March 22, 2012

MEMORANDUM

TO: Dr. William A. Anderson, Chair, University Committee on Faculty Affairs

FROM: Theodore H. Curry, Associate Provost and Associate Vice President of Academic Human Resources, Office of the Provost

RE: Proposed Revisions to the Faculty Conflicts of Interest Policy

I write following the University Committee on Faculty Affairs’ (“UCFA”) endorsement of the proposed revision to the Faculty Conflicts of Interest Policy on March 13, 2012. The UCFA endorsed the proposed revision on the condition that (a) the UCFA receive annual reports concerning the implementation of the new annual disclosure requirement, and (b) the deadline for University-wide implementation of the annual disclosure be moved back one year, from the date initially proposed of January 1, 2014, to January 1, 2015. The revised policy will now be submitted to the Faculty Senate for approval at its meeting of March 27, 2012.

The existing Faculty Conflicts of Interest Policy was approved by the Board of Trustees on April 13, 2006. The policy revisions are intended to both (a) reflect the best practices of other comparable research-intensive universities and (b) address new requirements of the Public Health Service (“PHS”), which require implementation and compliance by August 24, 2012.

In sum, the main substantive changes to the policy are as follows:

1. The revised policy covers all individuals appointed through the academic personnel system with research, teaching, outreach, or service institutional responsibilities. Additionally, although most individuals involved in research and sponsored projects are covered by the current policy, the revised policy makes this coverage explicit, covering all individuals who have independent responsibility for proposing, conducting, or reporting the results of University research and other sponsored projects.

2. Consistent with the best practices of other CIC institutions, the revised policy requires annual reports of faculty members' significant financial interests (“SFI”). By contrast, the current policy requires faculty to self-report as potential conflicts arise. The annual reporting requirement of the revised policy will be implemented in stages, beginning with PHS/NSF investigators (see Section VI). This gradual implementation of annual reporting will permit the University to develop the administrative capacity to process the larger volume of disclosures that will be generated under the revised policy.

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1 As in the revised policy, references to “faculty” and “faculty members” in this memo refer to all individuals described in Section II of the revised policy (i.e. individuals appointed through the academic personnel system with research, teaching, outreach, or service institutional responsibilities and individuals who have independent responsibility for proposing, conducting, or reporting the results of University research and other sponsored projects.)
3. The revised policy requires the disclosure of all SFIs related to the faculty member’s “institutional responsibilities” (as defined in the revised policy). The current policy, by contrast, requires that SFIs be disclosed only when the faculty member assumes a University responsibility that would be affected by an existing SFI. This revision to the policy is consistent with best practices and responsive to new regulatory requirements concerning the scope of financial disclosures needed to identify and manage conflicts of interest.

4. The revised policy gives the Faculty Conflict of Interest Officer (“FCOIO”) greater responsibility to administer the policy, including responsibility for (a) developing an institutional procedure for faculty to report SFIs, and (b) making the initial assessment of disclosed SFIs, a responsibility that falls to unit administrators and deans under the current policy. As explained in more detail in Point 7 below, this change is intended to create greater uniformity in the standards by which potential conflicts are assessed.

5. The revised policy gives colleges greater latitude to address conflict of interest issues specific to the disciplines and activities of their respective faculty by permitting the development of college-specific addenda to the main faculty policy. The current policy provides colleges more limited means to address such concerns.

6. Whereas the Conflict Review Committee (“CRC”) is composed of only three faculty members with advisory responsibilities under the current policy, the revised policy provides that the CRC is composed of at least five faculty members with expanded responsibilities. Additional members may also be appointed at the discretion of the Vice President for Research and Graduate Studies (“VPRGS”).

7. The revised policy changes the manner in which potential conflicts are evaluated and managed with the goal of streamlining the process and imposing greater uniformity in its implementation. This is accomplished by centralizing the assessment and management of conflicts of interest by shifting responsibilities from unit administrators and deans to the FCOIO and CRC.

8. As noted above, the revised policy adds a new section (IV.) to address specific requirements applicable to PHS and NSF investigators, including new PHS requirements effective August 24, 2012.