



FLORIDA STATE
UNIVERSITY

Conflict of Commitment Panel

COGR Meeting
October 24, 2019



Conflict of Commitment

- NIH: “Information must be provided about all current support for ongoing projects, irrespective of whether such support is provided through the applicant organization, through another domestic or foreign organization, or is provided directly to an individual that supports the senior/key personnel’s research efforts.” – NOT-OD-19-114, in effect
- NSF: “Information must be provided about all current and pending support, including this project, for ongoing projects, and for any proposals currently under under consideration, from whatever source, irrespective of whether the support is provided through the proposing institution or is provided directly to the individual” Proposed PAPPG 2020 changes, II.C.2.h. Current and Pending
- Both of these policy statements and the NIH FAQ on 19-114 add significant additional disclosure requirements for grant applications



What new disclosure requirements?

NIH

- Non-financial resources
- All outside professional activities that support the investigator's research endeavors
- All of the investigator's scientific appointments
- Certain visitors to the investigator's lab
- ~~Start-up funding~~ *Later removed – NIH has said verbally: only disclose start-up funds from orgs other than the applicant org*
- ~~All consulting activities~~ *Later removed - message not clear here*

NSF

- All funding for projects to the PI and Senior Personnel that require a time commitment, whether the funds come to the institution or directly to the individual (e.g. outside professional activities)



Quick Survey of COGR Committees

- N = 22 of the ~45 institutions represented in the Committees
- 50-50% public and private organizations
- 80%+ respondents had written COC policies
- ~ 2/3 respondents that appointments at other institutions must be disclosed under their policies, and of these almost all said that prior approval was required for that appointment
- ~ 1/2 of the respondents reported auditing verifying the accuracy of the information – CMS Open Payment was mentioned quite a lot, spot checking disclosures, focus on the high-risk areas / individuals
- A large portion of the respondents have ways of monitoring sponsored travel



WASHINGTON STATE UNIVERSITY

Conflict of Commitment Policies and Practices
– Does your institution have the information it
needs?



Dan Nordquist
Associate Vice President for Research
and Deputy Vice President for Operations

October 24, 2019





WSU COI/COC Policies

- WSU is a Land Grant U founded in 1890
- FY 17 - \$357M in Total R&D
- WSU Faculty Manual - Section IV: University Policies Affecting Faculty (COC)
 - IV D. Policy On Compensated Outside Service By Faculty Members—Consulting
 - IV E. Extended Professional Activities
- WSU Executive Policy #27 – Washington State University Ethics, Conflict of Interest, and Technology Transfer (COI)



Issues/Challenges/Considered Actions

- Policy issues
 - Service component criteria – no discussion of visiting/joint appointments, going out
 - COC only discusses compensation
 - Summer appointments, exempt
- COC informal processes – cannot confirm/deny
- Possible system substitutes not sufficient
 - Is there a vendor solution?
 - May need to build our own (need resources and partner with other units)
 - Lots of work here and buy-in

Conflict of Commitment Related Policies and Practices

Twila Fisher Reighley
Asst. VP for Research and Innovation
Michigan State University

October 24, 2019



Michigan State University

- MSU \$715M Total R&D Expenditures (2018 NSF HERD Survey)
- Policies related to Financial COI and COC:
 - [Conflict of Interest](#)
 - Follows the NIH requirements; centralized electronic system
 - [Outside Work for Pay](#)
 - OWP (related to general area of expertise) during **duty periods** must be approved in advance by chair and dean (paper form)
 - OWP during **non-duty periods** provide notice to chair (paper form)
 - Pay “anything of value”; Avg. max. 4 days/month; Work not interfere
 - Exceptions for normal scholarly activities/medical school practice plans
 - [Dual appointments](#)
 - No faculty/academic staff member holding a full-time appointment may simultaneously hold a paid appointment at another institution
 - Exceptions must be approved in advance by the Dean and Provost



Initial response

- Education on foreign influence and communications:
 - PI's & key personnel are responsible for full disclosure
- New questions/resources:
 - Electronic proposal routing document:
 - PI's+ verify that disclosure requirements are known and followed
 - Resources: sponsor-specific requirements, MSU help contacts
 - Electronic COI annual process:
 - Foreign affiliations paid/unpaid disclosure
 - OWP yes/no disclosure
 - Resources: OWP Policy and FAQ, plus foreign affiliation examples
- Consider change in access to Faculty COI information and other practices as more info from sponsors



Addressing Conflicts of Commitment

Suzanne Rivera, PhD
VP for Research & Technology
Management
Case Western Reserve University

Case Western Reserve University

- Mid-size, private, comprehensive R1 university with medical, dental, nursing, and law schools
- >\$400M in research expenditures annually
- COC Policy requires Outside Financial Interests Report required at least annually from every faculty member and all researchers
- Consulting and other outside activities covered under “Non-University Activities” Policy
- Prior written permission from the Provost for outside academic appointments

COC Does Not = COI

Commitments may include time constraints, distractions, influences on judgement that are not captured in traditional FCOI disclosure forms/processes

Consulting “must not be permitted to interfere...with faculty member’s commitment to University”

We don’t require permission but rather “each faculty member shall keep chair/dean informed”

An average of four working days per month during the contractual period is “reasonable”



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Addressing Conflicts of Commitment

Kerry Peluso

AVP for Research Administration and Finance

Florida State University



Florida State University

- Public university with medical, nursing, law, engineering and arts & sciences schools
- Home of National Magnet Lab (NSF)
- FY19 - \$233.6m in research
- No Conflict of Commitment (COC) policy
- Required to disclose all appointments (compensated or not) at other research institutions
- Required to disclose all outside consulting annually
- *FSU faculty are subject to the United Faculty of Florida Collective Bargaining Agreement. Article 19.4(a) states: "A faculty member who proposes to engage in any outside activity which the faculty member should reasonably conclude may create a conflict of interest, or in any outside compensated professional activity, shall report to the faculty member's supervisor, in writing, the details of such proposed activity prior to engaging therein."*



Concerns Related to COC

- Subject to researcher's interpretation of conflict and disclosure
- "...shall report to the faculty member's supervisor, in writing..." Do we need more? What? How do we monitor?
- Non-financial research resources??
- How to best communicate changes to researchers with lack of clarity in some areas
- Collective Bargaining Agreement?



Challenges - Broadly Speaking ...

- Ensuring full disclosure of all relationships in grant applications - who determines overlap?
- Will others need visibility into disclosure processes? Will you need to create a new electronic system?
- Changes to your policies? COC disclosures now being used to manage issues the policy was not intended to govern, e.g. "high risk" activities in grant applications, e.g. joint appointments at other research institutions
- Disclosures by individuals under collective bargaining agreements – what are the additional considerations?
- Training for faculty and staff – Who? When?