

GUIDELINES FOR MANAGING REAL, POTENTIAL, AND PERCEIVED CONFLICTS OF INTEREST

Table of Contents

1. Purpose	3
2. Background	3
3. Types of Conflicts of Interest	4
Real Conflicts of Interest.....	4
Potential Conflicts of Interest	5
Perceived Conflicts of Interest.....	5
4. Managing Real, Potential, and Perceived Conflicts of Interest	6
Step 1: Seeking and Understanding the Conflict of Interest	6
Step 2: Disclosing the Conflict of Interest.....	6
Step 3: Minimizing and Mitigating the Conflict of Interest	6
5. Criteria for Assessing Minimization and Mitigation Strategies	7

1. Purpose

The purpose of this guideline is to provide researchers with information concerning real, potential, and perceived conflicts of interest. This guideline provides advice on how to manage conflicts of interest and lays out the criteria that the Research Ethics Board (REB) will use in assessing whether a researcher has adequately managed it.

2. Background

The Tri-Council Policy Statement (TCPS 2) defines a conflict of interest as “the incompatibility of two or more duties, responsibilities, or interests (personal or professional) of an individual or institution as they relate to the ethical conduct of research, such that one cannot be fulfilled without compromising another” (p. 202^{i*}).

According to the TCPS 2, a conflict of interest arises “when activities or situations place an individual or institution in a real, potential or perceived conflict between the duties or responsibilities related to research, and personal, institutional or other interests” (p. 93).

One of the main interests/responsibilities of researchers is to objectively answer their research questions while fulfilling their ethical responsibilities as researchers. This interest may conflict with any of the following interests:

- **Business Interest:** an interest to protect or further either one’s own business or the business of another that one stands in a special relationship with.
- **Commercial Interest:** an interest to protect the commercial viability or promote the commercialization of a particular product or service.
- **Financial Interest:** an interest to protect or improve upon one’s own financial situation or the financial situation of another that one stands in a special relationship with.
- **Academic Interest:** an interest to protect or further one’s own standing or that of another’s standing within a particular academic community.
- **Political Interest:** an interest to promote one’s own political ideology, social values, or political commitments.
- **Social Interest:** an interest to protect or further the interests of one’s family or friends.
- **Professional Interest:** an interest to protect or further one’s own standing or the standing of another within a particular professional community.

- Personal Interest: an interest to protect or promote one's own individual aims or interests, irrespective of what those aims are or how large or small they may be.

It is important to note that it is not necessarily problematic for a researcher to have any or all of the interests listed above. Such interests, however, may become problematic when one or more of these interests begin to interfere or compromise a researcher's ability to answer their research questions or fulfill their ethical responsibilities as researchers.

3. Types of Conflicts of Interest

Conflicts of interest may or may not raise ethical concerns. While they do not necessarily undermine a researcher's ability to (a) properly tackle the research project, (b) be appropriately concerned with the welfare and personhood of research participants, or (c) fulfill the demands of justice in the role of researcher, they can do so if they are mismanaged. The following may arise as a result of a conflict of interest:

- A conflict of interest may compromise the integrity of the research being conducted.
- A conflict of interest may jeopardize the well-being and personhood of research participants.
- A conflict of interest may undermine the trust and public confidence of the knowledge produced by the academic and scientific community.
- A conflict of interest may make it more difficult for a researcher to fulfill the duties and responsibilities as a researcher.

Given the serious implications that may arise as a result of a conflict of interest, it is important that appropriate steps be taken to ensure that each conflict of interest is properly managed. The TCPS 2 notes three different types of conflicts of interest that require proper management: real conflicts of interest, potential conflicts of interest, and perceived conflicts of interest.

Real Conflicts of Interest

A real conflict of interest occurs when an individual or institution has two competing interests, one of which interferes or undermines the ability to fulfill responsibilities as a researcher/institution.

For example, suppose an institute concludes that the results of an experiment, if published, will negatively impact the financial situation of a longtime funder, and damage the relationship it has with this funder going forward. In such a case, if the institute publishes the results of its study, it will damage the relationship it has with its funder. However, if the institute does not

publish the study, it fails to fulfill one of its major responsibilities as a research institute: namely, contributing to human knowledge. Here, the fulfillment of the institute's research interest cannot be achieved without negatively affecting the relationship it has with its funder, and vice versa.

Potential Conflicts of Interest

A potential conflict of interest occurs when it is more likely than not that an individual or institution will have two competing interests in the future, one of which is likely to interfere or undermine researchers' or the institution's ability to fulfill their responsibilities as researchers or as a research institution.

For example, suppose a researcher decides to test a scientific finding by a colleague that is a bit of an anomaly. Further suppose that it is likely that the researcher's test will negate the findings of that colleague. Given the likelihood that the researcher's study is more likely than not to undermine the colleague's work/reputation, there exists a potential conflict of interest. The conflict of interest here is potential because the researcher currently only has one interest: namely, trying to objectively answer a research question while aiming to extend knowledge. However, given the likelihood that the pursuit of this interest will bring about a competing interest – namely, the interest that the researcher has in not undermining the work of a colleague – a potential conflict of interest exists.

Perceived Conflicts of Interest

A perceived conflict of interest occurs when an individual or institution may reasonably be understood as having two competing interests, one of which is likely to interfere or undermine a researcher's/institution's ability to fulfill their responsibilities as a researcher or research institution.

For example, suppose a non-racialized researcher is exploring the prevalence of police brutality on African Canadians in the GTA. Further suppose that the researcher's parents and grandparents are all decorated police officers. In such a case, according to a discerning and reasonable person, it appears that the researcher has two conflicting interests: an interest in not harming the reputation of police officers (given that the researcher stands in a special relationship with them), and an interest in trying to objectively answer the research question, while aiming to extend knowledge.

N.B. Potential and perceived conflicts of interest need not turn into real conflicts of interest, and not all real conflicts of interest could have reasonably been foreseen as a potential conflict of interest. Mismanaged potential and perceived conflicts of interest, even when they do not turn into real conflicts of interest, may undermine the trust and public confidence of a research

project, and may make it more difficult for researchers to fulfill their responsibilities as researchers.

4. Managing Real, Potential, and Perceived Conflicts of Interest

Real, potential, and perceived conflicts of interest arise based on the design of a research project. If feasible, it is best for researchers to design their projects in such a way that real, potential, and perceived conflicts of interest do not arise. In some cases, however, conflicts of interest cannot reasonably be avoided. In these cases, there are three steps that researchers must take to ensure that conflicts of interest are properly managed.

Step 1: Seeking and Understanding the Conflict of Interest

Researchers must seriously consider whether their projects involve any real, potential or perceived conflicts of interest. It is the responsibility of the researcher to identify and understand all conflicts of interest that the research project might entail.

N.B. It is possible that at some point throughout the duration of a research study that a real, potential or perceived conflict of interest may arise that could not have reasonably been anticipated beforehand. In such a case, it is imperative that the researcher or research institution immediately reports the conflict of interest to the REB, and where possible suspend all research-related activities until minimization and mitigation strategies have been received, reviewed, and approved by the REB.

Step 2: Disclosing the Conflict of Interest

Researchers are required to disclose all real, potential, and perceived conflicts of interest to the REB. This information is to be provided clearly in Section 10 of the online ethics protocol entitled “Conflict of Interest.” Real, potential, and perceived conflicts of interest should also be disclosed to research participants and should be stated explicitly on the consent form.

Step 3: Minimizing and Mitigating the Conflict of Interest

It is imperative that steps be taken to minimize and/or mitigate the negative consequences that may arise as a result of a conflict of interest. Precisely how researchers should go about minimizing and mitigating conflicts of interest will vary based on (a) the type of conflict of interest involved (e.g., real, potential, or perceived), and (b) the design of their research project. The onus is on researchers to demonstrate to the REB that their management of the conflict of interest successfully addresses potential problems related to (I) the extent to which they might be inappropriately influenced (or the appearance of being inappropriately

influenced), and (II) the harm that is likely to result from such influence or the perception of such influence.

N.B. If you are unsure whether the research design of your project entails a real, potential, or perceived conflict of interest, or if you are unsure what type of minimization or mitigation strategy to implement, please contact the REB for clarification and guidance.

5. Criteria for Assessing Minimization and Mitigation Strategies

For projects involving a conflict of interest, the REB will assess the management of such conflict according to the following criteria:

- (1) The likelihood that the researcher's judgment may be inappropriately influenced, or the perception that the researcher's judgement be inappropriately influenced; and
- (2) The magnitude of the harm that is likely to result from such influence or the perception of such influence.

In cases where the REB concludes that the management of a conflict of interest by a researcher or institution is inadequate, it may request that (a) certain safeguards be introduced, (b) specific modifications to the research design be made, or (c) request that the researcher or institution address the REB's concerns on its own terms; i.e., in a way that satisfies the REB, and meets the researcher's/institution's own research goals.

ⁱ *All page number references refer to the online version of the TCPS 2 (2014).

Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, December 2014.*