May 2025

CONFLICT OF INTEREST AND ARM'S LENGTH

What is a Conflict of Interest or Arm's Length for External Referees and RTP/RPP Committee Members?

The University of Windsor's RTP Guide for Faculty Contract Renewal, Tenure and Promotion (Page 6) states...

4. *External reviewers should be at arm's length and should not have been a research collaborator or co-author during the past six (6) years. As well, the reviewer should not have any plans to collaborate with the applicant in the immediate future.*
5. *The external reviewer should not have been a Ph.D. supervisor or external examiner and must not be from the same university as the applicant.*
6. *All reviewers must be from established authorities in the field who are not in a conflict of interest (e.g., personal, financial etc.) with the candidate.*

The University of Windsor has additional relevant policies, and also refers to the Tri-council granting bodies for guidance:

University of Windsor Policy C1: Conflict of Interest or Commitment, 7.0 Favouritism in Employment states:

> *"The university takes every precaution to guard against favouritism of every kind in hiring. Faculty and staff members must be scrupulously fair and honest in ensuring that positions are well advertised and that appointments are offered always to the best-qualified available candidates. In so doing, however, the university acknowledges that, occasionally and in unique circumstances, there are cases in which, to fulfil the mission of the university, potential conflicts of interest may arise. When a faculty or staff member is in a position to influence personnel decisions (such as the recruitment, offer of employment, evaluation of performance, promotion, granting of tenure, or termination of employment) with respect to another with whom the faculty or staff member has a relationship, which might reasonably be construed as a conflict or potential conflict of interest, then* ***the faculty or staff member has a duty to disclose the situation to the administrative head of the unit ..."***

The University of Windsor adheres to the Canada Research Chair Conflict of Interest Policy which is listed below:

Conflict of Interest means a conflict between a Participant's duties and responsibilities with regard to the Review Process, and a Participant's private, professional, business or public interests. There may be a real, perceived or potential conflict of interest when the Participant:

i) would receive professional or personal benefit resulting from the funding opportunity or application being reviewed.

ii) has a professional or personal relationship with an Applicant or the Applicant's institution; or

iii) has a direct or indirect financial interest in a funding opportunity or application being reviewed.

Canada Research Chair's Policy also states that

A conflict of interest may be deemed to exist or perceived as such when committee members, external reviewers, referees or observers:

- are a relative or close friend, or have a personal relationship with the nominee;
- are in a position to gain or lose financially/materially from the funding of the nomination;
- have had long-standing scientific or personal differences with the nominee;
- are currently affiliated with the nominee's institution, organization or company —including research hospitals and research institutes.
- are closely professionally affiliated with the nominee, as a result of having in the last six years:
    - frequent and regular interactions with the nominee in the course of their duties at their department, institution, organization or company;
    - been a supervisor or a trainee of the nominee;
    - collaborated, published or shared funding with the nominee, or have plans to do so in the immediate future; or;
    - been employed by the nominating institution; and/or
    - feel for any reason unable to provide an impartial review of the nomination.

What does it mean to be at 'arm's length'?

A referee is considered at arm's length when there are no actual, potential, or perceived conflicts of interest.

What is a Perceived Conflict of Interest?

(Adapted from Code of Conduct and Conflict of Interest Policy for Board Members and Committee Members)

A perceived conflict of interest refers to a situation where a reasonable person could believe that an actual or potential conflict of interest exists between the referee and the candidate, even if no actual conflict is present. This perception arises when circumstances suggest that the referee's impartiality could be compromised due to personal, professional, or financial connections, regardless of whether such a conflict actually exists. Perceived conflicts should be avoided to maintain the integrity of the evaluation process.

FAQs for Arm's Length for External Referees, and use similar rationale for RTP/RPP Committee members

1. **Can an external referee be a relative or close friend?**

   No, a referee who is a relative or close friend of the nominee is not considered at arm's length. Personal relationships can compromise the referee's ability to provide an impartial assessment, and it is essential to choose a referee without such ties.

2. **Can you have an external referee if the referee and candidate have had personal or professional differences in the past?**

   No, as noted in the Canada Research Chair Policy, this referee would not be considered at arm's length. Personal or professional differences, especially if long-standing, may affect the referee's ability to provide an impartial and objective evaluation. It's best to select a referee with whom the candidate has a neutral professional relationship to ensure fairness in the review process.

3. **If the referee and the candidate are from the same institution but different departments/faculties, can they still be considered at arm's length?**

   No, a referee who is from the same institution or organization regardless of department or faculty as the candidate cannot be considered at arm's length. As noted in the Canada Research Chair Policy, referees affiliated with the same institution or organization would not meet the goal of an external perspective for review.

4. **If the referee and the candidate have had frequent professional interactions in the past six years in the course of their duties at their department, institution, organization or company, can they still be considered at arm's length?**

   No, a referee who has had frequent professional interactions in the past six years with the candidate in the course of their duties at their department, institution, organization or company cannot be considered at arm's length. Close professional affiliations within the past six years could influence the referee's objectivity, so another referee should be selected. However, informal occasional interactions at a conference would not be considered an issue.

5. **How long must it be since the candidate last collaborated with a referee for them to be considered at arm's length?**

   A referee is considered at arm's length if they have not collaborated, published, or shared funding with the applicant within the last six years.

6. **What if the referee and the candidate have not collaborated yet but have plans to collaborate, can they still be an external referee?**

   No, this referee cannot be considered at arm's length if the candidate has **concrete plans to collaborate** in the future.

7. **What if the referee and the candidate have not collaborated yet but may do so in the near future, can they still be an external referee?**

   This is greyer. Even if the candidate and referee haven't collaborated yet, the ***potential*** for future collaboration can affect the referee's impartiality. It is best to choose someone who does not have any plans for professional collaboration. If there are no concrete plans yet, it may be possible, but in this case, declare the potential future conflict when submitting the name as a recommendation, and this can be discussed by the Chair and Committee.

8. Can the candidate use a student they have supervised as a referee?

No, a student the candidate has supervised is not able to provide an impartial evaluation and is not considered at arm's length as the supervisory relationship creates a conflict of interest. It is best to select a referee with no direct supervisory ties to ensure objectivity.

9. Can the candidate use a past supervisor as a referee?

No, a past supervisor is not considered at arm's length, especially if the supervision occurred within the last six years. If the supervision occurred more than six years ago, there still may be a perceived conflict of interest, and it would be best to avoid using this person.

10. Can a referee and candidate sit on a committee together?

It depends on the level of involvement and communication within the committee. If the candidate's interaction is minimal or procedural, and the committee's scope does not influence the referee's professional or academic judgment of the candidate's work, there may not be a conflict. However, if the committee involves close collaboration, decision-making, or regular communication, it could compromise the referee's ability to provide an impartial assessment, creating a potential conflict of interest. If there's any chance of a conflict, it is best to choose someone else to ensure impartiality. If the candidate is not able to identify another person, please disclose the potential or perceived conflict with the recommended referee and allow the Chair to review.

11. What if the referee was a co-author on a publication, but it was more than six years ago?

It depends. If the collaboration occurred more than six years ago and there has been no significant professional interaction or shared projects since then, the referee may be considered at arm's length. However, if the candidate has maintained regular communication or ongoing collaboration beyond that time, it could still raise concerns. If the candidate is unsure, it is best to err on the side of caution and choose another referee. If they are not able to identify another person, please disclose the potential or perceived conflict with the recommended referee and allow the Chair to review.

12. Can the candidate use an external referee when they have served as co-investigators on a research project?

No, this would not be considered arm's length. If the candidate and referee have worked as co-investigators on a research project within the past six years, this would likely be considered a conflict of interest. Collaborative research projects typically involve significant interaction and shared outcomes, which would make it difficult for the referee to provide an impartial evaluation. If it has been more than six years, it could still raise concerns. If the candidate is unsure, it's best to err on the side of caution and choose another referee. If the candidate is not able to identify another referee, please disclose the potential or perceived conflict with the recommended referee and allow the Chair to review.

13. What if the candidate served on a thesis defense committee with the referee?

It depends. If the candidate served on a thesis defense committee with the referee, and the level of involvement was brief and limited to the defense itself, the referee may still be considered arm's length. However, if the collaboration was extensive and involved regular communication or a significant joint academic responsibility, it's likely best to select a different referee. If the candidate is not able to identify another referee, please disclose the potential or perceived conflict with the recommended referee and allow the Chair to review.

14. What if the candidate and referee have met and had informal discussions at a conference, does that create a conflict of interest?

It depends on the nature and extent of the interaction. Brief, informal discussions at a conference typically do not create a conflict of interest. However, if those discussions have led to regular communication, ongoing collaboration, or a closer professional relationship between the candidate and the referee, it may raise concerns about the referee's ability to remain impartial. If there is any doubt about the referee's objectivity, it's advisable to choose another referee to ensure a truly arm's length evaluation.

15. If the candidate was part of an invited guest panel with a potential referee, is that considered arm's length?

Generally, yes, the referee would still be considered at arm's length. Participating in an invited guest panel together does not create a conflict of interest, as long as there was no significant interaction or collaboration outside of the panel. The relation between the referee and the candidate must have been limited to the panel discussion and there must have been no regular communication or joint work outside of the panel.

16. If the candidate and referee have presented together at an event or conference, does that create a conflict of interest?

No, the referee would not be considered at arm's length. Presenting together generally implies collaboration and preparation, which creates a conflict of interest. In this case, the referee would not be considered at arm's length, as the professional relationship formed during the preparation could influence their impartiality.

However, if it has been more than six years, and there have not been other professional collaborations, then the person would be considered arm's length, but still declare the past engagement for transparency.

17. What if the referee and candidate were on the same editorial board for a journal?

Serving together on the same editorial board does not necessarily create a conflict of interest if the interactions were minimal and did not involve substantial collaboration. However, if the candidate regularly interacted and worked closely with the referee, it might be advisable to select a different referee to avoid any perception of bias. If the candidate is not able to identify another referee, please disclose the potential or perceived conflict with the recommended referee and allow the Chair to review.

18. If the candidate authored an article in a journal edited by a referee, or a chapter in a book edited by the referee (or vice versa), does that create a conflict of interest?

It depends. Authoring an article or chapter in a publication edited by the referee does not typically create a conflict of interest, as long as there was no significant collaboration beyond the editorial process. If the interaction was limited to the standard editor-author relationship and did not involve ongoing or close professional collaboration, the referee could still be considered at arm's length. However, if the editorial relationship involved substantial coordination or communication, then it would be a conflict of interest.

19. What if the referee is someone the candidate has collaborated with on a large industry project, but not in academia?

No, this would not be considered at arm's length. If the collaboration occurred in an industry or professional setting outside of academia, the level of involvement and communication would still be key. If the project was significant and involved ongoing collaboration or mutual benefit, it could be viewed as a conflict of interest. The closer the working relationship, the less likely they are to be considered at arm's length. If the collaboration was minimal or project-specific and has ended, they may still qualify, but careful consideration is required.

20. What if the referee and candidate have jointly organized a conference or event?

No, this referee would not be considered at arm's length. Jointly organizing a conference or event suggests a professional collaboration that may compromise the referee's objectivity, as the partnership may affect their ability to provide an impartial evaluation.

21. What if the referee and candidate are both members of the same professional association?

Generally, yes, this referee would be considered at arm's length. Simply being members of the same professional association does not constitute a conflict of interest, as long as there is no direct interaction or collaboration within that organization. However, if the candidate has worked closely with the referee on committees or projects within the association, this could raise concerns about impartiality and should be disclosed for review by the Chair.

22. The candidate conducted an external program review for a referee and received a stipend. Would this referee still be considered at arm's length?

It depends. If the external review occurred within the last 6 years, this it is more likely to be perceived as a conflict of interest. Selecting such a referee should be avoided unless the review was conducted more than 6 years ago. If the candidate is facing a shortage of potential referees, they may consider including the referee's name while disclosing the potential conflict and providing context about when they conducted their external review. This will help the committee assess the situation and make an informed decision.