Approaches to Developing an Institutional Conflict of Interest Policy

SECTION TWO: Building a Consensus (Who’s on the Committee?)

Each university approaches the development of policies in ways unique to its governance. Some universities start with committees that include representatives of all its constituent groups – faculty, staff, students, and senior officers. If the anticipated policy will affect the operation of affiliated non-profit organizations, often representatives from those organizations will be included in the deliberations – university or philanthropic boards of trustees or directors, local or community organizations, etc. Another option is to have knowledgeable staff members draft policies for review and comment by various constituent groups. An alternative approach is to have staff prepare background papers, conduct analyses of other policies, and provide to either key officers or a constituent committee an institution-based framework for the development of a policy.

The approach selected for the development of an institutional financial conflict of interest policy will be affected by who raises the question on campus and the most effective way to gather information from and, ultimately, get the commitment of the affected staff – research scientists, administrators, and senior officers. The approach chosen for the development of an institutional conflict of interest policy is usually consistent with the approach used for other policies that require technical expertise and, yet, a broad understanding of the conduct and management of the research and development enterprise. If a committee will be consulted, the convening of the committee should be approached in a manner similar to committees that provide for input from across campus. Special membership considerations might include:

a. Senior Faculty representing disciplines that can add to the discussion of issues of management or research might include law, medicine, an affiliated ethics center, as well as those with broad experience in consulting relationships and industry sponsored research or start-up companies. Senior faculty members who are active in research will provide important leadership in any consideration of the policy by a faculty senate or governing body, e.g., union.

b. Staff representation from the General Counsel, Development or Endowment, Sponsored Programs, Financial or Asset Management, and Technology Transfer offices is critical on a committee considering an institutional conflict of interest policy. Some universities consider using representatives from these offices as staff to such a committee. This staffing role, often ex officio, may limit their ability to participate in discussions or present compelling issues or concerns. Each office has a role to play in identifying and managing institutional conflicts of interest. Their participation is key to meeting the objectives of any resulting policy. A member linked to the human subjects institutional review board if clinical trials make up a portion of the university’s research portfolio may be a wise addition to the committee.
c. Local representation could be a consideration if the university has a significant role in the local economic development activities. Perhaps a local venture capital or local economic development representative will contribute a different and useful perspective to the committee’s deliberations.

d. Because of the possible affect of Board of Regents or Trustees affiliations and business relationships and the perceived link between equity holders and university finances, a representative from the university’s Board might be a good addition. If the policies will require Board approval before implementation, a Board member representative will serve a useful vehicle to keep the Board informed of the committee’s progress and facilitate bringing the policy before the Board.

e. University Executive Officers may or may not participate in the deliberations. Depending on how policies are reviewed and approved and the officers’ various roles in implementing policies, selection of a representative from the senior officers of the university should be carefully considered. If the committee is advisory to the president or a vice president, it may be judicious for the president, vice president or his/her staff to serve as members of the committee or to limit their participation to an ex officio or advisory capacity to permit some flexibility in considering and implementing any recommended policy. Some universities may chose to have a senior officer – a vice president or vice chancellor for research or finance – as chair of the committee. S/he can shape the policy and serve as its advocate in the various review and approval steps.