

SENATE RESEARCH COMMITTEE*

October 8, 1993

Minutes of the Meeting

PRESENT: Albert Yonas, Paul Sackett, Jeylan Mortimer, Allen Goldman, Daniel Feeney,
Eric Klinger, John Basgen, N. L. Gault, WinAnn Schumi (for Tony Potami)

REGRETS: Stephen Rich, Signe Betsinger

GUESTS: Gary Gardner (Member of the Academic Integrity Committee)

The meeting began at 12:30 p.m.

Presentation of the Conflict of Interest and Conflict of Commitment Document

Professor Gardner attended the meeting to present the "Conflict of Interest and Conflict of Commitment" document along with the most recent revisions. Each member of the Committee had a draft copy of this document without the revisions. Professor Gardner stated that the Academic Integrity Committee (AIC) needed to submit the final draft of this report by the end of the month (October). The Board of Regents is wanting to implement this policy and begin dealing with the issues involved.

Many of the proposed changes that Professor Gardner discussed had not been approved or agreed upon by the AIC. The AIC will decide on these issues and a new name for the document at their next meeting. In the footnote related to the title, a sentence will be added stating: "When combined policies are approved, (they) will be published in a booklet that will include the academic misconduct policy...." This booklet is not expected to be produced for another two or three months.

Professor Gardner proceeded to describe each section of the document, and its proposed revisions.

1. INTRODUCTION -- The AIC wants a policy that encourages faculty to interact with the community, but still sets limits. In an effort to include all external relationships in the document, "and public entities" is proposed to be added after "BUSINESS" on line six.

A committee member asked if this policy was to apply only toward academic employees. Professor Gardner responded that the AIC had discussed this issue and determined that eventually the University would need policies for all. Nonetheless, the AIC determined that this was outside of its authority, and that the document would only apply to academic employees.

Professor Gardner continued by expressing that this section introduced two types of conflict: interest and commitment. These concepts are introduced together in an effort to integrate the separate documents. A change was proposed by several Committee members. Line 36 states that the document addresses two types of conflict. It was agreed on that since this document addresses only conflict of interest, this line should state this directly. The sentence would go on to express that the document of conflict of commitment would

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be attached later.

2. CONFLICT OF INTEREST -- Professor Gardner pronounced that the definitions would remain as they are for the most part. The AIC will be considering the addition of the following paragraph preceding line 49 for the next revision:

"Academic employees are encouraged to participate technology transfer activities and interactions with business and public entities. These activities are referred to as external partnerships. Participation in external partnerships may lead to conflicts of interest, however, no wrongdoing is implied by the existence of a conflict of interest, although a common view is that it creates reason for a concern."

Also, the subtitle, "Classification of Categories of Conflict of Interest," on line 55 is proposed to be changed to "Classification of Categories of External Partnerships" It was stated that this takes away the negative connotation of the issue. A Committee member then asked if the title of the entire document should be changed to dispel the negative image? The new proposed title is "External Partnerships: Managing Conflicts of Interest."

Revisions proposed under subtitle **Category I**: It is being suggested to change the statement directly following "Category I" on line 69 with:

"The following activities usually are not considered conflicts of interest. They are normally allowable assuming they are consistent with consulting and intellectual property policies."

Category I, a) is being considered to read:

"Other writings or creative works - academic employees may not receive royalties from books, software and other materials used for courses they teach. (Footnote: materials may be assigned for purchase by students for a course taught by the author if the royalties for the purchase for assigned materials are returned to the university, another educational institution, a charitable institution, or not-for-profit foundation.)"

This entire policy will not supersede existing or future policies on consulting or intellectual property.

"It is our hope to devise a generic form for consulting, disclosure, and other external relationships," Gardner added, and referred the Committee to lines 218-220. He finished with this section by asserting that the intent of Category I is to provide faculty freedom to act in these areas without a review process.

Category II -- The beginning paragraph in this category has been proposed to read: "The following activities are considered to have minimal to moderate potential for conflicts of interest. They ordinarily are allowable...."

Category III -- The approval procedures for activities in this category are not established according to Gardner. In area (b), the AIC has suggested that what was written after "FINANCIAL INTEREST" on line 119 should be deleted through line 121. This would negate exemptions listed in the paragraph. The group proceeded to interact in a general discussion, sighting different possible examples of Category II activities.

Gardner clarified that receiving royalties as part of the University's agreement with the company, is allowable.

The beginning line of Category III is proposed to be changed to: "The following activities have a moderate to high potential for conflict of interest. They may be allowable only after disclosure...." Gardner pronounced that activities in this section are those which have not been scrutinized by the University. One definition relating to this area is expected to be changed. On line 256, a description of the term "Financial Interests" will be rephrased to read "...disclosure is required when the interest in a BUSINESS by an ACADEMIC EMPLOYEE exceeds \$5000," **and** "or 1% of outstanding shares of stock in equity or income." This limit was set at this amount to enable enforcement without requiring an unreasonable quantity of work.

Category III, (a), line 108: The Committee proposed changing "An ACADEMIC EMPLOYMENT participation in clinical trials or evaluation...." to read "evaluation or development" instead. Also Category II (b) is proposed to be repeated in III (b), and III (b) would become III (c). Category II (c) on Board Memberships will also inserted into Category III.

The group continued to clarify and examine several of the activities in this categories. The Committee stated that University personnel should be allowed to participate in similar activities off and on campus which relate to their expertise as long as it did not interfere with their commitment to the University (Category III.g.). These are areas which should be scrutinized not banned.

Gardner stated that the committee members were addressing some areas which had not been covered previously by the AIC, and encouraged them to mark a copy of the draft with their suggestions, and send it to Mark Brenner.

The final proposed change addressed by Gardner was on page 12, line 365. The entire remainder of the paragraph, starting with "In the event...." is to be deleted. In its place will be: "The University must sure that the divestiture of holdings will not obligate the academic employee for future activities or responsibilities for the company."

With the added proposals mentioned above, the Committee gave its approval to the document.

The meeting was adjourned at 2:00 p.m.

University of Minnesota