

Big Issues to Be Resolved in Conflict of Interest and Balance of Commitment Policies

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I. CONFLICT OF INTEREST

A. PEOPLE AND SITUATIONS REQUIRING FINANCIAL CONFLICT OF INTEREST DISCLOSURES

1. What persons and situations must be covered by a financial conflicts of interest policy according to legally mandatory *federal requirements*?
2. What persons and situations must be covered by a financial conflicts of interest policy according to legally mandatory *state requirements*?
3. Is there another category beyond faculty members engaged in such funded research that also produces *high risk* exposure to the university?
4. In addition to items 1-3 above, is there any strong policy reason to require filing of disclosure statements by *all other faculty* as well? If so, does that policy reason outweigh any relevant academic or personal freedom interests?
5. Should any or all of the following persons be included in this policy or other policies:

graduate students involved in research, student or other research assistants, emeritus faculty, adjunct faculty, visiting faculty, courtesy appointments, subcontractors or sub awardees, purchasing personnel, consultants, officers of administration, other employees?

B. NARROW OR BROAD CONFLICT OF INTEREST DISCLOSURES

1. Is it necessary to use a "data mining" approach, in which a great deal of personal financial information is collected from faculty members, or can disclosure be limited to outside financial interests that have a real possibility of affecting one's judgment in the covered research activity?
2. Is there any a risk that academic and personal freedoms could be imperiled with a reporting on requirement that is broader than necessary?
3. Is there a reason to use different "levels" of increasing disclosure obligations?

C. CERTIFICATIONS AND TIMING REGARDING CONFLICTS OF INTEREST & DISCLOSURE

1. Do legal provisions require annual certifications from those whose research poses some risk to the university?
2. If not, would it be adequate for certifications or disclosures to be filed only at the time of an application for external funding?
3. What events should trigger additional filings, such as changes to a person's situation, new funding, human subject research, or other?

D. CONFIDENTIALITY PROCEDURES FOR FACULTY DISCLOSURES

1. Does the law require disclosures to be kept in confidential personnel files or posted publicly, or is this left to university discretion?
2. If availability or confidentiality is a matter of university discretion, what is the preferable policy, taking into account the interests of all stakeholders?
3. If confidentiality is required, does the university have legally adequate measures in place to ensure that confidentiality, or does this policy need to require additional protective measures before requiring disclosure?
4. Does the University have adequate computer security measures, staff procedures, security-classification clearances, and disciplinary sanctions so that it can assure faculty members and others that information disclosed electronically will not be compromised by persons, inside or outside the university, who might engage in identify theft?

E. CENTRALIZATION VERSUS DEVOLUTION OF RESPONSIBILITY

1. Should disclosure be made to a centralized grants and contracts office or to department heads, Deans, or the like? What are the policy reasons for one or the other choice?
2. Should a single, uniform disclosure policy be adopted, or should different departments and schools be able to adapt or modify a basic, model policy?

F. CUT-OFF LEVELS OR SUBJECT MATTER LIMITS ON DISCLOSURE

1. Should levels of "cut-off" be used before disclosure of outside financial interests is required and, if so, what levels (e.g., \$10,000 income; 49% of 1.0 FTE salary level; 5% equity interest in business contracting with the University)?
2. Should some categories of outside activity be exempt (e.g., book royalties, income from artistic performances, or others)? Should this be decided by individual units in the University?

G. ADVANCE APPROVALS AND MANAGEMENT PLANS

1. Should "advance approval" be required for conflict of interest issues and, if so, by whom?
2. Where management plans are deemed necessary, should there be limitations on what a department head, Dean, or Provost can require, so as to protect against intentional or unintentional limitations on academic or personal freedoms?
3. Is there a reason to use different "levels" of increasing disclosure?
4. Should a central office make available certain "model management plans" so that faculty members, department heads, and Deans across campus can achieve a level of certainty and protection?
5. What, if any, appeal process should be available to a faculty member who disagrees with a management plan?
6. Should management plans be treated any different from disclosures in terms of being made public or kept confidential?

H. SANCTIONS

1. What, if any, sanctions should be specified for faculty members who violate conflict of interest policies?

I. DEFINITIONS

1. Is it necessary to include definitions in the policy, or does that make the policy excessively lengthy and therefore less likely to be read?

J. CONSULTATION AND IMPLEMENTATION

1. What consultation is needed with various university offices, such as ORSA and OTT?
2. Should any policy changes be "tested" on a subset of university employees and then reconsidered and potentially revised before being implemented campus-wide? If so, should the test group be by department, by type of financial involvement likely to produce the highest risk to the University, or by volunteer faculty members?
3. What training or orientation is needed for various university officials?
4. Can explanation of coverage be simplified into a table or flow chart (logic model)?

II. BALANCE OF COMMITMENT

A. TIME LIMITS FOR OUTSIDE COMMITMENTS

1. What should be the general limit on the amount of "work time" that faculty members should be able to spend on outside activities? (This assumes, as State Board Internal Management Directive 4.015 states, that use of personal time is not covered by policies.)
2. Should a policy have provisions other than a time limit to ensure that faculty members meet their University obligations?

B. UNIFORMITY VERSUS TAILORED POLICIES

1. Should a single, uniform policy be adopted for the whole campus, or should different departments and schools be able to adapt or modify a model policy?

C. PROCEDURES ON COMMITMENT ISSUES

1. Should "advance approval" be required for balance of commitment issues, or is that a potential academic freedom problem and time problem for faculty members (negotiation, making a case, appeal, revision, etc.)?

D. CONFIDENTIALITY AND PRIVACY

1. Should personnel actions by department heads or Deans be part of a faculty member's confidential personnel file or made publicly available? Are there any academic freedom or personal privacy issues here?

III. GOVERNANCE

1. Must or should any policies for faculty members be adopted by the University Senate, faculties of individual departments and schools, or the university administration?