

**Conflict of Commitment/Financial Conflict of Interest Committee**  
**November 30, 2011**  
**UCOM 3901**  
**1 p.m. – 2:30 p.m.**

**Members Present:** Dr. Russ Lea, Vice President for Research, and Committee Chair; Dr. Abigail Baxter, Associate Professor, Special Education, College of Education; Dr. Jim Connors, Assistant Professor, Earth Sciences, Arts and Sciences; Ms. Kristin Daniels, Associate University Attorney (for Ms. Jean Tucker, Senior University Attorney); Dr. Karen Hamilton, Assistant Professor, Community Health Nursing, College of Nursing; Dr. Keith Harrison, Associate Vice President, Academic Affairs, and Dean, Graduate School; Dr. David Johnson, Senior Vice President for Academic Affairs; Dr. David Langan, Professor, School of Computer and Information Sciences (for Dr. David Feinstein, Professor, School of Computer and Information Sciences); Ms. Dusty Layton, Director, Research Compliance and Assurance, Research Administration; Dr. Vaughn Millner, Dean, Continuing Education and Special Programs; Dr. David Nelson, Chair, Mechanical Engineering, College of Engineering; Dr. Eddie Reed, Professor, Mitchell Cancer Institute; Dr. Mary Townsley, Assistant Dean/Director, Faculty Affairs, College of Medicine; Dr. David Turnipseed, Professor, Management, College of Business; and Dr. Julio Turrens, Associate Dean, Allied Health Professions.

**Members Absent:** Dr. Glenn Cochran, Cardiology Associates; Dr. Ron Franks, Vice President for Health Sciences; Dr. W. Kevin Green, Assistant Professor, College of Medicine; and Mr. Steve Simmons, Senior Associate Vice President, Financial Affairs.

The meeting was called to order at 12:50 p.m. by Dr. Lea.

**Russ Lea**

The purpose of the meeting was to view a 90-minute NIH webinar entitled, *What NIH Grantees Need to Know about the 2011 Revised Financial Conflict of Interest Regulation*, scheduled for 1 o'clock.

**Conflict of Interest and Faculty Relationships with Startups**

Prior to the webinar, Dr. Lea provided the members with a document entitled, *Conflict of Interest Principles: Applicable to Faculty with Relationships with Startup Companies* (Exhibit 1), and requested that the members review the document which will be discussed in depth during the next meeting.

**NIH Webinar on Financial Conflict of Interest Regulations**

The webinar began promptly at 1 o'clock and covered the revised financial conflict of interest Regulations published in the *Federal Register* August 25, 2011, which carry an implementation date of August 24, 2012.

It was noted that the final rule amends the PHS regulations issued in 1995, *Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors*. The new regulations maintain the general framework of the 1995 regulations, but make some significant changes.

Specifically, the new regulations:

- Require investigators to disclose to their institutions all of their significant financial interests related to their institutional responsibilities.
- Lower the monetary threshold at which significant financial interests require disclosure, generally from the 1995 amount of \$10,000 to \$5,000.
- Require institutions to report to the PHS Awarding Component additional information on identified financial conflicts of interest and how they are being managed.
- Require institutions to make certain information accessible to the public concerning identified financial conflicts of interest held by senior/key personnel.
- Require investigators to complete training related to the regulations and their institution's financial conflict of interest policy.

Institutions applying for or receiving NIH or other PHS funding from a grant, cooperative agreement, or contract that is covered by the final rule must be in full compliance with all of the revised regulations by August 24, 2012. In the interim, institutions should continue to comply with the 1995 regulations, revise institutional policies, establish procedures for compliance, train investigators, and continue to report FCOIs to NIH. Institutions that implement the regulation prior to August 24, 2012 should signify their compliance by making the institutional FCOI policy publicly accessible. Copies of the NIH presentation slides are included herein as Exhibit 2.

**COC/FCOI Audit Results**

At the conclusion of the webinar, Dr. Lea provided the committee with the audit reports on the 2011 COC/FCOI disclosure process which concluded at the end of October. Copies of the audit reports are included herein as Exhibit 3. The audit results were discussed briefly; and it was noted that USA was 100 percent compliant as to disclosures provided; however, there were 3 potential conflicts of commitment, 33 potential conflicts of interest, 2 actual conflicts of commitment, and 2 actual conflicts of interest reported.

The procedure for evaluating and managing potential and actual conflicts of commitment and financial conflicts of interest were also discussed.

Action Item

It was agreed that all reported potential and actual conflicts of interest would be reviewed by a subcommittee consisting of Ms. Layton, and four COC/FCOI Committee Members. The findings of this subcommittee with regard to each potential or actual conflict would then be reported back to the appropriate Unit Head, and then to the COC/FCOI Committee.

There was a brief discussion about NIH's new requirement to provide public access to certain information on identified financial conflicts of interest held by senior/key personnel. And, it was agreed that USA would utilize the option to respond to requestors, on a case-by-case basis, within the allowed five business days of request rather than posting all of this information to University websites.

The next committee meeting is scheduled for 9 a.m., Monday, February 13, 2012, in the College of Education Conference Room, UCOM 3901.

With there being no further business before the Council, the meeting was adjourned at 2:40 p.m.

Respectfully submitted,

Sandra S. Corry  
Recorder