

# CONFLICT OF INTEREST

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# Today's goals

- Talk about why you need to make those pesky disclosures
  - California State law
  - Federal laws and regulations
  - The University's disclosure process
- Checklist of Other Conflict of Interest Laws and Requirements

# Calif. Government Code § 87100

“No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”

# Exception:

“Making or participating in making a governmental decision shall not include:

. . .

(c) Academic Decisions

”

. . .

(2 California Code of Regs., section 18702.4)

# Academic Decisions:

- Teaching Decisions

Example: Selection of books

- Research Decisions

Example: Decision to apply for funds  
to finance research

- (2) Disclosure shall be required ... in connection with a decision made by a person or persons at any institution of higher education with principal responsibility for a research project to undertake such research, if it is to be funded [with private funds] ..., *but disqualification may not be required* under Government Code sections 87100, 87302 or any Conflict of Interest Code in connection with any such decision *if the decision is substantively reviewed by an independent committee established within the institution.*”

(2 California Code of Regs., section 18702.4(c)(2), emphasis added.)

# What should be disclosed - Private Sponsor

Principal investigator must disclose whether or not he or she has a direct or indirect financial interest in the sponsor of research

Form 700-U – defines “financial interest”

# Disclosure

## Private Sponsors of Research

- PI completes Form 700-U
- When financial interest exists, PI provides additional information
- Independent substantive review required



# Federal Requirements

- Public Health Service Regulations
- NIH/NSF Policies

# What should be disclosed – Public Sponsor

- Requirement for PI and “all others with substantial research responsibilities”
- Requirements for disclosure of financial interests that might “reasonably appear to be directly and significantly affected” by project

# Disclosure

## Private Sponsors of Research

- PI completes Form 800 - Statement of Economic Interests
- When financial interest exists, PI provides additional information
- University must “manage, reduce or eliminate” any conflict of interest

# Web Resources

<http://research.ucdavis.edu/forms>

# Assessing the Conflict – General Guidelines

- Research is appropriate to the University
- The teaching and research environment is open
- Freedom to publish and disseminate results is preserved
- University resources and facilities are not benefiting private sponsors

# Conflict of Interest Committee will also:

- Consider conditions imposed on research agreements, like
  - Testing of sponsor's products or inventions
  - Research conducted in the sponsor's facility
  - Research performed jointly with someone from the sponsor
  - Research involving proprietary information from the sponsor

# COI Committee Questions:

1. Will faculty involvement with the sponsor impair the conduct of the research?
2. How will the interests of the University be maintained?
3. Will the project lead to the advancement of knowledge, as opposed to routine testing?

# More COI Committee Questions

4. How will the project contribute to the University's mission?
5. Do the public benefits outweigh any potential erosion of academic freedom, collegiality, or public trust?



# Committee makes recommendation to:

- Accept the funds
- Decline the funds
- Modify the terms
- Impose Conditions

# Other Laws, Requirements, and Restrictions

- Disclosure and Disqualification in Administrative Decision Making Capacity
- IRB – Human Subjects
- Animal Use and Care
- Medical Care and Delivery
- Institutional Conflict of Interest

# University Policy

- Various policies including:
  - Outside employment/Conflict of Commitment
  - Suitable research vs. routine services
  - Authorized use of University resources
  - Appointment of Relatives
  - Gifts and Gratuities
  - Employee-Vendor Relationships

# Every policy you need, and more:

Conflict of Interest Policy and  
Compendium of Specialized University  
Policies, Guidelines, and Regulations  
Related to Potential Conflict of Interest

<http://www.ucop.edu/ucophome/policies/bfb/g39toc.pdf>

# Thank you!

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