

**FGP.P9b**

# **THE UNIVERSITY OF THE WEST INDIES**



## **STATEMENT OF ETHICAL PRINCIPLES AND CODE OF CONDUCT**

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# **STATEMENT OF ETHICAL PRINCIPLES/CODE OF CONDUCT**

## **PREAMBLE**

1. The University of the West Indies is a self-regulating regional institution established by Royal Charter in seventeen English Speaking countries: Anguilla, Antigua, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Dominica, Grenada, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent, Trinidad & Tobago and Turks & Caicos Islands.
2. The University of the West Indies:
  - (a) Provides a place or places of education, learning and research of a standard required and expected of a university of the highest standard, and seeks to secure the advancement of knowledge and diffusion and extension of arts, science and learning throughout the contributing countries.
  - (b) Continues and expands its work and activities and, by the example and influence of its corporate life, to promote wisdom and understanding throughout the contributing countries. (The Charter of the University of the West Indies, article 2).
3. The University is committed to the highest standard of ethical conduct which is an integral part of its mission to "foster initiative, integrity and excellence, in an environment of collegiality, civility and responsible stewardship." That commitment upholds the reputation of the University, both locally and globally.

# **THE MISSION AND FUNCTIONS OF THE UNIVERSITY OF THE WEST INDIES**

- 1.** The mission of the University of the West Indies is to unlock the great potential of its students, staff and members for cultural, economic, intellectual, social and spiritual growth in the Caribbean, the African Diaspora, and the global environment through high quality teaching and research. The University, in pursuit of its mission provides an active intellectual centre for the advancement of learning, the creation of knowledge and fosters innovation for the positive transformation of the Caribbean, the African Diaspora and the Wider World.
- 2.** While its functions are to foster and conduct free enquiry and research and to engage in teaching in a disciplined and scholarly manner, the University recognizes that as a regional University supported primarily by the Governments and peoples of the West Indies, it should be equipped to meet local requirements, and should, in giving priority to regional needs relate its own developmental programs to the needs of the Caribbean as far as possible.
- 3.** To this end, the University has obligations to assist in the establishment of learned journals and societies, to help to institutionalize scholarship in these societies, and to assist in the formulation of social policy. In addition, University teachers may be asked, to bring their professional skills and talents to bear on the many problems of the developing community.
- 4.** As a result of the nature of the University as an institution of intellectual enquiry, members of the academic staff and professional staff require distinctive freedom in the use of their time and in the direction of their enterprise; at the same time, they must accept responsibility of ensuring that their time is well spent and that their enterprise is directed fruitfully. This concept of freedom, coupled with responsibility, is embodied in our university customs and traditions.

## **OBJECTIVE OF THE CODE**

1. This Code of Conduct sets out a number of Ethical and General Principles of behaviour and Good Relationships that staff and members of the University are to comply with while performing their respective roles within the University. Consistent with the core values of integrity, excellence, gender justice, diversity and student centeredness, the following Ethical Principles form an integral part of the University's modus operandi:

(a) Equity and Justice

(b) Gender Equality

(c) Personal and Professional Responsibility

(d) Integrity and Accountability

## APPLICATION OF THE CODE

1. The Code of Ethics and Code of Conduct form part of the University's contract of employment with its staff and applies to all officers, staff including independent contractor's and employees of the University, whether full-time, part-time or casual appointees, and to all members of the University Council, Senate, Finance and General Purposes Committee, Campus Finance and General Purpose Committees, Ethics Committees, The University Audit Committee, The University Investment and Planning Committee and all committees that may from time to time be established.
2. The Code also applies to:
  - (a) honorary and adjunct staff;
  - (b) Visiting staff, and others acting in a voluntary capacity while participating in the life of the University community;
  - (c) Contractors, their employees and representatives, and visitors engaging in any University-related activity.
3. Where conduct by a staff member, or any other applicable category of persons is below the standards outlined in the *Statement of Ethical Principles and Code of Conduct*, this may be classified as misconduct which will be dealt with in accordance with Ordinance 8 where relevant and any other university rules and procedures.

# THE ETHICAL PRINCIPLES

The Statement of Ethical Principles/Code of Conduct is premised on four core ethical principles: Equity and Justice, Gender Equality, Personal and Professional Responsibilities, and Integrity and Accountability.

## 1. Equity and Justice

Equity and Justice are concerned with the prevention of abuses of power. In a fair and just environment, all members are able to access opportunities that allow for full participation.

## 2. Gender Equality

The attainment of gender equality and justice is regarded as absolutely essential within a human rights based framework. As The UWI recognises and upholds the human rights of all of its stakeholders, The UWI has expressed in its Gender Policy recognises the rights and responsibilities of all its constituents, irrespective of categories of difference including but not limited to sex, gender identity, sexual orientation, race/ethnicity, ability/disability, religion, age, socioeconomic status, nationality or place of origin. Refer to The UWI Gender Policy.

The University of the West-Indies is an equal opportunity institution. Accordingly, sexual harassment, an aspect of gender discrimination, is expressly prohibited and will not be tolerated.

The University of the West Indies will reflect this policy of non-tolerance of sexual harassment in the oversight of its students, employees, persons under its independent service arrangements, other persons who provide academic services to the University, as well as to its contractual agreements, and its interaction with members of the public. See Revised Policy on Sexual Harassment 2015.

### **3. Personal and Professional Responsibilities**

The responsibilities of a staff member are essentially determined by the responsibilities and commitments which the University itself undertakes in order to fulfill its role in society. The University, as an institution of intellectual enquiry, functions to the benefit of society through the combined efforts of its individual members. Academic Staff in particular should exercise their intellectual enquiry in a manner consonant with their right to free enquiry and with their membership in the University community. A full-time academic appointment entails a commitment to these responsibilities. The University is committed to use its resources so as to optimize the quality of work done by all of its academic staff members. It undertakes to develop, with thorough consultation and careful planning, those facilities, services and procedures which are conducive to excellence.

### **4. Integrity and Accountability**

Professional integrity at The UWI is based on respect for individual achievement, particularly within the academic culture. As such, every staff member must recognize that he or she belongs to a community of scholars where academic integrity is a fundamental commitment. The University as an institution makes collaboration and the pursuit of knowledge possible, but always promotes and evaluates individual effort learning. It is the responsibility of every member of staff to familiarize himself or herself with the various rules, regulations, and policies within the University, including relevant policies governing activities not directly addressed herein.

# Inherent Rights

## 1. Right of Association

All staff of The University of the West Indies have the right to decide to join or not to join an association or trade union of their choice.

## 2. Academic Freedom

Academic freedom is fundamental in facilitating teaching, research and scholarship and therefore is recognized and protected by the University. It facilitates freedom of intellectual thought; which consists of an open exchange of ideas, right to freedom of inquiry and to be able to freely criticize, support and/or challenge belief structures in society and participate in activities that involve freedom of intellectual thought. This right carries with it the duty to use that freedom in a responsible and ethical way.

The University supports academic freedom, which means the freedom to study, teach, publish and debate, independent of current opinion, subject to commonly accepted scholarly standards. The right to academic freedom carries with it the duty to use that freedom in a responsible and ethical way. Specifically, and without limiting the generality of the above academic freedom entitles all staff members to freedom in carrying out their activities, in pursuing research and scholarship and in publishing or making public the results thereof and freedom from institutional censorship. Academic freedom does not require neutrality on the part of the individual. Academic freedom makes commitment possible and carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base scholarly work and teaching on an honest search for knowledge. (See Annex 5 for articulation of the tenets of Academic Freedom)

# Engagements and Contribution to National Development and Global Discourses

## 1. OUTSIDE WORK/CONSULTANCIES/BUSINESS INTERESTS/DIRECTORSHIPS/RELATED CONFLICTS OF INTEREST (THIS SECTION IS APPLICABLE TO ACADEMIC, SENIOR PROFESSIONAL AND PROFESSIONAL STAFF ONLY)

It is well-known and generally accepted that extra-University involvement has certain positive characteristics and can play an important role in the life of the University. For instance, it can:-

- (a) Promote interaction between the University and the non- University world to the benefit of both;
- (b) Facilitate the placing of students in temporary or permanent employment; aid in the discovery of research and thesis problems;
- (c) Contribute to the professional development of a staff member through the acquisition of new skills and techniques.
- (d) Provide additional opportunities for the staff member to apply knowledge to practical situations.

Such activities, which may or may not involve financial remuneration, are hereinafter called consulting and may include:

- (a) The giving of professional advice in areas of the staff member's expertise to clients whether in personal matters, industry or government;
- (b) Lecturing to public or private groups;
- (c) Services related to publishing, journalism, broadcasting, artistic performances and other similar creative activities.

In order that a staff member may properly fulfill responsibilities to the University, in the areas of teaching, research, administration and other areas of service, such activities beyond normal commitments should not be excessive. The distraction of non-University occupations, the expenditure of emotional energies, the obligations contingent on accepting external fees and salaries may all interfere in the proper discharge of the primary University duties. **(See also Annex 1.)**

The regulations on Consultancies attached as “*Work Outside the University/Consultancy*” Appendix 1, are concerned with establishing the appropriate level of outside service, so that a staff member's direct service to the University through teaching, research, administration and other services is assured, while the contributions made through consulting are adequately recognized. **(See also Annex 3 for an articulation of the various types of business interests.)**

## **2. The University Staff Member and Political Activity**

Direct political involvement is a matter for the individual. A university teacher who engages in direct political activity should do so in a manner compatible with his or her academic profession and within the legal framework of a duly constituted government. All governments that contribute to the revenue of the University are expected both to preserve the legitimate freedom of the individual and to guarantee the right of individual expression outside of the University context.

The University as a developing community inevitably becomes involved in the many problems of the community, and members of Staff are expected to bring their professional skills and talents to bear on these problems.

Members of Staff should not use the privilege of their institutional affiliations for partisan or personal ends where they engage in public affairs, e.g., in writing to or for the press they should not seek to identify their personal point of the view with that of the University.

The University cannot guarantee support for any of its members for consequences which flow from their political activity. In this respect, the individual teacher or researcher who accepts a personal role of political activity accepts as well a personal responsibility. Above all, the University cannot offer support for any advocate of violence.

The prime loyalty of University Staff member is to their profession and University. Members of Staff of the University of the West Indies are free to seek political and public office within the rules of the University in force at any particular time.

In exercising this right they are expected to use their discretion and to consider their academic reputation and academic affiliation. University employees should not accept public office unless they are satisfied that such acceptance would not place them in conflict with the University. While holding public office, the University Staff members should exercise their discretion in using information gained within the University in the political field, so as not to abuse any confidences. They should not condone attacks on the University or on their colleagues. .

## ETHICAL BEHAVIOUR/RESEARCH

1. Research in the University is relevant for the general benefits of society, as well as for specific intellectual purposes. It should be used to increase knowledge in ways that do not harm society.
2. The University recognizes that research flourishes only in a climate of academic freedom. Since the conditions for good research in our many disciplines are quite different, individual investigators are normally expected to assume direct responsibility for the intellectual quality of their work. A serious responsibility rests on the individual members of the academic and in some instances the professional community who are best equipped through special knowledge to remain aware of the consequences of their research activity; the researcher must balance the possibility of harmful application against potential benefits.
3. The University for its part should ensure that the welfare of human subjects who participate in research carried out by staff and students is safeguarded. The conscience of each investigator in applying ethical principles is the single most important protection for the welfare of human subjects. Such principles include privacy, confidentiality of research information, the right of subjects to information about experimental procedures, respect for subjects' psychological well-being and respect for social stability and the right to the protection of personal data. The University must ensure that each investigator's ethical decisions have been confirmed or modified by the informed and dispassionate advice of peers who are not directly involved in the research. ***(Refer to policy on Research Ethics and The University Policy on Student Involvement in Research attached at Annex 3 ; the Policy on the Protection of Personal Data and the Guidelines on Human and Animal Subjects in Research which are incorporated by reference in this Code)***

## **CONFIDENTIALITY**

- 1.** It is essential that staff members feel confident that information relating to them is treated in a highly confidential manner with due attention being paid to the right to privacy of personal data as articulated in the relevant University Policies and the laws of the various UWI jurisdictions and partner institutions; need for non-disclosure of confidential and personal information. File contents outside normal University business transactions.
- 2.** Staff must take care to respect the confidentiality and privacy of students and personal data and only provide information in accordance with the University's policies and procedures and legislative requirements in relation to privacy and data protection or otherwise when authorized by the Registrar's Office.. Members of staff are expected to maintain the integrity, confidentiality and privacy of such information to protect any individual concerned. The privacy of oral communication must also be maintained by staff members.
- 3.** Academic staff members who have access to University information and documentation must ensure that the safety, confidentiality, integrity and privacy of the information is maintained, this also includes oral communication. It is important to note that the records of staff members are extremely confidential and must be treated in a manner so that staff members feel confident in relating their information in an appropriate manner.
- 4.** The University, however, will encounter legal situations where the well-being of its employees and students will take precedence over the desire for confidentiality.

## **INTELLECTUAL PROPERTY**

The University policy on Intellectual Property is hereby incorporated by reference into this Statement. ***(See The University of The West Indies Policy on Intellectual Property.)***

## INFORMATION TECHNOLOGY

The University of the West Indies places an emphasis on the fact that staff must keep in mind the core values of the University when accessing the internet; through sending and receiving email, use of social media networks,. Improper use of information technology whether by: accessing or disseminating offensive material via the internet or email against regulations will be considered an infringement of University policy and disciplinary action may apply to staff who are found in breach of the policies. ***(See Acceptable Use Policy, Information AND Communication Technology/ See also Information Security Policy which are incorporated by reference in this policy)***

# RELATIONSHIPS IN THE WORKPLACE

## 1. General Principles of Ethical Behavior and Good Relationships

The University, in seeking to achieve its mission, further its goals and realize its commitments to intellectual enquiry, the provision of instruction and supervision to all registered students, and the maintenance of high standards in all its pursuits, aims to create an environment of tolerance and respect, believing that the right of individuals to advance their views openly must be upheld throughout the University.

Realization of these intentions requires respect for the following general principles:-

- (a) That each member of the University endeavors to contribute to the existence of a just and supportive community based on equality and respect for individual differences.
- (b) That no member of the University community (academic, administrative, non-academic staff, student) should unduly interfere with the study, work or working environment of other members of the University. This shall be taken to apply to both Campus-based activities and official off-Campus activities and functions, such as programs and course-related field trips.
- (c) That those with academic or employment supervisory authority use such authority, both on Campus and off, solely for the purposes explicitly stated or implied in University policies and regulations and with regard to the overall aims and purposes of the University.

Relationships of a personal nature which may involve staff, students or members of the community in the University environment should not interfere with, or be perceived to interfere with or influence University policies and customs in the workplace. The University of The West Indies expects all staff to avoid conflict due to personal relationships which can include:

- (a) Emotional relationships (including sexual relationships and friendships)

(b) Family relationships (including spouse, children, siblings, cousins, relations by marriage, parents or other close relatives)

(c) Financial relationships (including commercial relationships where pecuniary interest is present)

## **2. Staff-Student Relationships**

The staff-student relationship is a special one, involving some measure of confidence between the parties. Partly owing to this confidence and partly to the risk of misrepresentation where statements are quoted out of context, neither party should publish outside the classroom opinions expressed by the other therein, without first obtaining the permission of the other. The teacher, in his or her capacity as a teacher, has the right and duty to encourage the pursuit of learning and to stimulate profound inquiry among his or her students, but whilst reserving his or her rightful exercise of free speech as a citizen, he should not appear to choose dogmatically between conflicting policies or ideologies. The line is a difficult one to draw and will often involve questions of temperament and judgment and will often call for self-restraint.

The special relationship should not be used by a teacher for the purpose of religious, political, or racial propaganda. The staff-student relationship is also one of inequality, in which the member of the staff usually possesses the advantage. Staff should therefore be scrupulous not to exploit the relationship to their advantage and in their published work should make appropriate acknowledgement of any assistance they have received from students. All students are entitled to equality of opportunity and nothing should be done to favor a student or group of students above others.

Members of staff should respect the right of student organisation to autonomy and should not attempt to manipulate the policy of such organisations.

Members of staff should not condone or encourage violation of rules made in respect of the student community.

### **3. Relationship of Colleagues in the Academic Community (this Section applies to all Academic Staff)**

It is a duty of university teachers to do research and to present their material in scholarly ways. It is recognized that criticism is legitimate within the academic community, but care must be exercised in the way criticisms are expressed. Criticisms of colleagues should be restricted to relevant scholarly and academic matters, and should always be made in a spirit of mutual respect.

Senior members of staff are required, from time to time, to assist in administrative duties, such as service on Academic Boards and Committees of the University, and as Departmental Heads or Faculty Deans. The participation of the junior staff members in administrative duties should be kept to a minimum so as to allow them every opportunity to establish themselves as teachers and researchers.

### **4. Relationship between Other Members of Staff**

Relationships of a personal nature must not interfere with the following processes or decisions:

- (a) Assessment of students
- (b) Authorization of payments
- (c) Confirmation of appointment
- (d) Performance review
- (e) Selection and promotion of staff
- (f) Selection of students for admission
- (g) Staff development opportunities

If a staff member has become involved in a relationship of a personal nature with a student who is in any manner under the Staff member's tutelage, this relationship should be declared to the Campus Registrar or the University Registrar as the case may be as it may be a source of conflict.

## **5. Relationship of Staff Members to the General Extra-University Community**

The University staff member has an important role to play in the development of the community. Academic, Senior professional and Administrative Staff and persons in other supervisory positions have special responsibilities to the achievement the University's strategic goals. The University staff member also makes important contributions to the development of the society in which they live by performing their duties fully and well.

Recognizing that professional commitment often takes members of staff into the extra-university community, the University consequently takes into the account the quality of their public activity and contribution to the community in assessing their performance and their claims for advancement.

# INTEGRITY AND ACCOUNTABILITY

## 1. Conflict of Interest

The University acknowledges a commitment, as part of its overall mission, to transfer knowledge, discoveries and technology to society for its benefit. Interaction of staff members of the University with external entities is desirable and encouraged when the activity is beneficial to the professional standing of the individual, the reputation of the University, or provides a community or professional service. Whatever the nature of the external activities or relationships, the University expects each of its members - academic and senior administrative staff, students and other officers - to act in a manner consistent with a high standard of integrity and ethical behavior. Accordingly, the University of the West Indies obligates its staff, members and officers acting on its behalf to avoid ethical, legal, financial or other conflicts of interest which may impede or compromise their University responsibilities or the mission of the institution.

A conflict of interest or a perceived or potential conflict exists when a member of staff of the University is or may be in a position to use, research, knowledge, authority or influence for personal or family gain or to benefit others to the detriment of the University. Staff members are guided by the Guidelines in Annex2 and the University's Financial Code.

A fundamental tenet is that staff members should, of their own volition, takes the initiative in disclosing conflicts or potential conflicts of interest situations. The mere existence of a conflict or a potential conflict does not necessarily imply that the activity concerned should cease. Accordingly, any member or staff of the University community with a conflict or potential conflict should seek the counsel and advice of his or her immediate supervisor and may disclose the details to that individual. A disclosure form is available for this purpose.

***(Further guidelines on conflicts of interest are in Annex 2.)***

## 2. Procurement

It is the responsibility of every staff member of the University involved in the supply of goods or services, to or for the University, to declare in writing all relevant interest that the staff

member may have in any proposed transaction. In particular, those staff members who deal directly with suppliers must:

- (a) Ensure that their processes are open and transparent;
- (b) Not engage in misleading or deceptive conduct;
- (c) Not transact with suppliers for private or unauthorized use; and
- (d) Not compromise the University's standing or integrity of its purchasing activities through the acceptance of gifts or hospitality.

Staff members, contractors and their employees and any other category of person to whom this Code applies must have regard to the University's procurement Rules, The Financial Code and the Financial Procedures existing from time to time.

### **3. Gifts**

Staff members should not solicit, encourage or accept gifts or benefits if it could be reasonably seen as an inducement to act in a particular way, or to place a staff member under an obligation that may either directly or indirectly compromise or influence them in their official capacity.

In particular, University employees should indicate to the prospective givers that gifts cannot be accepted from those with whom the University has, or potentially has, commercial dealings. Staff members who receive small gifts or tokens of appreciation may retain those items as personal property or donate them to the University. Notwithstanding these provisions, staff members who are in doubt as to the category of gifts being presented should consult with their supervisors, the Campus Registrar or the University Registrar as the case may be.

As a general guide, Heads of departments and units may authorize expenditure on floral tributes, small gifts and other tokens of appreciation in the event of the death or serious illness of a staff member or person with an identifiable relationship with the University, work-

related special occasions such as an important official visit or guest speaker at the University or the retirement of a long serving member of University staff.

All members of staff must at times comply with the provisions of the Financial Code and the Financial Procedures.

# **ANNEX 1**

## **EXTRACTED FROM**

### **THE RULES FOR ACADEMIC AND SENIOR ADMINISTRATIVE STAFF**

#### **WORK OUTSIDE THE UNIVERSITY/CONSULTANCY RULES**

##### ***Work within the scope of the profession of the member of staff:***

1. Full-time members of staff may in the circumstances given below undertake work which is within the scope of their profession for persons or bodies outside the University. Fees or other remuneration may be received for such work but permission to undertake the work must be obtained in advance, as required in the following paragraphs:
  - Published Work,
  - Writings,
  - Broadcasts,
  - Examining,
  - Extra- Mural Lectures,
  - Special Lectures.
2. Permission to undertake work of this nature need not be obtained, provided the Head of Department or Vice-Chancellor or Campus Principal, in the case of a Head of Department, remains satisfied that the performance of the University duties expected of the member of staff is not thereby adversely affected. The member of staff is entitled to receive and keep any remuneration payable for such work, provided that, where any publication has been assisted by a grant from the University, the refund of such grant is to be considered as a first charge on any fees or royalties received, and provided an appropriate payment is made to the relevant departmental account for the use of University facilities, services, equipment and materials

##### ***Regular Teacher Commitment***

A member of staff who wishes to undertake regular teaching commitments outside the University must apply to the Vice-Chancellor or Campus Principal through his Head of Department. Permission will be granted only if assurance is given and accepted that the work of the Department concerned will not be unduly affected.

- (a) Any remuneration for such approved work may be retained by the member of staff concerned.

- (b) A member of staff may not accept payment for any extra tuition given to students of the University.

### **CONSULTANCY RULES**

The Consultancy rules are as follows:

#### ***Definition of Consulting***

For the purposes of these regulations, consulting by a staff member shall include all activities that are conducted on behalf of persons or bodies outside the University that fall into the area of competence related to the staff member's regular academic duties in the University, and that are not part of grants or agreements between the University and outside persons or bodies.

#### ***Substantial Consulting***

For the purposes of these regulations, the term substantial consulting refers to consulting that is so extensive as to suggest the possibility of interference with the performance of the staff member's normal academic duties. Without limiting the above, consulting activities in excess of one day a week shall be considered as substantial.

It is the responsibility of staff members to initiate discussions with their Heads/Deans as to whether their consulting activities are substantial.

Staff members are required to inform their Heads/Deans in writing of any consultancy which they intend to undertake, its duration and their arrangements to ensure that their University work obligations are dutifully and diligently carried out. Staff members shall not compete, in their personal capacity, with the University for Consultancies. Staff shall not undertake substantial consulting without the written approval of their Head of Department or Deans. In cases where the Head of Department or Dean so requests, for professional reasons, the approving authority may be the campus Principal. The relationship of the work proposed to the staff member's area of specialization, and to their academic duties, shall be important considerations in the approval process.

#### ***Leave of absence***

If consulting involves repeated absences from the University for sustained periods of time so as to interfere with the performance of the staff member's academic duties, the staff members shall be expected to apply for a leave of absence, a reduced work load or part time appointment.

#### ***Use of University Facilities***

Staff members shall obtain prior approval of any consulting commitment that will involve more than an inconsequential use of university facilities, supplies and other services, include those rendered by the support staff, without making appropriate financial arrangements in advance.

#### ***Payment into Departmental Account***

Members of staff shall pay by August 1st of each year, not less than 15% of the net earnings made in the previous twelve months, together with an appropriate payment, where applicable, to the fund or relevant departmental account for the use of the Faculty's or Department's equipment, materials and services. A member of staff is free to make additional contributions to the fund on a voluntary basis. The cost of administering the fund shall be borne by the fund.

#### ***Disbursements from the Fund***

Every full-time member of the Faculty may apply for a disbursement from the Consultation Fund, whether or not that member of staff has made any contribution to the Fund. Members of staff will be allowed to withdraw sums from the Fund in accordance with the approved Faculty rules.

Normally the Funds are used for the following purposes:-

- (a) Travelling to conferences and other research activities
- (b) Payment of journals of learned societies provided that such journals become the property of the University
- (c) Payment of membership fees to professional societies, provided that the particular membership is in the best interest of the Department
- (d) Reasonable travel in connection with consultations
- (e) Professional insurance for members of the University staff
- (f) Honoraria for special services in connection with research.

#### ***Reporting obligations***

Staff members shall report annually on their consulting activities shall set forth the time spent, the distribution of the consulting activities through the year, the nature of the work, the allocation of time between the public and private sectors, and the identity of the clients. However, the names of clients or sponsors in situations where established professional secrecy or discretion normally prevail will not be reported.

The reports shall also include other information such as details on frequent travel, ethical issues and periods of intense activity which may have affected the Staff member's academic duties, which may be relevant to an evaluation as to whether the consulting has been of overall benefit

to the University. In addition, the individual Faculties may, by resolution of Faculty Boards, require additional information.

The Dean/Head of the University should be responsible for monitoring these reports and for reporting to F&GPC on consultancies undertaken by members of Staff.

The report submitted by the Staff members shall be summarized in suitable form in the Annual Reports of Departments or Faculties. If the Staff members wish to include information on their consulting activities in their dossiers for consideration of tenure or promotion the full reports submitted to the Deans shall be made available.

### ***Further Guidelines***

When consulting, staff members shall not purport to represent the University unless expressly authorized to do so by their Deans.

Staff members shall not use University stationery for consulting purposes without written approval of their Deans.

Except for occasional lectures, seminars or scholar presentations, Staff members shall not teach at other institutions without the prior written approval of their Deans.

Notwithstanding the definition of consulting in clause 38 the present regulations shall be applicable in matters of copyright. Where members of the academic Staff spend a substantial amount of time on activities related to the preparation of copyright items such as books, records, film or software items not directly related to the performance of their academic duties, they are expected to make full disclosure of these activities to their Head of Departments. A 'substantial amount of time' shall be determined by the definition of 'substantial consulting'.

Consulting and other clinical activities undertaken by full-time members of the Faculties of Medical Sciences shall be governed by the regulations and procedures of the Faculty of Medical Sciences and its teaching hospitals. Special arrangements for consulting may be made for other professional Faculties with the approval of Council.

## ANNEX 2

### CONFLICT OF INTEREST

1. **Conflict of interest** arises where the nexus between a personal interest and a professional obligation is such that could result in a reasonable belief or active fact that that the personal interest may influence the exercise of professional responsibilities.
  - (a) An **actual conflict** involves a direct conflict between a staff member's duties and responsibilities to the University and a competing interest or obligation, whether personal or involving a third party.
  - (b) A **perceived conflict** exists where it could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the performance of a staff member's duties and responsibilities to the University.
  - (c) A **potential conflict of interest** arises where a staff member has an interest or obligation, whether personal or involving a third party, that could conflict with the staff member's duties and responsibilities to the University.
  - (d) **Pecuniary interest** involves an actual or potential financial gain or loss. It may, for example, result from the staff member owning property, holding shares or a position in a company bidding for University work, accepting gifts or hospitality or receiving an income from a second job.
  - (e) **Non-pecuniary interest** does not involve a financial component but may, for example, arise from personal or family relationship or involvement in sporting, social or cultural activities. It includes any favour or prejudice resulting from friendship, animosity or other personal involvement that could lead to bias in the exercise of judgment or a discretion or the making of a decision.
2. The University's [Code of Conduct](#) requires staff members to avoid conflicts of interest (including perceived conflicts) and where conflicts of interest do arise, to manage those conflicts appropriately in accordance with this Policy.
3. Without limiting the obligations set out in this Policy, staff are expected to:
  - (a) Restrict the extent to which a private interest could compromise, or be seen to compromise, their impartiality when carrying out their official duties.

- (b) Abstain from involvement in official decisions and actions which could be compromised by other private interests and affiliations.
- (c) Avoid private action in which they could be seen to have an improper advantage from confidential/privileged information they might have access to because of their official duties.
- (d) Not use their official position or university resources for private personal gain or gain by others with whom the staff member has a relationship or personal association.
- (e) Ensure that there can be no perception that they have received an improper benefit that may influence the performance of their official duties; and not take improper advantage of their official position or confidential/privileged information gained in that position when seeking employment outside The University, or provide such advantage to others with whom they have an association.

### ***Identifying a Conflict of Interest***

1. Staff members must assess their private and personal interests and identify whether they conflict or have the potential to conflict with their official duties.
2. A conflict of interest may include circumstances involving:
  - (a) A conflict between the staff member's obligations to the University and a competing interest, including conflicts between the duties to the University and obligations to other organisations.
  - (b) Favoring a personal financial interest over a duty to the University.
  - (c) Decisions based on personal relationships rather than the duty to act impartially; or decisions based on the receipt of personal benefits.
3. The following table sets out a few examples of potential, perceived and actual conflicts of interest.

Private interest/ obligation	Potential conflict of interest	Perceived conflict of interest	Actual conflict of interest
A staff member has an interest in a business.	A staff member has an interest in a business that could compete	A staff member has an interest in a business that competes	A staff member assesses a tender submitted by a business

	with the University or provide goods and services to the University.	with the University or provides goods and services to the University.	in which the staff member has an interest.
	A staff member has an interest in a business that sponsors research at the University.	A staff member has an interest in a business that sponsors research conducted by their department at the University.	A staff member negotiates the terms under which the intellectual property rights arising from research conducted by the University are to be sold, licensed or transferred to a business in which the staff member has an interest.
A staff member has outside work commitments.	A staff member has outside work commitments which may compromise their ability to perform their University duties.	A staff member has outside work commitments which involve frequent or prolonged absence from the University.	A staff member has outside work commitments which compromise the amount or quality of the staff member's University activities.
A staff member has a personal relationship with a student or another employee of the University.	A staff member has a personal relationship with a student or employee or potential student or employee of the University who is within their Faculty, Institute, School, Centre or Division.	A staff member asks a person who is responsible for the academic administration or employment of a person with whom they have a personal relationship for information regarding that person.	A staff member is involved in a decision or tries to influence a decision regarding the academic administration or employment of a person with whom they have a personal relationship.

4. When considering whether a conflict of interest exists, a staff member should consider:
- (a) Whether the action or activity is consistent with the principles outlined in the University's [Code of Conduct](#).
  - (b) Whether the action or activity is consistent with The UWI community values, standards and behaviours.
  - (c) How the action might be viewed or perceived by other people; and whether the relationship or interest might compromise an individual's ability to exercise sound leadership or judgment.

### **Specific Obligations**

#### ***Conflict of roles***

Where individuals have more than one official role at the University or an official role in a different organisation, it may be difficult to keep their roles separate. The University's [Work Outside/Consultancy rule \(Annex 1\)](#) policy requires staff members to declare any conflicts of

interest (including potential conflicts of interest) to their Head of the Faculty, Institute, School, Centre or Division. Company directors and officers have particularly onerous obligations under the respective Companies' Acts which may affect a staff member's ability to fulfil their duties to the University. For this reason, the University's Work [Outside/Consultancy rule \(Annex 1\) staff](#) policy requires staff members to obtain the prior written approval of the Principal or Vice-Chancellor before accepting a position as a director, secretary, public officer or executive officer of any company, whether or not the position is paid.

### ***Private interests***

A conflict of interest may be pecuniary or non-pecuniary and can arise from avoiding personal losses as well as gaining personal advantage.

### ***Personal relationships***

Staff members should not be involved in decisions affecting the employment or academic administration of a person with whom the staff member has a current or previous personal relationship. The University's Statement of Ethical Principles and [Code of Conduct](#) requires staff members to notify their supervisor of any relevant conflict of interest or potential conflict of interest arising from a current or previous personal relationship and cease any decision making role in respect of the relevant student or staff member pending further direction from their supervisor.

### ***Personal benefits***

A conflict of interest may occur where a staff member receives a benefit which is, or may be perceived as, an incentive or inducement to perform or not to perform an official function or duty.

### ***Managing a Conflict of Interest***

Effective management of conflicts of interest depends on the joint participation of staff, supervisors and the University. All conflicts of interest must be managed transparently.

### ***Staff***

1. Without limiting the specific obligations outlined above, where a staff member has a conflict of interest or a potential conflict of interest, the staff member should:
2. Declare the conflict of interest by:
  - (a) In writing, to their supervisor using a [Disclosure of a Conflict of Interest Form](#);

- (b) Where a conflict of interest arises during a meeting – verbally, which must be noted in the minutes of the meeting, and subsequently in writing to their supervisor using a [Disclosure of a Conflict of Interest Form](#) as soon as practicable after the meeting;
  - (c) Withdraw from any deliberation or decision-making processes to which the conflict of interest may relate, unless otherwise directed by their supervisor, or in the case of a meeting the Chair; or
3. Where a staff member is unsure about whether they have a conflict of interest or a potential conflict of interest, they should seek advice from their supervisor in the first instance. If required the supervisor can seek further advice the Campus Registrar or The University registrar as the case may be. **Supervisors**
  4. As well as complying with the policy themselves, supervisors are expected to facilitate compliance with the Policy by:
    - (a) Being aware of the risks of conflicts inherent in the work of the staff they manage;
    - (b) Making staff aware of this Policy and their responsibilities under this Policy;
    - (c) Advising staff about appropriate ways to manage conflicts;
    - (d) Take all reasonable steps to monitor the work of staff and the risks they are exposed to.
  5. In consultation with the relevant staff member, a conflict of interest management strategy may require the supervisor to:
    - (a) **Restrict** a staff member's involvement in the matter;
    - (b) Where the conflict of interest cannot be mitigated or avoided in any other way – seek advice from the University Registrar or The Campus Registrar as the case may be.
  6. The University is responsible for:
    - (a) Building an organizational culture that supports supervisors and staff in the implementation of this Policy;
    - (b) Reviewing this Policy regularly;
    - (c) Receiving complaints regarding potential breaches of this Policy, investigating complaints and enforcing compliance with this Policy; and
    - (d) Reporting breaches to external agencies, where applicable.
  7. In addition to discharging the above responsibilities, the Custodian of this Policy is responsible for:

- (a) Providing a point of contact for any queries regarding the meaning or application of this Policy; and ensuring that the communication strategy regarding this Policy is implemented and reviewed to assess effectiveness.

***Privacy***

Recording and reporting conflicts of interest or potential conflicts of interest may involve the collection, storage, use or disclosure of personal information. Any personal information collected, stored, used or disclosed under this Policy will be handled according to the University's policies including but not limited to the University's policies on data protection.

***Failure to comply***

A failure to comply with this Policy and the accompanying Procedures will constitute a breach of the University's Code of Conduct and may be dealt with as misconduct or serious misconduct in accordance with the University's Policy prevailing from time to time.

**UNIVERSITY OF THE WEST INDIES**  
**CONFLICT OF INTEREST DISCLOSURE FORM**

A sample of this will be submitted at a later date.

## ANNEX 3

### BUSINESS INTERESTS

- (1.) Business Interests are defined as a company directorship and/or other business involvement resulting from a Staff member's professional work, qualification, shareholding, proprietary or other personal interest, including University spin-offs; or other position of influence with a business or company, but excluding private companies whose sole purpose is to act as trustee for a family trust.

#### *Related conflicts of interests*

- (1.) A staff member must avoid situations where there is or may reasonably be perceived to be a conflict of interest in undertaking any outside work or business interest. A situation of conflict, or potential conflict of interest, arises where a staff member is in, or is seen to be in, a position to influence a decision of the University that may favour the staff member personally, associates of the staff member, or some other business interest or activity of the staff member. Conflicts of interest may arise between a person's role as a staff member and the duties as a company director. Staff members who have a position of influence in a business that may provide goods or services to the University must declare their interest, in writing, to their Head of School, Director of Division or Centre. In particular, an interest or a relationship with a business must be disclosed before a decision is made by the University to order goods or services, or to undertake other financial or contractual obligations. A staff member in this situation must not be involved in such a decision.
- (2.) Staff members must also declare their interest in situations of potential conflict of interest. A potential conflict is created in the case of a staff member being in a position of influence with a business, which is dealing with the same type of goods or services as that area of the University in which the staff member is employed. It could also occur with the conduct of research where the outcomes could influence market expectations about financial results of a company in which the staff member has an interest. Where there is some cause for concern regarding a conflict, this must be discussed with the supervisor, or the University Registrar or Campus Registrar as the case may be. Head of the organizational unit and must be noted on the application for approval.
- (3.) Whilst Independent Contactors do not derive any benefits from their contracts of engagements, in some instances their contracts require that they do not engage in

activities that conflict with their terms of reference defined pursuant to their contracts with The University. Independent Contracts are expected to disclose any activity that may appear or prove to be conflicting with their work with the University.

## **ANNEX 4**

### **POLICY ON STUDENT INVOLVEMENT IN RESEARCH**

The following policy relates specifically to undergraduate and graduate students who are engaged in research as part of their university programs. Some sections also apply to those cases where an investigator enlists the services of an inexperienced person as assistant, technician, trainee, etc. in connection with a research project.

#### ***Health and Safety***

- (1.) It is the responsibility of the investigator to implement all possible measures that will ensure the health and safety of his/her research colleagues. Such measures include:
  - a) Strict adherence to the safety procedures set forth in any regulations of the building in which the research is being carried out.
  - b) Careful training of all new personnel in the correct usage of equipment and materials.
  - c) Provision of adequate protective clothing; first aid kits, etc. and their regular inspection.
  - d) Clear precautionary labeling of containers of hazardous materials.
- (2.) Students, especially undergraduates, tend to have only temporary involvement with a research project and may be absent during routine safety drills. Particularly, attention should be given to the instruction of each beginning student. Solitary work in laboratories containing potential hazards should be strongly discouraged. Research projects shall avoid a requirement for solitary after-hours work.
- (3.) Where research projects involve the use of especially hazardous materials (e.g. radioactive, carcinogenic or poisonous chemicals) departments shall ensure that students have signed a statement that they have received and read appropriate health and safety information.

#### ***Academic considerations***

- (1.) When a student assists in a research project, a clear distinction should be made between work for which the student is paid, and research training which contributes to the student's academic program.

- (2.) As a general rule, paid work should not be considered eligible for credit towards an Undergraduate course. In some departments, different arrangements have traditionally been held; in such departments open discussion should ensure that one policy is applied uniformly throughout the department and disseminated to students.
- (3.) When a graduate student is assigned a salary or partial support by the investigator (e.g. from an operating grant or similar fund controlled by the investigator) a clear agreement should be made as to the duties expected of the student in conjunction with the investigator's own research project vis-a-vis the work contributing to the student's thesis.

### ***Secrecy***

When a student begins working with an investigator who may be funded in whole or in part by contracts, consulting agreements or grants from outside agencies, a clear agreement should be made at the outset as to the accessibility of research findings for publication.

### ***Responsibilities of the Student***

Academic freedom brings responsibilities to students and staff alike. Students should realize that the good name and research reputation of the University and its professors rests in large measure upon the quality of research done by its students.

### ***Responsibilities of the University***

- (1.) The University shall inform students of all appropriate regulations and policies concerning research.
- (2.) The University shall provide a safe research environment for student researchers.

## **ANNEX 5**

### **Academic Freedom**

#### **PART 1: What it does do**

Academic freedom means that both faculty members and students can engage in intellectual debate without fear of censorship or retaliation.

Academic freedom establishes a faculty member's right to remain true to his or her pedagogical philosophy and intellectual commitments. It preserves the intellectual integrity of our educational system and thus serves the public good.

Academic freedom in teaching means that both faculty members and students can make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history.

Academic freedom gives both students and faculty the right to express their views — in speech, writing, and through electronic communication, both on and off campus — without fear of sanction, unless the manner of expression substantially impairs the rights of others or, in the case of faculty members, those views demonstrate that they are professionally ignorant, incompetent, or dishonest with regard to their discipline or fields of expertise.

Academic freedom gives both students and faculty the right to study and do research on the topics they choose and to draw what conclusions they find consistent with their research, though it does not prevent others from judging whether their work is valuable and their conclusions sound. To protect academic freedom, universities should oppose efforts by corporate or government sponsors to block dissemination of any research findings.

Academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on students or faculty.

Academic freedom gives faculty members and students the right to seek redress or request a hearing if they believe their rights have been violated.

Academic freedom protects faculty members and students from reprisals for disagreeing with administrative policies or proposals.

Academic freedom gives faculty members and students the right to challenge one another's views, but not to penalize them for holding them.

Academic freedom protects a faculty member's authority to assign grades to students, so long as the grades are not capricious or unjustly punitive. More broadly, academic freedom encompasses both the individual and institutional right to maintain academic standards.

Academic freedom gives faculty members substantial latitude in deciding how to teach the courses for which they are responsible.

Academic freedom guarantees that serious charges against a faculty member will be heard before a committee of his or her peers. It provides faculty members the right to due process, including the assumption that the burden of proof lies with those who brought the charges, that faculty have the right to present counter-evidence and confront their accusers, and be assisted by an attorney in serious cases if they choose.

## **PART 2: What It Doesn't Do**

Academic freedom does not mean a faculty member can harass, threaten, intimidate, ridicule, or impose his or her views on students.

Student academic freedom does not deny faculty members the right to require students to master course material and the fundamentals of the disciplines that faculty teach.

Neither academic freedom nor tenure protects an incompetent teacher from losing his or her job. Academic freedom thus does not grant an unqualified guarantee of lifetime employment.

Academic freedom does not protect faculty members from colleague or student challenges to or disagreement with their educational philosophy and practices.

Academic freedom does not protect faculty members from non-university penalties if they break the law.

Academic freedom does not give students or faculty the right to ignore college or university regulations, though it does give faculty and students the right to criticize regulations they believe are unfair.

Academic freedom does not protect students or faculty from disciplinary action, but it does require that they receive fair treatment and due process.

Academic freedom does not protect faculty members from sanctions for professional misconduct, though sanctions require clear proof established through due process.

Academic freedom does not protect a faculty member from investigations into allegations of scientific misconduct or violations of sound university policies, nor from appropriate penalties should such charges be sustained in a hearing of record before an elected faculty body.

**Contributing Sources:**

- ❖ University of Western Australia
- ❖ North Western University
- ❖ University of Queensland
- ❖ Cornell University