

Policy on Conflicts of Interest

General Provisions

1. Purpose of this Policy

- Art. 1 The purpose of this POLICY is to regulate the conflicts that may arise between the interests of the University and the interests of the members of its community in activities they carry out and that may affect the University's goals.
- Art. 2 The University recognizes that external activities carried out by its members together with other individuals related to public or private organisms or institutions may award the University further distinction and prestige in its education and research areas with positive effects on the University's goals. Without prejudice to the foregoing, the members of the University community shall act with probity in their work and functions and shall avoid obtaining any inappropriate or illegitimate personal benefit.
- Art. 3 The University requires that conflicts of interests of the members of the University community be promptly identified, declared and solved in the best way possible, so as to fully meet its undertaking.

2. Cases of Conflicts of Interest

- Art. 4 The members of the University community shall inform any situation in writing that could or may constitute a conflict of interest.
- Art. 5 For the purposes of this POLICY, conflicts of interest exist:
- a. When a member of the University community has or may have the opportunity of influencing decisions adopted by the University, within the member's field, that may suppose any personal gain or advantage, or gain for a relative or related person to the member,
And
 - b. When a member of the University community has direct or indirect interests that affect or may affect the member's own independence to reach decisions in his field when carrying out duties related to the University.
- Art. 6 The following activities have the potential to create conflicts of interest without considering this an exhaustive list. Therefore, they shall be informed and checked according to what is stated within this POLICY
- a. Influence the purchase of goods or services for the University by related individuals or by companies in which the member of the University community or a member's relative has an interest or may benefit directly as a result of the acquisition, purchase or use of that good or service;
 - b. Incur in any professional obligation by an academic or researcher of the University, with another educational entity,
 - c. Receive, as a member of the University community, presents, tips, loans or special favors (e.g. trips) from a third party, sponsor or supplier, under private or public law, related to the activities of the

University and whose value may influence the decision-making of the prior regarding those activities.

- d. Require that students or other members of the University engage in work or serve in companies or businesses where a member of the University community or a member's family has any kind of interest.
- e. Make use of secret, privileged or confidential information available to the member due to his function or position inside the University. All this to the member's own benefit, for example; using information or the results of activities carried out by the University in company activities related to the researchers;
- f. Make use, for personal benefit, of resources, infrastructure or equipment that belongs to the University without the authorization of the competent authority.
- g. Make use of University funds or goods for the benefit of individuals who share ties of ownership together with a University member or one of the member's relatives, or engages in its management, and
- h. Decide on the employment, evaluation and/or promotion of relatives and individuals related to the member within the University.

Art. 7 Likewise, it is supposed that a potential conflict of interest between a member of the University community and an activity or business exists, when that activity or business takes place among the University and a member's relative or a person related to the member.

Art. 8 For the purposes of this POLICY, a individual is related to a member of the University community, when: a) A legal entity in which the member is the director or owns direct or indirectly 10% or more of the assets; b) An individual or a legal entity with whom the member has business in common or in part owned or controlled decisively by the member; c) The corporation or foundation in which the member can, according to its bylaws, choose at least one director or member of its administrative board, and d) Any individual who has a tie with the member who influences or may influence his decision-making to the detriment of the University.
Additionally, a relative of a member of the University community will be considered to be; the member's spouse or any other individual intimately related to him, his children, including adopted children or relatives up to the third degree of consanguinity and second of affinity.

Title II

Regarding Conflicts of Interest

Art. 9 Any member of the University community, who is personally involved in any conflict of interest according to this POLICY, shall report it on short notice in writing to the corresponding Dean of the Faculty.
Concerning a member of the community who does not belong to one of the Faculties of the University, the member shall report to his corresponding central office or his hierarchical senior. If the member is a Dean, the member shall report to the Academic Vice-Rector. If the member is a Vice-Rector or Provost, the member shall report to the Rector; and if the member is the

- General Secretary or the Rector, the member shall report it to the Gran Chancellor. In these two latter cases, the Chancellor's decision will be final.
- Art. 10 When the Directors of Institutes or Schools, Heads of Departments and the Pro-Secretary General are informed about any kind of conflict of interest that may exist in their units, they shall report it on short notice to the respective person according to Article 9.

Title III

About the Procedure

- Art. 11 When the Dean, the Academic Vice-Rector or the competent authority in accordance to Article 9, is informed about any possible conflict of interest that may exist in his corresponding unit in accordance with the previous Articles or of any other manner, shall resolve the matter within 5 days as of the moment he acknowledges such information.
- Art. 12 The competent authority who is informed about a conflict of interest must request the person involved to hand out the background information necessary for a better review of the case in order to establish whether there is conflict of interest or not. And, take the proper measures if there is one.
- Art. 13 The measures mentioned in the previous Article may consist of, for example; the prohibition or the simple authorization of the activity involved in the conflict, or the authorization of such activity subject to the fulfilment of certain conditions that intend to remove its negative effects according to the interest of the University.
- Art. 14 The decision of the competent authority will be stated within the corresponding resolution, by which the person involved will be notified through his institutional electronic mail jointly with the General Secretary.
- Art. 15 In cases in which there is a crucial situation or upon situations deemed pertinent by the competent authority in accordance to Article 11, the latter situations may be informed to the General Secretary in order to be resolved. In the prior cases the same rules established within this Title shall apply, consequently the authority that submitted the information of the case, shall be consulted.

Title IV

The Appeal

- Art. 16 Once the decision is notified, the individual involved, may appeal within 5 days, justifying the grounds and in writing before the General Secretary, in order for the Commission for Conflicts of Interest to reach a decision. The Commission may confirm or revoke the resolution, stating there is no conflict or establishing new measures.
- Art. 17 The Commission of Conflicts of Interest shall be composed by:
- a. The Provost, who shall preside it;
 - b. The General Secretary or his designee, who will also preside in case absence of the Provost;
 - c. A Vice-President, depending on the topic of the conflict of interest, who shall be appointed by the Provost in each case;

- d. The Director for Legal Affairs or his representative;
 - e. Three academics elected by ballot by the H. Superior Council, proposed by the Rector. They will last 3 years in their position and may be re-elected. Their nominations will be formalized by Decree of the Rector.
- Art. 18 If the appellant belongs to the same Faculty or Office where some of the members of the Commission work, such member must be debarred. If the appellant is a Dean, the Academic Vice-Rector will be unable take part in the Commission.
- Art. 19 Once the appeal is submitted, the General Secretary will summon the Commission for a session convened for that purpose. The Commission must meet within 10 days after the appeal submission and with at least 3 of its members. In this hearing, the authority deciding on the conflict of interest, in accordance with Articles 11 and 15, shall explain the case without the appellant's presence, proceeding to uphold the decision contained in the corresponding resolution. Subsequently, the appellant shall be heard, who may submit his defense either verbally or in writing.
After this hearing, the members of the Commission shall deliberate and adopt a decision immediately or within 5 days, which shall put an end to the appeal. The majority of the members shall adopt the decision. In the case of lack of majority, the Chairperson has a casting vote.
In case that the General Secretary has rendered the resolution that has been appealed, he shall be unable to vote in the Commission of Conflicts of Interest.
- Art. 20 No appeal may be lodged against the Decree of the President that authorizes the agreement of the Commission for Conflicts of Interest regarding the appeal.

Title V

Responsibility

- Art. 21 The transgression of any of the duties imposed within this POLICY, and the failure to comply with the measures imposed on an individual involved in a conflict of interest, may result in the implementation of the procedures described in the POLICY FOR ACADEMIC AND DISCIPLINARY RESPONSIBILITY OF THE MEMBERS OF THE UNIVERSITY COMMUNITY.
- Art. 22 The limitation periods prescribed in the present POLICY are comprised of working days according to the academic calendar of the University.

Transitional article

- Art.1 The content of this POLICY shall prevail over the provisions of Article 6 on *“Normas que regulan la participación de los Académicos de la Pontificia Universidad Católica de Chile en otras Universidades o Instituciones de*

*Enseñanza Superior, investigación o Asesoría*¹, approved by the Rector Decree N° 10/93, Article that shall be revoked.

¹ Rules Concerning the Participation of Academics of the Pontificia Universidad Católica de Chile in other Universities or Institutions of Higher Education, Research or Consultation.