



**COMMITTEE ON PROFESSIONAL MATTERS (CPM)
MEETING MINUTES**

MEETING DATE: December 10, 2015
LOCATION: Hawaii Hall 208
ATTENDANCE: [P = Present; A = Absent; E = Excused]

MEMBERS		MEMBERS			GUESTS	TIME
Mary Ellen Bargerhuff	P	Reni Soon	E		Interim Chancellor R. Bley-Vroman	11-12
Meda Chesney-Lind	P	Elisabeth Steele Hutchison, Chair	P		Vice President V. Syrmos	11-12
Adrian Franke	P	Manfred Steger	P		D. Takeno, OHR	11-12
Unhee Lim	P	Hector Valenzuela	E			
		Sarita Rai, SEC Liaison	P			

SUBJECT	DISCUSSION / INFORMATION	ACTION / STRATEGY / RESPONSIBLE PERSON
CALL TO ORDER	Meeting called to order at 11:00am	Chair
UPDATE FROM CHANCELLOR BLEY- VROMAN AND VICE PRESIDENT SYRMOS RE: DR. CARBONE'S ALLEGEDLY UNDISCLOSED FINANCIAL CONFLICTS OF INTEREST	See separate summary of proceedings at the bottom of this document.	Clarification/entire CPM
AFFIRMATION OF THE COMMITTEE'S CHARGE	"The Committee shall be vigilant in protecting the academic freedom of all scholars, and shall review and evaluate such topics as classified research, sexual harassment, gift giving, and the like which may come before it either as a matter of policy or on a case-by-case basis."	Clarification/Entire CPM
APPROVAL OF THE MINUTES	Minutes from CPM Meeting 12/3	Unanimously approved
CHAIR'S REPORT	Discussion of the draft semester report (due Dec 15), the likely cancellation of the scheduled,	Draft CPM Semester Report to SEC



SUBJECT	DISCUSSION / INFORMATION	ACTION / STRATEGY / RESPONSIBLE PERSON
	December 17 meeting, and the vacancies on the Committee.	unanimously approved
NEW BUSINESS	None	
ADJOURNMENT	Meeting was adjourned at 12:15pm	Next meeting to be scheduled early in the Spring semester via doodle.

Respectfully submitted by **Manfred Steger**.

Approved on **Date** with **X** votes in favor of approval and **X** against.

Update from Chancellor Bley-Vroman and Vice President Syrmos re: Dr. Carbone's Allegedly Undisclosed Financial Conflicts of Interest:

Chair E. Steele Hutchison opened this main portion of the meeting by thanking the visitors (IC Bly-Vroman, VP Syrmos, Takeno, OHR) for coming to the CPM meeting and taking the time to respond to the CPM questions (see below). Before asking the questions, the Chair read aloud the following statement: “Alleged noncompliance of the FCOI regulation has serious ramifications for the entire biomedical research enterprise at UH. As such, the faculty senate, on behalf of its constituents, has every right and responsibility to inquire about the administration’s handling of the case. CPM’s objective for this inquiry is not to investigate Dr. Carbone’s alleged COI, but to obtain facts and assurance from the administration that all required corrective actions and all due preventive measures are taken in full compliance with the federal regulation.”

Then, the Chair asked VP Syrmos to respond again in more detail to the questions that she posed via email to VP Syrmos (see below in *Italic* VP Syrmos’s email responses). The Chair also encouraged the other two visitors to provide relevance information if necessary. Additional follow-up and clarification questions were asked in the course of the 60-minute proceedings by CPM members Lim, Franke, Steger, and Bargerhuff.

Chair’s Questions:

1. What is the status of the retrospective review of Dr. Michele Carbone's disclosed and undisclosed, significant financial interests (SFI)?

The investigation is still on-going, but for clarification, the investigation is focused on Dr. Carbone's Outside Employment activities. Unfortunately the investigation has been delayed and hampered by UH Cancer Center's ability to locate various archived off-site documents and records requested by the investigators to thoroughly review the allegations made against Dr. Carbone (Syrmos’s email response).

Responses from Syrmos and Takeno: Administrative investigation that started in January 2015 still underway with a target completion date of January 2016. The delay is partly due to the late reception of relevant



information.

2. What is the University's management plan regarding any and all of Dr. Carbone's financial conflicts of interest (FCOI)?

Again, at this time, given the scope of the original request for investigation, the focus is on Dr. Carbone's Outside Employment activities. Dr. Carbone's FCOI forms are filed with and recorded by ORS.

Response from Syrmos: Yes, researchers must complete management plan, but, to his knowledge, there has been no such plan for Dr. Carbone.

3. Please provide the Committee with Dr. Carbone's SFI status (name of entity, dollar value of the remuneration) from 2012 to the present. We understand that UH is required to provide this information to any taxpayer upon request, per Federal regulations.

We have reviewed your request and have determined that based on Federal Register/Vol. 76., No. 165, 42 CFR Part 50, Department of Health and Human Services §50.605 Management and reporting of financial conflicts of interest, (B)(5)(i), the material you are requesting cannot be disclosed at this time since it does not meet the criteria for public disclosure.

Response from Syrmos and Takeno: Full answer to this question can only be given at the end of the ongoing investigation.

Additional questions asked by Chair and CPM members during the meeting:

When can we expect the present investigation into Dr. Carbone's Outside Employment activities to wrap up?

Who is the Senior Administrator responsible for reviewing SFIs and determining FCOIs?

What is the process for reporting an instance of noncompliance with Conflict of Interest policies to the University?

Has the University received any allegations that Dr. Carbone failure to disclose a SFI?

Has the University discovered any Conflicts of Interest that Dr Carbone did not disclose according to the UH COI policy?

If yes, was it reported to the appropriate Senior Administrator for evaluation?

Was it determined that there was/is a need to Manage, reduce, or eliminate the conflict?

Was it addressed by the Senior Administrator or referred to the COIC?



Was the retrospective review and resulting action may be reportable to Awarding Components within 120 days from discovery of the conflict?

Did the discovery of Dr. Carbone's outside employment activities trigger a prompt and comprehensive retrospective review by the administration of any financial conflict of interests?

If yes, has the University completed (or is the University in the process of completing) a retrospective review and submitted a mitigation report to the NIH?

Under what circumstances, is the University required to make information available upon request relating to any Investigator disclosure of financial interest and the Institution's review of, and response to, such disclosure, whether or not the disclosure resulted in the Institution's determination of an FCOI?

Prior to the Institution's expenditure of any funds under a PHS-funded research project, UH must ensure public accessibility of information concerning any significant financial interest disclosed to the Institution meets the following three criteria:

(A) The significant financial interest was disclosed and is still held by the senior/key personnel as defined by this subpart; (B) The Institution determines that the significant financial interest is related to the PHS-funded research; and (C) The Institution determines that the significant financial interest is a financial conflict of interest.

Which criteria do not apply to allegations about Dr. Carbone?

What is UH's mechanism for sanctions and administrative actions to ensure Investigator compliance?

Given the time constraint (60 min meeting), there was not enough time to get into much detail. However, two important relevant responses provided by VP Syrmos were as follows:

- 1) VP Syrmos pointed out that the ORS had not received any formal, written complaints against M. Carbone's alleged failure to disclose SFI and alleged COI practices. He then encouraged those parties alleging these conducts to submit formal complaints to the ORS.
- 2) In response to a question raised by CPM member Lim re. Carbone's alleged breach of federal regulations involving grants, VP Syrmos stated that Lim and other possible complainants are welcome to explore their allegation directly with the NIH and possibly file complaints against Carbone with the NIH.