# Governance and Compliance:  Research Integrity and Conflicts of Commitment and Interest

## David L. Gulley, PhD, RTTP, CLP

Associate Vice President, University of Illinois system and

Assistant Vice Chancellor for Research, University of Illinois at Chicago (retired)

# University of Illinois

Public, land-grant, founded 1868 with a mission to "transform lives and serve society by educating, creating knowledge and putting knowledge to work on a large scale and with excellence."

- 78,540 Students
- 5,981 Faculty
- 7,755 Administrative and professional staff
- 11,017 Support staff
- $ 5.64 billion operational budget
- $747.3 million separately funded research
- 3 campuses:  Urbana-Champaign (UIUC), Chicago (UIC), and Springfield (UIS)

*Fast Facts 2015*

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN · CHICAGO · SPRINGFIELD

# Technology Transfer and Innovation Ecosystem

## "Protect, Fund, Launch and Support"

*Protect:*

- **Offices of Technology Management (OTM) on UIUC and UIC campuses**
  - Evaluate, protect, market and license University intellectual property

*Fund:*

- **IllinoisVENTURES (IV)**
  - Startup and early stage technology investment firm focused on research-driven companies

# Technology Transfer and Innovation Ecosystem

## "Protect, Fund, Launch and Support"

*Launch:*

- **Enterprise Works at UIUC and UIC**
  – Business incubator for early-stage technology firms originating from the U of Illinois

*Support:*

- **Research Park**
  – Technology hub for corporate R&D operations and startup companies

# Technology Transfer and Innovation Ecosystem

## OTMs *Protect*

- 344 invention disclosures
- 378 U.S. patents filed
- 96 U.S. patents issued
- 11 new startup companies
- $25.41 million royalties

*Data annual, 2013*

## IllinoisVENTURES *Fund*

- Investments in 75 companies
- $65 million under management
- IV-back companies have raised about $600 million in 3rd party capital

*Data cumulative, 2002-2014*

## Enterprise Works *Launch*

- 50+ companies participating
- 90% of company founders are affiliated with the University
- Located at Research Park (UIUC) and Chicago Technology Park (UIC)

*Data annual, 2014*

## Research Park *Support*

- 200+ companies in residence over past 10 years
- 90+ companies currently in residence including AB InBev, Abbott, ADM, Caterpillar, John Deere, Sony, State Farm, and Yahoo

*Data cumulative, 2004-2014*

**UNIVERSITY OF ILLINOIS**
URBANA-CHAMPAIGN · CHICAGO · SPRINGFIELD

*As we transfer technology, especially through new company formation, we may create conflicts in research, commitment, and interest.*

# Research Integrity and Conflicts Perspective

These are two important issues related to complex research regulatory requirements, laws, and University policies.

Other issues include animal care and use, recombinant DNA and biohazards, human subject protections, and clinical research billing.

- For example: http://research.uic.edu/compliance

Policies should be university-wide, clear, available and provide a basis for education and training of academic staff members.

# Research Integrity

Research misconduct is defined as fabrication, falsification or plagiarism.  Research misconduct may also include conduct that seriously deviates from accepted ethical guidelines and professional standards in scholarship and research.

Policy and Procedures

- The campus has a Research Integrity Officer (RIO) who reports to the campus Vice Chancellor for Research and who is responsible for assuring compliance with University policy.  RIOs are tenured faculty members or administrative officers with an appropriate level of experience in research, compliance, or both.

- Research integrity: http://research.uic.edu/compliance/research-integrity

# Conflicts of Commitment and Interest (COCI)

Academic staff members may participate in external activities that enhance their professional skills or constitute public service.  These can be beneficial to the university as well as to the individual. Because external activities can lead to conflicts of commitment or interest with regard to one's university responsibilities, the non-university activities must be measured and monitored.

Policy and Procedures

- A framework to (1) establish procedures for consultation and advice on COCI, (2) for resolution of situations in which a conflict may exist, and (3) for approval of exceptions when warranted.

- The Policy makes every effort to balance the integrity and interests of the University with the integrity and interests of individual academic staff members. The Policy attempts not only to identify and eliminate or manage actual conflicts of commitment or interest but also, whenever possible, to *prevent even the appearance* of conflicts. The Policy provides for mechanisms to *manage* conflicts of commitment and interest, and for *sanctions* should those mechanisms fail.

- COCI:  http://research.uillinois.edu/coci/coci-policy

# What is COCI?

- A *"conflict of commitment"* exists when the external activities of an academic staff member are so substantial or demanding of the staff member's time and attention as to interfere with the individual's responsibilities to the unit to which the individual is assigned, to students, or to the university.

- A *"conflict of interest"* arises (1) when an academic staff member is in a position to influence either directly or indirectly university business, research, or other decisions in ways that could lead to gain for the staff member, his/her immediate family, or any third party to the detriment of the university's integrity and its missions of teaching, research, economic development, and public service, or (2) when an academic staff member desires to acquire a contract (outside of employment) to provide goods or services to the university.

# Disclosure, Reporting, Review, and Approval

- Academic staff members are required to obtain prior written approval for all non-university income producing activities; to disclose, within the time limits required by law, relationships that may give rise to a *potential* conflict of interest; and to respond fully and in a timely manner to inquiries from the unit executive officer (UEO) in connection with those requests and disclosures.

- UEOs are responsible for evaluating all potential conflict situations reported or known to them (including all requests for approval of non- university income producing activities) before acting to approve or disapprove outside activities, and must notify employees of their decisions.

# COCI Examples

- Using university resources to conduct research that is sponsored by an entity in which the academic staff member or his/her immediate family member has a significant financial interest.

- Serving in an executive or managerial capacity or holding significant financial interests in an entity doing business with the university.

- Serving in an executive or managerial capacity or holding significant financial interests in an entity in one's field of research.

- Serving on the board of directors or a major advisory committee of an entity that sponsors the academic staff member's research or provides gift funds for the use of the academic staff member or his/her department.

- Conducting consulting or other non-university income producing activities involving university students or other university staff.

- Utilizing university students or employees in the staff member's university activities supported by gift funds from an entity in which the academic staff member has a significant financial interest.

- Utilizing university students or employees in the staff member's university research sponsored by an entity in which the academic staff member has a significant financial interest.

- Conducting testing or clinical trials of products, devices, or services owned or controlled by an entity in which the academic staff member or a member of his/her immediate family has a significant financial interest.

# COCI Examples

- Diverting research opportunities from the university to any external entity, (e.g., another academic institution, non-profit organization, federal laboratory, business, or consulting entity in which the staff member or a member of his/her immediate family has a significant financial interest, managerial, or executive role).

- Owning an entity from which the university may seek to procure goods or services.

- Influencing the university's decision to procure goods or services from an entity owned by one's immediate family member.

- Submitting grant proposals or making sub award arrangements involving the purchase of goods or services from an entity in which an academic staff member or a member of his/her immediate family has a significant financial interest.

- While acting in the context of his/her university duties, making professional referrals to an entity in which an academic staff member or a member of his/her immediate family has a significant financial interest.

- Spending more than one day per seven-day-week (as defined by University Policy), averaged over the contract period, on non-university income producing activities.

- Other examples of activities for which prior approval is required include, but are not limited to: ownership and/or management of rental property, working at a retail entity, paid coaching, and providing or directing paid professional entertainment services.

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN · CHICAGO · SPRINGFIELD

# COCI Roles and Responsibilities

- **Academic staff**: complete annual disclosure process through a Report of Non-University Activities (RNUA) form; disclose all potential COCI as situation arises

- **Department/Unit Heads**: work with academic staff to identify, evaluate, manage, or eliminate potential conflicts

- **Dean**: provide second level review for potential conflicts

- **Vice Chancellors for Research**: manage campus COCI processes, inform and train campus community

- **Vice President for Research**: University-wide designee on all COCI matters

# COCI Management Plans

- A written plan describing the mechanisms by which conflict(s) of interest or commitment may be managed, reduced, or eliminated.

- Must describe the situation, giving rise to the potential conflict, the management mechanisms, and the process by which the activities and the management plan will be monitored.

- University startups that involve University employees require a situation-specific management plan.

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN · CHICAGO · SPRINGFIELD

# COCI Management Plan Mechanisms

- Mechanisms to reduce, manage, or eliminate potential COCI man include:
    - modifying a research plan
    - implementing an impartial research review mechanism
    - appointing an ombudsperson or panel to monitor the involvement of students
    - disclosing significant conflicts in presentations or publications
    - recusal from promotional or purchasing decisions
    - divesting financial interests
    - implementing non-conflicted oversight of university projects and expenditures (including travel)
    - severing relationships that constitute actual or potential conflicts, and
    - applying for a leave of absence or reduction in appointment.

# Education and Resources for Academic Staff

- Researcher certification is conducted by research administration for campus Institutional Research Board (IRB).

- IRB reviews and approves all research projects and ensures compliance with all research regulations.

- Ethics training is administered by the campus in cooperation with the State and Federal government.

- Web-based tools and information (references, reading, forms, FAQs) is provided and coordinated by all related units.

- Specialized committees to review select COCI disclosures, resolve issues, review and recommend approval for management plans (e.g., faculty-affiliated startups)

- Materials, workshops, and as-needed consultation are provided by UEOs, research administration, and technology transfer units.