

Conflict of Interest Faculty Forum

The purpose of this faculty forum is to inform Brown faculty of Conflict of Interest Review Board practices and recommendations, and to solicit faculty feedback on policy and procedural questions that are emerging.

Conflicts of interest in research arise at the intersection of fundamental University goals: to push the boundaries of knowledge and to transfer that knowledge for the public benefit – in many cases the public is best served when that new knowledge or technology is transferred to the private sector. Conflicts may also emerge as a result of another University priority, the promotion of local and regional economic development. Partnerships with industry and the increased commercialization of technologies resulting from research supported by federal, corporate, and private funding bring the benefits of University research to the public through the marketplace. As researchers, scientific consultants, inventors, and founders of companies, members of the academic community contribute to this successful technology transfer.

At the same time, researcher financial relationships with the private (for-profit) sector can compromise, or be perceived as compromising other University goals – education and training of students and post doctoral researchers, open and timely communication and dissemination of knowledge, and the maintenance of research integrity and objectivity. Researcher financial relationships with the private sector may result in real conflicts of interest in research or create the *appearance* of a conflict. Either a real or apparent conflict of interest may result in a breach of public trust and confidence in the researcher, the research enterprise, or research outcomes.

Brown's Conflict of Interest Review Board is charged with reviewing the annual reporting forms submitted by Brown investigators, determining whether a conflict of interest exists, and recommending and monitoring conflict of interest management plans. The Review Board is guided by Brown's Conflict of Interest Policy for Officers of Instruction and Research (http://research.brown.edu/pdf/Conflict_of_Interest_Policy_forOfficers_of_Instruction_and_Research_5_22_09.pdf).

Discussion Topics

- 1. Research Sponsorship by an Entity in which a Faculty Member/researcher has a Significant Financial Interest**

Brown's policy has a strong presumption against accepting research sponsorship from an entity in which a faculty member/researcher has a significant financial interest (inclusive of any equity in a privately-owned company) except when compelling circumstances are present.

- 2. Chief Executive Officer Position in a Start-up Company**

The Review Board has frequently confronted the question of whether a CEO or CSO position in a privately owned start-up company is compatible with Brown's conflict of commitment policy (i.e., faculty may devote one day a week to outside activities). The Review Board

considers it unlikely that a major officer position in a start-up company is compatible with Brown's policy.

2a. Request for Financial Information on a Privately Owned Company

When evaluating a potential conflict of interest when a faculty member serves as a major officer as in #2 above, the Review Board needs to understand the scale of the financial operation that may pose a conflict of interest in research. The Review Board is moving toward a practice of requesting financial information such as an annual report when a faculty member serves as a major officer. The financial information will inform the development of an appropriate conflict of interest management plan.

3. Mandatory Disclosure Requirements

As of March 2011, the Review Board requires certain disclosures of an equity interest in a privately owned start-up company or consulting remuneration if the outside financial interest is related to a faculty member's research and education responsibilities at Brown.

- Disclosures should be submitted to journals upon manuscript submission and provided in presentations.
- Faculty should disclose to students and trainees in their laboratory, or students with whom they have an individual research relationship, using the faculty disclosure template developed by the Review Board. The disclosure statement is to be signed by students and trainees.
- This requirement should extend across all disciplines.
- Currently the Board requires these disclosures in all cases if an investigator has equity in a privately owned start-up company and in many cases if an investigator receives consulting compensation or royalty income. Exceptions are made in situations of small compensation (\$1-several thousand) and no equity.

4. Department Chair Access to Conflict of Interest Reporting Forms

The Review Board recommends that in situations where faculty are asked to disclose the research-related outside financial interest to students and trainees, the faculty member also submit the same disclosure statement to the department chair.

- Currently, department chairs do not review conflict of interest reporting forms submitted by faculty in their departments. Given that transparency is the fundamental mechanism for managing conflicts and potential conflicts, the Review Board has discussed the potential benefits of giving department chairs access to the reporting forms submitted each year by their faculty/researchers. At the very least, chairs should receive the same disclosure statement as students and trainees. The latter does not include disclosure of actual dollar amounts or percent equity.

5. Faculty Education on Conflict of Interest in Research

The Review Board recognizes the importance of reaching out to faculty to discuss conflict of interest in research and the integrity of academic scholarship, and to make faculty aware of Federal and University policies and requirements. OVPR is implementing an on-line education module for faculty and researchers. Other suggestions on ways to educate faculty on conflict of interest in research are welcome.

6. Sanctions for Failure to Report Outside Financial Interests

Brown's policy contains sanctions for failure to submit conflict of interest reporting forms. The University is reviewing the current sanctions language in light of the new conflict of interest regulation published by the Department of Health and Human Services on August 24, 2011.