APPROVED - UO Senate ad hoc COI-C Committee Meeting Minutes
Friday, January 23, 2009, Johnson Hall Conference Room
11:00 a.m. to 12:00 p.m.

Voting Members Present: Peter Gilkey, Chair, John Bonine, Jim Brau, Rob Horner, Richard W. Linton, Russ Tomlin, and Kyu Ho Youm

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

CALL TO ORDER
Peter Gilkey, Chair, called the meeting to order.

1. APPROVAL OF THE MINUTES
After a brief discussion, the 1-16-09 meeting minutes, with one correction, were approved.

2. DISCUSSION OF 1-21-09 TOWN HALL MEETING
Gilkey said that the Town Hall meeting was very useful in terms of the variety of opinions and information that was exchanged and was grateful to Jim Bean, Senior Vice President and Provost, for his participation. While the meeting format provided the opportunity to hear the key concerns from faculty, the committee hopes to schedule more two-way information exchanges as their objectives include educating and informing the campus community about the substance of their undertaking.

Gilkey noted that at this early stage, the committee is still in the process of deciding what information needs to be communicated. Brau noted that the meeting reinforced his sense that there is an awful lot of activity going on that poses very, very little risk to the University, but, as a result of this process that has been created, it presents a heavy burden on faculty. Faculty members are concerned about the time involved with the form and with the process that follows.

Brau mentioned a comment made by Randy Geller, Deputy General Counsel: that strictly scholarly activities almost never create conflict of interest issues and that a broad statement could be made about which things are allowable under state law and that then faculty wouldn't need to worry about those things. Brau felt it would be very helpful for faculty to have this in writing.

Tomlin said that one of the short falls of the COI-C roll-out was that it was not transparent to people that routine things were not expected to be disclosed in the invasive sense that some colleagues have assumed or have concluded or worried. Normal scholarly activities were not meant to be included in the [disclosure] process.

Brau said that the documentation is very confusing and that the focus of what was meant is lost in the proliferation of information, especially in the area of extra-university relationships, which is a very complicated concept if it is not well defined. He said this was defined in different ways throughout the documents and that there needs to be a very clear statement on what it is we are trying to do.

Schenkel was grateful to hear the various concerns and comments at the Town Hall meeting. She hopes that future forums will provide additional opportunities for exchange. Gilkey noted that several committee members, through their comments, thought that future Town Hall meetings

would be a good idea. He thought that there might be another if there was a really good reason to have one. Whether face to face or electronic, there is an educational component to the charge of this committee. Many members felt that the face to face exchange was most valuable.

Rowles felt there was a good exchange of positions and concerns, many of which were related to conflict of commitment. She compiled a list of those comments and will forward them to Bonine, who will review the list and add any comments missed before sending it on to Gilkey for posting on the committee's web site.

Bonine said the Town Hall meeting provided an opportunity to get a broader sense of the faculty's concerns than was what put on the [ORCR] blog. He felt that hearing their concerns directly provided more information than they might have had time to sit down and write on a blog – and this was excellent. He counted 14 or 15 people there in addition to the administration and members of this committee. This was enough people to get diverse ideas and to have different issues raised. Bonine stressed that the committee needs to ask if there is any reason for an annual disclosure or if we need to deal with just research. He noted that there still seems to be a lack of clarity between conflict of interest and conflict (or balance) of commitment issues. Bonine said that both are real and that they require quite different responses: one (COI) requires a response from the research office; the other (COC) response should be from the department.

Horner noted the three things he took away from the meeting. (1) The basic circumscription of this effort. It may be that the UO can do a much smaller, rather than ubiquitous, implementation. What really is the risk and does everyone need to follow this process or can we just do it with some individuals? For example, being required to submit [a disclosure] only when a person reaches a "Level 3" review. (2) The policy. Many issues raised at the Town Hall meeting were misconceptions due to the fact that the policy itself is not adequately transparent. (3) The roll-out needs to be part of the process. The deans and department heads will need an orientation to the policy and the procedures. Misconceptions and the lack of transparency led immediately to assumptions that were inappropriate.

Youm did not attend the town hall meeting but he did hear of the substance of the meeting from other individuals. His impression, from what he heard, was that this meeting provided a rare opportunity to interact, face to face, with people who are directly involved in the policy process. He did feel that some people may have the perceptions that members of the committee did not remain neutral. Information education is fine – but when it goes beyond this it raises questions about neutrality and impartiality of the committee. Bonine noted that there is a difference between a legislative committee and a panel of judges – in a legislative committee, the members can be advocates for a particular viewpoint.

3. REVIEW OF REDRAFTED 'COI ONLY' POLICY and REVIEW OF JOHN BONINE'S "BIG ISSUES" LIST
The Chair turned the meeting over to Bonine to address this agenda item. Review of the redrafted policy was put aside. Bonine's "Big Issues" list was organized into three categories: I. Balance of Commitment; II. Conflict of Interest; and III. Governance. Items under Balance of Commitment will be reviewed later, as the committee is currently focused on conflict of interest.

Bonine led the committee through the Conflict of Interest category to see if all of the important issues were listed. These included: (A) Scope of coverage or who will be required to disclose

needs to be clarified and agreed upon. Rowles mentioned that this needs to be well defined – as the current draft policy goes beyond faculty to include Officers of Research and Officers of Administration as well as individuals making purchases on behalf of the State of Oregon; (B) Whether annual certifications were needed for all faculty or just those making an external funding requests; (C) Which materials are to be kept confidential (and how) or not; (D) Centralization vs. devolution of responsibility - should part of the process be done at the school or department level or should it all be centralized or some hybrid of the two; (E) Management plans - how will those be created and guidance is needed to develop the plans; (F) Should cut-off levels be used before a disclosure is required? Do royalties present serious risks?; (G) Should advance approvals be required for COI, and if so, by whom?; (H) We should be getting it right for the faculty first as it may be different for other groups, such as GTF's; (I) What levels of increasing disclosure and management are appropriate; (J) Phase the implementation of the policy changes – roll-out by department or by job title or to those with external contract /funding; (K) Adopt another institutions 'best practice' policy and process. The last "Big Issues" category, Governance, asks the question 'should any policies for faculty be adopted by the UO Senate?'

Linton mentioned that at the very end of the process, depending upon the committee's recommendations, an important part, if there is mandatory disclosure and people don't disclose, will be how will the institution deal with that. Most research institutions have a mandatory annual disclosures – what do they do if there is only an 80% or 50% disclosure rate? This is another set of topics for when the committee comes to the end of the process. It would be nice to see this list cross referenced with the issues raised on the [ORCR] blog and at the Town Hall meeting, to make sure the committee has captured the majority of the issues. There are other key issues that the committee is trying to cover in the COI policy. At the federal level there are fundamental financial COI requirements and disclosures, which the committee seems to agree upon. There is another tier of financial COI requirements, under the state statutes and the directives, which we haven't begun to talk about. Then there are the broader issues of conflict of interest. For example, if a faculty member, who has started a company, wants to hire a graduate student to work in that company, that's a different kind of conflict in terms of how a graduate school would make sure that effective policies are in place to make certain the student is making satisfactory progress toward a degree. This is within the conflict of interest framework, but is not a *financial* conflict of interest.

Rowles will forward to Bonine and Gilkey topics that may not yet be represented on the "Big Issues" list. This may be viewed on the COI-C Committee's web site:
        http://www.uoregon.edu/~uosenate/dirsen089/dirCOIC/COI-Townhallfeedback.pdf

To promote a productive framework for the next meeting, Linton suggested the committee look at what is under the umbrella of COI and consider a policy that can be responsive to those elements rather than looking at subsets of questions.

Bonine suggested the committee look at the issues and then ask the questions, such as 'is centralization required by federal law or not?' 'is disclosure by everybody required by state law or not?' He believes that questions of federal and state law and University requirements should come up under each of the items on his list.

Youm said that a framework would be helpful when the committee discusses mandatory requirements. Rather than asking the same questions over and over. If something is mandated there is no room for the University to change that, but if it is not as mandatory as it is presumed

or assumed to be then we need to know that. It is important for us to have a clear idea what is mandated, not a vague concept or idea.

The committee wants a report stating the specific, minimum legal requirements that need to be included in the policy. Linton offered to have his staff prepare a statement about what the fundamental requirements are that we have to be responsive to in any COI policy. However, Gilkey offered to explore, as Chair, the possibility of contacting the UO General Counsel's office to address these questions. Brau and Bonine both asked if there were documented opinions from General Counsel on these requirements. Schenkel replied that this was not available in summary form. Gilkey said he would explore this with the General Counsel. Gilkey will prepare a document and will ask for the General Counsel's review of that document to see if it fits the minimum [COI] requirements. This may be viewed on the COI-C Committee's web site:
   http://www.uoregon.edu/~uosenate/dirsen089/dirCOIC/COI-lite-v2.pdf)
 This will be on next Friday's agenda.

WITH NO FURTHER BUSINESS AT HAND, THE MEETING ADJOURNED AT 12:00 p.m.
Minutes submitted by Meg Rowles
Reviewed and edited by Peter Gilkey
Approved with changes by the COI-C Committee on 2-4-09