Disclosure of Interests Relating to Commercialisation Procedure

Section 1 - Purpose and Scope

Purpose

(1) This Procedure supports The University of Queensland's (UQ or the University) Conflict of Interest Policy and outlines the processes for identifying, disclosing and managing commercialisation financial conflicts of interest (FCOIs) that may arise as UQ staff seek to commercialise their research.

Scope

(2) A commercialisation FCOI occurs when the potential influence of a significant financial interest – that has arisen through the commercialisation of UQ Intellectual Property (IP) a staff member has developed – puts at risk the primary interest of a staff member in maintaining and promoting UQ's core values and mission.

(3) This Procedure applies to all UQ staff (including contractors) that have developed IP and have, or intend to have, a significant financial interest in the external entity that is commercialising the IP.

(4) This Procedure must be read in conjunction with the Conflict of Interest for Members of Staff Procedure.

(5) This Procedure does not apply to Senate Members. The Conflict of Interest and Disclosure Procedure for Members of Senate provides the process for Senate Members to disclose and manage a conflict of interest.

Section 2 - Process and Key Controls

(6) All staff must assess their personal interests and identify whether those interests may conflict with their UQ duties and responsibilities.

(7) All staff are required to disclose any interest that may represent a FCOI and suggest management plans for approval using the online disclosure tool.

(8) Senior Leaders, as defined in the Conflict of Interest for Members of Staff Procedure, have the option, through the online disclosure tool, of seeking advice from the Deputy Vice-Chancellor (Research and Innovation) on how best to manage a commercialisation FCOI that has been disclosed by a staff member and must do so where they propose to approve a management plan for a FCOI that deviates from principles set out in clauses 11b, 11c and 11d of this Procedure.

(9) The Deputy Vice-Chancellor (Research and Innovation) may refer a request for advice to the Commercialisation Pathways Advisory Group to consider the most appropriate management plan.

(10) The Deputy Vice-Chancellor (Research and Innovation) will confer with the Provost on the most appropriate management plan, where the plan may deviate from principles set out in clauses 11b, 11c and 11d of this Procedure.

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Section 3 - Principles and Key Requirements

Commercialisation FCOIs

(11) Under normal circumstances:

a. A staff member may not make a personal financial gain from the outcomes of UQ research, or assist outside organisations by providing access to UQ IP, without following UQ policy and procedures for the commercialisation of UQ IP.
b. As part of a sponsored research project or other UQ research activity, a staff member may not enter into a contract with an outside entity in which they, or a related person, hold a significant financial interest either directly or through another related outside entity.
c. A staff member may not assign a student, trainee or staff member under their supervision to a research project that would benefit an entity, in which they or a related person, hold a significant financial interest directly or through another related outside entity, or in which a fiduciary/governance/ management role is held.
d. A staff member may not hold a paid or unpaid fiduciary/governance/management role in an outside entity that has a commercial interest in UQ IP generated by or under the supervision of the staff member in question

(12) Under limited circumstances, and only with Deputy Vice-Chancellor (Research and Innovation) approval, an approved management plan for an FCOI may permit deviations from principles 11b, 11c and 11d.

(13) UniQuest is a wholly-owned subsidiary of UQ, and is not considered an outside entity where reference is made to outside entities in the articulation of these principles.

Management of Commercialisation FCOIs

(14) A number of options are available to manage FCOIs through an approved management plan as outlined in clauses 14 and 15 of the Conflict of Interest Policy. The successful implementation of a management plan for a commercialisation FCOI is dependent on determining when the FCOI becomes manageable in this hierarchy of options. The general suitability of the options for managing a commercialisation FCOI is given below.

- Option 1: Register – disclose and establish the details of the conflict of interest

a. All relevant interests need to be registered through a full disclosure of interests.
b. After registering the conflict, a management plan must be proposed and discussed with a supervisor.

- Option 2: Restrict – restrict the staff member's involvement or actions in the matter.

a. Suitable for infrequent conflicts or if staff member can be separated from UQ activity that forms part of the FCOI.
b. Not suitable for frequent or on-going conflicts or if regular duties could not be performed.

- Option 3: Recruit – disinterested third party should oversee all of the processes involved in the matter.

a. Suitable where proactive management by others can remove the opportunity that a personal benefit could accrue to the individual.
b. Not suitable if the FCOI is serious and on-going, rendering the ad-hoc recruitment of others unworkable. The technical nature of much research, and the retrospective nature of reporting to an oversight committee, will often make it impractical for such a committee to effectively determine if an overlap in interests between UQ and an outside entity has occurred, or to direct work away from an area of contention.

- Option 4: Remove – The staff member may remove themselves from their involvement in the matter.

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a. Suitable if removal from all duties associated with the conflict is possible. As a consequence of the undirected nature of research within the UQ environment, removal of the FCOI in this context requires the individual to cease working with the outside entity. The staff member continues to independently work in their research area.
b. Not suitable if any association through further research is to be maintained between the staff member and the outside entity.

- Option 5: Relinquish – the staff member and/or their related parties relinquish the personal interest.

a. Suitable if the staff member and/or related parties agree to divest all associated secondary interests that generate the opportunity/perception that a personal benefit could accrue to the staff member.
b. Not suitable if the staff member and/or related parties are unable or unwilling to divest their personal interests in the outside entity.

- Option 6: Resign.

a. Resignation may be the only principled course of action to resolve the FCOI if relinquishment is not possible, and a serious FCOI remains.
b. An option of last resort if no other options are workable.

(15) A key premise in the application of these options is to attempt to put in place a suitable management plan that adequately addresses the conflict at the lowest option level possible.

Section 4 - Roles, Responsibilities and Accountabilities

Provost

(16) The Provost will confer with the Deputy Vice-Chancellor (Research and Innovation) on management plans that deviate from principles 11b, 11c and 11d of this Procedure.

Deputy Vice-Chancellor (Research and Innovation)

(17) The Deputy Vice-Chancellor (Research and Innovation) is responsible for:

a. Ensuring that research at UQ is conducted in a manner consistent with the Australian Code for the Responsible Conduct of Research 2018.
b. Providing advice to Senior Leaders on the management of FCOIs.
c. Conferring with the Provost on management plans that deviate from principles 11b, 11c and 11d of this Procedure.

Senior Leaders

(18) Senior Leaders as defined in the Conflict of Interest for Members of Staff Procedure are responsible for:

a. Working with staff who have made a disclosure of a commercialisation FCOI to refine and implement an agreed management plan.
b. Referring disclosed commercialisation FCOIs to the Deputy Vice-Chancellor (Research and Innovation) as required.

Commercialisation Pathways Advisory Group

(19) The Commercialisation Pathways Advisory Group is responsible for advising the Deputy Vice-Chancellor (Research and Innovation) on the interpretation and application of the requirements of this Procedure in relation to specific commercialisation cases.

University Staff

(20) Staff must complete mandatory training, undertake regular self-assessment of their interests, make disclosure where necessary, and participate in the construction and implementation of any management plan. Staff are also required to alert supervisors to FCOI held by other staff where they have reasonable belief the FCOI has not previously been disclosed.

(21) Failure to disclose an interest and/or establish an appropriate management plan for an unresolved serious FCOI may result in the staff member being in breach of UQ's Staff Code of Conduct Policy.

Section 5 - Monitoring, Review and Assurance

(22) The Deputy Vice-Chancellor (Research and Innovation) and Provost are responsible for the development, compliance monitoring and review of this Procedure.

Section 6 - Recording and Reporting

(23) All records of actual, perceived/apparent, and potential FCOIs are recorded in the conflict of interest register as described in section 6 of the Conflict of Interest for Members of Staff Procedure.

Section 7 - Appendix

Definitions

Term	Definition
Management plan	An approved course of action based around one of the management option levels 2-6 (Restrict, Recruit, Remove, Relinquish, Resign) to address the FCOI.
Related person	Can include the following: • Family and close personal relationships –a person with whom a staff member has a family or close personal relationship. These relationships may include spouse, children, siblings or cousins, relations by marriage, close relatives, close friendships or sexual relationships. • Financial relationships – a person with whom a staff member has a commercial relationship or where a personal financial interest exists.
Significant Financial Interest	Includes, but is not limited to: a) financial compensation, including travel, from consulting, employment, managerial, and fiduciary relationships that, when aggregated over the preceding twelve months, exceed $10,000; b) equity and other financial interests above $10,000, excluding interests of any amount in diversified financial holdings (e.g. ETFs or other managed funds); c) equity interests of any amount, or entitlement to the same, in a non-publicly traded, for-profit, entity; d) intellectual property rights and interests (e.g. patents, copyrights), upon receipt of income related to such rights and interests; and e) holding fiduciary/governance/management positions such as Directorships. "Financial compensation" does not include royalties or other remuneration paid by UQ.

Term	Definition
University staff	Means all officers and employees of the University, persons acting in an honorary or voluntary capacity for or at the University, and University Senate Members. For the purposes of this Procedure, this definition also includes contractors undertaking work for or on behalf of the University.

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