



## **Mahidol University**

### **Policy on Conflict of Interest**

#### **1. Preamble**

This policy shall apply to all employees of Mahidol University. It is designed to enable Mahidol staff to identify and avoid all manner of conflict of interest between personal and pecuniary interests of individual staff on the one hand, and interests of Mahidol University, on the other. This policy is subservient to Thai laws and individual rights granted under the constitution of Thailand. It is intended that this policy be applied in conjunction with the values and code of ethics issued by the National Research Council of Thailand and Mahidol University.

#### **2. Core principles and definitions**

2.1 A Mahidol University staff member, or his/her office, may be deemed to have a conflict of interest if the individual himself/herself, or one or more persons closely associated with him/her (or his/her office) on a business or personal basis, has a reasonable expectation of receiving a direct or indirect pecuniary benefit or a personal or non-pecuniary benefit. In addition, the individual will also be deemed to have a conflict of interest if he/she or his/her office suffers, or has a reasonable expectation of suffering, a pecuniary or non-pecuniary detriment to Mahidol University.

2.2 In considering the existence of conflict of interest involving a Mahidol University staff member, the following persons or entities shall be deemed to be closely associated with the individual:

- (a) a spouse, child, de facto spouse or close relation of the individual;
- (b) a superior or a subordinate staff member;
- (c) a business partner of the individual;
- (d) a person with whom the individual has a current and ongoing professional relationship and from whom the individual receives fees for professional or other services;

- (e) a corporation in which the individual has financial or other personal interests;
- (f) a privately owned company of which the individual is a shareholder; and
- (g) a beneficiary under a trust of which the individual is a trustee.

### **3. Recommendations for Mahidol staff to avoid conflict of interest**

The following recommendations apply to all actions and decisions taken by Mahidol University staff in the name of or on behalf of the University:

- 3.1 Always disclose in advance any direct or indirect pecuniary interests and not attend any meeting or discussion on matters in which you believe you may have a conflict of interest.
- 3.2 Always disclose a direct or indirect personal interest in a matter (e.g. selection/appointment of a person closely associated with you) and not participate in any discussion or decision-making on such matters.
- 3.3 If you are unsure whether there is a any conflict of interest related to any action or decision you are about to undertake in the context of discharge of your duties to Mahidol University, seek clarification from your supervisor, Dean or Director, Director of the Law Department, Secretary of the University Administrative Committee, or Council Secretary, as appropriate.
- 3.4 Make all disclosures of conflicts of interest in writing and submit them to the University Law Department. In cases of anticipated conflicts of interest involving the University Administrative and Council committees the stated conflict of interest must be recorded in the minutes of the meetings of those committees.

### **4. Policy statement**

Conflicts of interest are inevitable in modern institutions such as a university and do not, in themselves, imply impropriety. However, a conflict of interest will arise, whenever a staff member engages in activities or makes decisions that advance his/her personal interests at the expense of interests of the University's or those of other staff members or students. In such circumstances, the staff member must declare the conflict of interest to his/her supervisors or other appropriate person(s) (see clause 3.4 above) and take immediate steps to resolve the conflict of interest.

Staff members of Mahidol University must avoid any financial or other conflicts of interest that could directly or indirectly compromise, or appear to compromise, the discharge of their duties. Staff faced with a potential conflict of interest must seek advice from their immediate supervisor or other senior colleagues in the University.

Conflict of interest can occur in relation to the following types of action or decision: (a) financial matters; (b) personal and family relationships between staff members; (c) personal and family relationships between staff members and students; and (d) research.

#### **A. Financial matters**

A Mahidol University staff member who has a financial interest in a company and who is in a position to influence contracts for business between that company and Mahidol University must declare any potential conflict of interest to his/her supervisor or another appropriate person before acting on behalf of the University in matters involving that company.

#### **B. Personal and family relationships between staff members**

If an individual is working at Mahidol University with a family member(s) or with a person with whom he/she has developed a close personal relationship, or where a close association exists with a prospective Mahidol University employee, the staff member concerned must be aware that such circumstances have the potential to create a conflict of interest if the staff member is:

- involved in any decisions relating to the selection or appointment of a prospective employee or promotion of another Mahidol University staff member; or
- in a supervisory relationship to another staff member and is responsible for employment-related decisions.

In the above situations the decisions could include provision of opportunities and resource allocation for research, conferences and staff training and development, as well as referee reports or annual performance development reviews.

### **C. Personal and family relationships between staff members and students**

- Mahidol University staff members have the obligation to assess all students' work fairly, objectively and consistently. That obligation could be compromised when there is a personal or family relationship between a staff member and a student for whom the staff member has direct teaching or other responsibilities, such as supervision, performance evaluation, selection for admission, award of medals or scholarships, and provision of referee reports. In such cases, the staff member must bring the matter to the attention of his/her supervisor or other appropriate persons and take immediate steps to resolve the conflict.
- In most cases, staff members themselves will be best placed to identify any potential or actual conflict of interest. Therefore, the onus is on the staff member to notify the appropriate senior colleagues of any potential or actual conflict of interest.

### **D. Research**

- Conflicts of interest in research may occur when a staff member's responsibilities conflict with his/her private or personal interests, raising questions of objectivity in research and/or improper gains. Most conflicts can be resolved successfully without impeding research activity.
- Examples of conflicts of interest in research include:
  - A staff member undertaking research trials that are sponsored by a company in which the researcher or an associate has a financial interest or holds an executive position.
  - A staff member holding an equity interest or executive position in a start-up company that has been contracted by Mahidol University to conduct further research.
  - A staff member who chairs a committee responsible for allocating internal funding for research at the faculty or university-level, where funding is granted to the chairs' academic unit.

Staff members who are unsure about whether a conflict of interest in research exists must seek advice from his/her supervisor or another appropriate person (clause 3.4 above) in Mahidol University.

## **5. Acceptance of gifts, hospitality or benefits**

From time to time Mahidol University staff members may be offered gifts such as equipment, consumables, entertainment and hospitality from external donors. As an employer, and a public authority, Mahidol University has the obligation to uphold compliance with relevant legislation and adopted codes of ethics in research and codes of practice. This responsibility extends to the staff members.

## **6. Outside employment or activities**

Mahidol University employees may engage in employment or activities outside the University, except when the employment or activity is likely to give rise to a real, apparent or potential conflict of interest, or is likely to undermine the impartiality or objectivity of the University.

Mahidol University employees are required to provide a report to their Human Resource Officer when their outside employment or activities may subject them to demands incompatible with their official duties or cast doubt on their ability to perform those duties or responsibilities in accordance with the rules and regulations of Mahidol University, including the codes related to ethical research. The Human Resource Officer may require that the outside activities/employment be modified (or terminated) if it is determined that a real, apparent or potential conflict of interest exists.

Mahidol employees who receive a benefit or income either directly or indirectly from a contract with another organization are required to inform their Human Resource Officer about their contractual or other obligations to those organizations. The Human Resource Officer will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract to be modified or terminated.

## **7. Avoidance of preferential treatment**

Mahidol University employees are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their decision-making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility. This means that they are prohibited from granting preferential treatment or advantages to family, friends or

any other person or entity. Mahidol University staff members shall not offer extraordinary assistance to any persons or entity already dealing with Mahidol University without the knowledge and support of their supervisor. Also, they are not to disadvantage any person or entity dealing with Mahidol University because of personal antagonism or bias. Providing information that is publicly accessible is not considered preferential treatment.

#### **8. Before leaving employment with Mahidol University**

Before leaving their employment with Mahidol University all employees are required to disclose their intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with their current responsibilities and discuss potential conflicts with their supervisor or their Human Resource Officer or his/her office.

#### **9. Non-compliance**

Non-compliance with a duty imposed under this policy may be interpreted as misconduct.

When an individual claims that he/she was unaware that he/she had a conflict of interest, the burden of proof shall rest with the individual and he/she shall have to prove that he/she was not, at the material time, aware of his/her conflict of interest.