CONFLICT OF INTEREST and COMMITMENT

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UNLV’s Conflict of Interest / Compensated Outside Services Policy

• To ensure the University is in compliance with
  - Federal requirements
  - NSHE Code
  - Nevada Revised Statutes

while maintaining the public’s confidence in the integrity of research and other activities of the institution. University faculty, staff and student employees are encouraged to participate in outside activities, provided they do not interfere with the fundamental obligation to act in the best interest of the university.

• The COI/COS policy enables university employees to recognize and disclose outside activities (compensated or not) that may create a conflict of interest. Potential conflicts must be properly reviewed and, if necessary, managed, supervised, and/or monitored without detriment to the reputation, integrity or position of the institution and individual.
Conflict of Interest Rules and Procedures

2. General Policy
All faculty and professional staff shall disclose whether or not they plan to engage in any outside activity or professional involvement that may constitute a conflict of interest, and/or for which they will receive compensation.

Such disclosure shall be on an annual basis to their supervisor by September 15 of each year, upon application for a sponsored project, or prior to initiation of any such outside services. All disclosures must be made using the UNLV Conflict of Interest/Compensated Outside Services Disclosure form.

Additionally, all other individuals affiliated with UNLV must disclose potential conflicts of interest prior to accepting a conflict related to sponsored projects or other outside conflicts that may impact their position with UNLV. All potential conflicts of interest and/or compensated outside services must be approved in advance, before the activity is undertaken.
2. General Policy (cont’)

All University employees shall inform those who engage them in outside professional work that they are not acting in the name of the University and that the University is neither a party to the contract nor liable for any actions of such employee. Employees performing outside professional work or scholarly services are also subject to Title 4, Chapter 1, Section 25 of NSHE’s policy on Personal Use of System Property or Resources.
COI Definitions

- Federal
  - Significant Financial Interest means anything of monetary value, including but not limited to, salary and other payments for services (e.g., consulting or honoraria): equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties (Department of Health and Human Services)

- State and Local
  - Most institutions have adopted global policies that apply to all researchers
    - Any outside activity or interest that may, or may appear to, adversely affect, compromise, or be incompatible with the obligations of an employee at UNLV.
Conflicts of Interest  (Steneck, 2007)

• Legitimate research interests (advancing knowledge, making useful discoveries) can create competing responsibilities that may lead to conflicts of interest in three areas:

  • Financial gain
  • Work commitments
  • Intellectual and personal matters
Conflicts of Commitment (Steneck, 2007)

- Arise from situations that place competing demands on researcher’s time and loyalties, such as working on funded projects, teaching and advising students, serving as a peer reviewer, working as a paid consultant.

- Relationships with Students
  - The primary obligation of the faculty member is to help students develop into independent researchers.
  - Researchers should not serve as reviewers on grants and publications submitted by their students.
‘Under the Hood’

COI’s typically require the presence of:

1. Acting in a professional or official capacity or in a position of trust

2. While having a personal interest (usually financial)

3. That interferes with objective decision making (or gives the impression that decision making is compromised).
Fourteen university-affiliated physicians collected more than $400,000 from the makers of the anti-cholesterol drug Vytorin as part of a campaign to encourage the use of the medication. The 2008 campaign went on after an internal company study showed that the drug, with several billion dollars in sales, had little or no overall value for most patients.

The physicians, many of them prominent in the field of cardiovascular disease, accepted ....
January 20, 2010

**Baylor College of Medicine Faces NIH Sanctions Over Financial Conflicts**

The National Institutes of Health has ordered tougher financial disclosures on all grant applications from Baylor College of Medicine, saying that an investigation has raised "serious concerns" about the college's compliance with regulations governing corporate conflicts of interest.

The NIH also asked the medical college, in Houston, to review all of its grant awards from the agency dating back to 2004 to reassess all financial relations between its scientists and outside drug
Conflict of Interest

The bias of such conflicts could conceivably inappropriately affect the goals of research, instructional or administrative programs.

The education of students, the methods of analysis and interpretation of research data, the hiring of staff, procurement of materials, and other administrative tasks at the University must be free of undue influence of outside interests.
Employee

Any person who is employed full or part time by the University and includes but is not limited to faculty, staff, postdoctoral appointees, and students. Individuals or “investigators” (as defined by federal awards who are not paid but work as volunteers on funded projects) are also considered employees.

GA- not necessarily

Member of Research Team in Unfunded Project- probably not

Member of Research Team in Funded Project and actively involved in design, conduct or report of study- probably (request clarification from admin)
Review Process

If a conflict of interest and/or excessive compensated outside services appears to exist for federally funded and non-funded research or in any other circumstance, the supervisor and/or dean shall attempt to negotiate and document a management plan, which is a mutually acceptable course of action to manage, mitigate, or alleviate the conflict of interest.
Examples of Potential COI

- External financial interests
- Consulting and other compensated professional/commercial activities
- Use of students/support staff on outside activities
- Use of University resources
Case Study 1

A clinical researcher has partial ownership of a patent on a new gene therapy technique. Her work is being funded by a biotech company which owns the other part of the patent. She also has stock in the company. She plans to use her patented technique in clinical trials for gene therapy to treat breast cancer. If her cure works she will make millions of dollars and so will the company. Even if the cure does not work, she still may make a lot of money if the value of her stock rises.

Should this financial arrangement be permitted?
Case Study 2

Mary Smith is a department administrator at Flat Plains College working in the Chemistry Department for twenty years. During that time, she has worked closely with and has developed a highly professional and trusting relationship with Professor Thomas. Three years ago, the College signed a research agreement with Company X. At the end of the third year, Company X decided not to continue the sponsored project agreement and at the end of the third year, the agreement was terminated. Professor Thomas had other contacts at Company Z, and the College was able to execute a sponsored project agreement to fund the research for another three years. Professor Thomas, being very busy, told Mary that the company also wanted him to sign a consulting agreement. Since he trusted her implicitly, he wanted Mary to negotiate the personal consulting agreement for him. When Mary looked at the agreement she found that the statement of work was identical to the statement of work contained in the Company’s sponsored project agreement with the College.
• Since he trusted her implicitly, he wanted Mary to negotiate the personal consulting agreement for him. When Mary looked at the agreement she found that the statement of work was identical to the statement of work contained in the Company’s sponsored project agreement with the College. While the sponsored project agreement signed by the College preserved intellectual property rights for the university, the consulting agreement would give all intellectual property rights to the Company. In addition, in the consulting agreement, Thomas would agree to use his graduate students to perform the research at no cost to the company since this would be a "learning experience" for them and would give them exposure to valuable experience. Finally, Professor Thomas told Mary Smith that it would be very helpful to him if she would collect payments under the consulting contract and administer the funds through a private bank account he would establish. Mary felt uneasy but was not sure what was causing this gut reaction. She believed in doing the right thing, but she also felt that if she refused to help Professor Thomas, she was betraying their long-standing trust and professional relationship.
You are a sixth-year graduate student at a large university in the final months of your dissertation research on novel photonic materials. You are worried about your next appointment, and have applied for several postdoctoral positions in this field plus a few tenure-track assistant professorships at universities where you would like to work. To your surprise and pleasure, you are invited for an interview for a tenure-track appointment at your undergraduate alma mater, a prestigious research institution in a city where you already have connections and would love to live. In the question-and-answer period following your seminar on your research, the department chair asks for detailed information about the novel material-preparation technique developed in your graduate research, and used extensively in your experiments. Your group is working on a patent application and its members have agreed not to provide details until a paper currently being prepared is submitted for publication.
Case Study 3 (continued)

Your thesis advisor will be giving the first major presentation on the technique at a major international conference in a couple months. You answer that you and your colleagues are in the process of writing it up for publication and a patent application, and you would be glad to send them an early preprint when it is available. The question and answer period continues and concludes uneventfully and pleasantly. After the seminar, in your private interview with the Chair, he pushes harder for this information, remarking that the Department seeks team players, willing to share information with department colleagues, and referring to your undergraduate roots and the need to prove you are one of them to be a viable candidate for the position. What should you do?
UNLV COI Committee

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- **Ngai Pindell**, Vice Provost for Faculty Affairs
- **Lori Olafson**, Office of Research Integrity

Members
- **Bill Culbreth**, Mechanical Engineering
- **Zach Miles**, Office of Economic Development
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For more information:
- [https://www.unlv.edu/research/coi](https://www.unlv.edu/research/coi)
Disclosures:


Case Study 2: [https://ori.hhs.gov/education/products/rcradmin/topics/coi/case_0.shtml](https://ori.hhs.gov/education/products/rcradmin/topics/coi/case_0.shtml)


Resources

UNLV Policy
[http://www.unlv.edu/assets/research/policies/COI-CompensatedOutsideServicesPolicy.pdf](http://www.unlv.edu/assets/research/policies/COI-CompensatedOutsideServicesPolicy.pdf)

UNLV Conflict of Interest Rules and Procedures:

CITI: four modules (Introduction, Financial Conflicts of Interest, Institutional Responsibilities as They Affect Investigators, Conflicts of Commitment, Conscience, and Institutional Conflicts of Interest)