidance when drafting sponsorship agreements, please follow the University Policy 1.12 (Advertising and Commercial Activity). Refer to:  
<http://www.uwo.ca/univsec/mapp/section1/mapp112.pdf>
3. Acceptance of Gifts from NUPs must be conducted as set out in Policy 2.1 (GiftAcceptance). Refer to:  
<http://www.uwo.ca/univsec/mapp/section2/mapp21.pdf>
4. For the relevant definitions and policies of the University Collective Agreement, refer to:  
[http://www.uwofa.ca/CA02-06upd/Coll\\_agreement\\_02-06\\_complete.html](http://www.uwofa.ca/CA02-06upd/Coll_agreement_02-06_complete.html)
5. For detailed guidelines and help regarding research and industry, refer to:  
<http://www.uwo.ca/industry/>
6. For the University Senate's approved Administrative Policies and Procedures, refer to:  
<http://www.uwo.ca/univsec/mapp/>
7. Medical clinicians should also be fully aware of, and govern themselves according to the CMA Policy, "Physicians and the Pharmaceutical Industry." which is available on the Web at: [www.cma.ca](http://www.cma.ca) and clicking on "site map" and "where we stand" and then "policy." Refer to: <http://www.policybase.cma.ca/policypdf/PD01-10.pdf>
8. For UWO's policy dealing with investigator-vendor conflict of Interest, refer to:  
[www.uwo.ca/univsec/mapp/section2/mapp229.pdf](http://www.uwo.ca/univsec/mapp/section2/mapp229.pdf)
9. For the Report of AAMC Report from its Task Force on Financial Conflicts of Interest in Clinical Research, refer to:  
<http://www.aamc.org/research/coi/start.htm>
10. For information about the Lawson Health Research Institute, refer to:  
[www.sjhc.london.on.ca/html/html.htm](http://www.sjhc.london.on.ca/html/html.htm) or [www.lhrionhealth.ca](http://www.lhrionhealth.ca)
11. For information about Robarts Research Institute, refer to:  
[www.robarts.ca](http://www.robarts.ca)