

Conflict of Interest and Commitment Policy Development Background as of January 2009

BACKGROUND

The current UO Policy for Potential Conflicts of Interests was last reviewed and edited in 2001.

Since 2001, issues of Conflict of Interest and Conflicts of Commitment have taken a greater profile at federal oversight agencies.¹

Also since 2001, UO faculty are trending towards a greater involvement in development of intellectual property through licenses, start-up companies, or are owners, part owners, or significantly engaged in outside businesses or activities that create real or perceived conflicts with their University responsibilities and commitments. Policies and procedures need to be clarified to better support and manage these complex relationships.

In May 2005, there was a US Senate Chairman's report on the Conflicts of Interest Found in the Implementation of the Reading First Program at Three Regional Technical Assistance Centers, which highlighted conflict of interest issues that involved university faculty. Subsequent to the US Senate report, the Office of Inspector General, US Department of Education, released one inspection report and two audit reports that covered additional aspects of the Reading First Program.

OUS 2006 Audit

As the result of a 2006 audit of the UO Office of Technology Transfer by the Oregon University System, their Internal Audit Division recommended an expansion and strengthening of the potential conflict of interest disclosure reporting requirements for faculty. The UO response was to "implement a more comprehensive conflict of interest (COI) disclosure process than the one that was currently in place" and to begin implementation July 1, 2007 with mandatory disclosure by June 30, 2008. In the spring of 2008, the UO asked OUS to move the deadline to January 2009 due to unavailability of COI reporting software. In December 2009, the UO requested OUS to extend the deadline to July 1, 2009 to more fully integrate conflict of interest and conflict of commitment issues.

On 10-13-06 a memo from Linda Brady, and Rich Linton announced the need for and the formation of a COI-C Working Group to review the UO Potential Conflict of Interest which was last revised in 2001. Since 2001, COI and COC issues have both taken a greater profile at federal oversight agencies. In the same timeframe, an increasing number of UO faculty have trended towards a greater involvement in development of intellectual property through licenses, start-up companies, or are owners, part owners, or significantly engaged in outside businesses or activities that create real or perceived conflicts with their University responsibilities and commitments.

The working group was chaired by Lynette Schenkel, Assistant Vice President, Responsible Conduct of Research, and the membership included:

James Bean, Senior Vice President and Provost; Dietrich Belitz, Associate Dean, Natural Sciences; Frances Bronet, Dean, School of Architecture and Allied Arts; Mike Bullis, Dean, College of Education; Randy Geller, Deputy General Counsel; Don Gerhart, Associate Vice President, Research and Innovation; Laura Hubbard, Associate Vice President,

¹ The HHS, NSF, & OIG have COI as high priority in their annual workplans and issued guidance documents.

Budget & Finance; Linda King, Associate Vice President, Human Resources; and Russ Tomlin, Senior Vice Provost for Academic Affairs.

2006 - 2007

Since the 2006 audit the Office for Responsible Conduct of Research has led the response implementation effort. Meetings with high level University administration, Deans, and faculty were conducted that resulted in a revised and updated policy, disclosure forms, guidance documents, committee charter, correspondence templates and management plan templates. A new Conflict of Interest & Commitment Committee (COICC) will review complex COI-C situations and should be constituted by July 1, 2009. This committee, to be comprised of faculty members and administrators, will also provide input into future COI-C policy and procedure revisions. Lynette Schenkel, AVPRCR, will provide its members with training and ORCR will administratively support the committee's efforts.

In 2007 and 2008, Lynette Schenkel met with faculty members from the College of Education, working closely with Professor Rob Horner to further refine the policy and disclosure form.

2008

Approximately 2,800 officers of instruction, research, and administration are required by state statute to disclose potential conflicts of interest and commitment annually. In 2008, a revision to Oregon Administrative Rule 580-061-000 governing procurement policies now requires all individuals who expend state funds to comply with ORS Chapter 244, OUS IMD rules and policies, which include COI disclosure. This new OAR also requires additional OUS statements to be signed off on by employees involved in procurement using state funds. Once the new disclosure process is running smoothly, other employees who expend state funds at the UO will be phased in as required.

In November 2008, a COI-C web site was established for the purpose of vetting several draft documents, including the COI-C policy. On December 1, 2008 a letter from Jim Bean, Russ Tomlin, and Rich Linton was sent to the UO faculty and staff announcing the roll-out of the new disclosure process, draft policy, and COI-C web site.

There were a considerable number of thoughtful and substantive comments conveyed by faculty colleagues on the draft policy on Conflict of Interest and Commitment (COI-C). In response, the planned January 2009 roll-out of the new disclosure process for COI-C was suspended to allow for time to review and address the concerns expressed on the 'blog' or that were communicated directly to Academic Affairs, the Office of the Vice President for Research and Graduate Studies and the Office for Responsible Conduct of Research by an *ad hoc* committee.

2009

In January 2009, the UO Senate Appointed a COI-C ad hoc committee

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