

APPROVED - UO Senate ad hoc COI-C Committee Meeting Minutes

Wednesday, February 4, 2009, Johnson Hall Conference Room
11:00 a.m. to 12:00 p.m.

Voting Members Present: John Bonine, Chair, Jim Brau, Richard W. Linton (via conference call), Russ Tomlin, and Kyu Ho Youm

Voting Members Absent: Rob Horner

Non-voting Members Present: Lynette Schenkel, and Meg Rowles

1. CALL TO ORDER and APPROVAL OF THE MINUTES

John Bonine, Chair, called the meeting to order. After a brief discussion, the 1-23-09 meeting minutes, with two additions, were approved. (Note: partly due to time commitments, Peter Gilkey resigned as Chair and Paul van Donkelaar, UO Senate President, appointed John Bonine as the new Chair.)

2. DISCUSSION OF STATEMENT PRESENTED BY RUSS TOMLIN (NEW AGENDA ITEM)

Russ Tomlin, after having conversations with the UO Senate President and the Provost, and concerned faculty, he proposed that the conflict of commitment portions of the draft document on conflict of interest and commitment be withdrawn from further action and consideration by this ad hoc committee. He proposed that the Office of Academic Affairs, in collaboration with the University Senate President, form a joint Academic Affairs/Senate Working Group on Conflict of Commitment. He intends to distribute the statement to all members of the UO Senate. Tomlin's complete statement may be viewed at:

<http://www.uoregon.edu/~uosenate/dirsen089/COICOCC.html> .

Tomlin's reasons for this approach include the need for robust faculty engagement and the impact of COC disclosure on academic and personal freedoms. It would also provide for a more inclusive and deliberative process. Brau felt that the faculty would respond very positively to this change in focus. Bonine thought that it was positive to take something off the table but did not support the process for considering COC in the future. As COC was a part of the basis for the formation of this ad hoc committee and Bonine wants to remain a part of that effort. He was also concerned that the new COC work group would not be a UO Senate Committee.

Tomlin noted the recent successful collaboration between the existing senate governance structure and the existing administrative structure on the NTTF reorganization. Bonine was concerned that faculty would play only a minor part in the new work group. Tomlin said that he would work with the UO Senate President to assure that the membership of such a group is appropriate. Tomlin agreed with Bonine and Brau that the initial focus of this new work group would be faculty concerns.

Youm said that he was concerned that the efforts of this ad hoc committee, so far, would be seen as an exercise in futility. Tomlin felt that this committee's efforts, so far, helps stimulate the value of moving in this direction and he will work with the UO Senate President to examine and entertain how current members of this group might make natural members on the new COC work group.

Bonine questioned again why the new group would not be a UO Senate Committee. Tomlin responded that this is due to the collaborative nature of his proposal and follows the model of the NTTF effort, which included working with a UO Senate ad hoc committee.

Youm felt that the “big issues” discussion would be relevant to both COI and COC, such as statutory requirements and the kind of framework of issues that will need to be looked at by both this ad hoc committee and the new COC work group. He wondered if processes would be duplicated and if this ad hoc committee would be seen as not working up to par. Tomlin noted that this committee, by already deciding to separate COI from COC, saw these [issues] as sufficiently distinct and that there was merit in focusing on one and then the other. This will allow for a broader discussion of COC concerns, at a deeper level, with more faculty members and will include the concerns that led to the formation of this ad hoc committee.

Bonine hoped that this ad hoc committee had the trust of the faculty and felt that adding members to this committee as it moved into COC would make more sense. He felt that if members of this ad hoc committee were not a part of the new work group it would harm their credibility and effectiveness and would result in a loss of knowledge. Tomlin reiterated that the UO Senate President and he would take into consideration exactly these concerns in forming the new work group.

Brau said that as this ad hoc committee focuses on conflicts of interest, there would be value to have a parallel effort focusing on conflict of commitment. There has not been enough time to review all of the related COI documents already available to the committee. He believes that more people have issues with conflict of commitment than with conflict of interest. He believes the faculty would support this step and it would move the progress along on both issues.

Bonine noted that two faculty members remained unconvinced, one present faculty member is convinced and administration supports it. In the end, it is not within the jurisdiction of this committee to take a vote. If the UO Senate President chooses to change the mandate of this committee there is nothing we can do about it, as that is left to his discretion. Bonine said he remains unconvinced that there is any reason to do this and that it has a very strong potential for both making the [COC] policy development less effective if it doesn't include the people who are on this committee at present and it has a very strong potential for eroding faculty governance by it not being a senate committee. In addition, it runs the great risk of losing credibility in this University among faculty members.

Linton said he strongly supports what Tomlin had outlined and the rationale behind it. He felt that Youm's comments reinforce the need to be very clear in articulating to the University community why it's important to have separate and parallel processes. He appreciated Brau's comments and strongly supports that concept and approach to this issue. He is confident that the right kind of work group would be formed to address the COC issues.

3. CONTINUATION OF DISCUSSION OF “BIG ISSUES”

As some email polling of committee members was done by Bonine on these issues prior to this meeting, Tomlin noted that the committee had agreed that business would not be conducted via email. Bonine acknowledged that this was an agreement reached by the committee early on.

Before looking at ‘big issue’ items 1-A-1 and 1-A-2, Linton suggested that the committee have a two-phased approach to COI: start with the federal regulatory, sponsored programs set of issues and then, as a second phase, consider the state conflict of interest laws and how we best address those. It would be extremely helpful to separate these two sets of requirements. Similarly the “big issues” questions would be best if sub-divided by federal and state issues.

Linton continued, first, we must establish who would be impacted by the federal financial COI requirements and establishing who, among our mix of employees would be required to disclose. Then we can get into the issues of how you disclose and what you disclose and all the other “big issues.”

Schenkel noted that the advice to the earlier COI-C Committee was that the University needed blanket disclosure. However, she asked that General Counsel provide this committee with an opinion on that issue. Bonine noted that General Counsel would need to include the statutory citations in such an opinion. Bonine said if there is not a blanket requirement, then the question moves to ‘is it important that there be a blanket requirement?’

Brau pointed out the American Association of Universities (AAU) Report on Individual and Institutional Conflict of Interest (Chapter II, D. 4.) stated that research should be treated consistently regardless of source of funding. He believes that a COI policy should treat all research the same, whether funded by state, federal, or private sources. Bonine agreed that the funded research would be a trigger for disclosure and not research undertaken without funding.

Linton proposed that phase one of COI be limited to the federal requirements but would be defined as covering all categories of faculty and investigators who have a sponsored program regardless of funding source. The committee agreed. This would include item 1-A-3, private funding.

Brau brought up procurement issues and Linton responded that those issues fall more under the state requirements than under federally sponsored programs financial conflict of interest. Issues like these would be looked at under phase two of COI. Brau also asked how technology transfer would fit into this model. Linton said that where sponsored funded intersects with tech transfer this would be captured in some sense, but the policy is not heavily directed toward tech transfer. Linton said that at any time there is a licensing agreement or a Department of Justice review of a start-up company agreement, in our current process there has to be a financial conflict of interest disclosure done before those agreements are finalized.

Due to time considerations, Tomlin and Youm left the meeting at this point. Bonine will explore the possibility of expanding the length of future meetings to two hours.

Linton offered to come back to the next meeting with a draft policy that focuses on phase one of this approach, with the understanding that many parts of such a draft would still be under discussion by and subject to the committee’s review.

**WITH NO QUORUM REMAINING, THE MEETING ADJOURNED AT 12:20 p.m.
Minutes submitted by Meg Rowles**

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