

# COI/COC Discussion

FACULTY SENATE

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THE UNIVERSITY OF ARIZONA

Research, Innovation  
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# My requests ▶▶▶



- Help us as an institution develop a 2-pronged approach to matters of academic freedom associated with International engagement
  - Participate in the development of a new office for research security that meets federal requirements as they are developed over the upcoming year
  - Work with RII to develop a working group for broad research security considerations that supports in perpetuity the latter
- Work together with RII and our sibling universities in AAU and APLU ( and any other university coalitions that operate at scale) to continuously engage in the larger messaging around the importance of International engagement

# Background ▶▶▶

- Federal agency (NIH) request for policy review and augmentation – August 2018
- Policy development initiated at UA - February 2019
- Interim policy submitted to Federal Agency – May 2021 (required by NIH)
- UA policy finalized – December 2021 (after 2 review cycles)
- Stakeholders involved in the two review and feedback periods:
  - Faculty Senate
  - Student Affairs Policy Committee
  - Academic Personnel Policy Committee (APPC)
  - Assoc Deans for Research
  - Research Policy Committee (RPC)
  - Institutional Review Committee (IRC)
  - Dean’s Council
  - Procurement & Contracting Services (PACS)
  - Internal Audit
  - Tech Launch Arizona (TLA)
  - Associated Students of the University of Arizona (ASUA)
  - Classified Staff Council
  - Appointed Professionals Advisory Council (APAC)
  - APAC Subcommittee on Policy
  - Graduate & Professional Student Council
  - SLT
  - Executive Review Committee (ERC)
  - Public Comments

# COC/COI Policy ▶▶▶

Current COI/COC Policy: [Conflicts of Interest & Commitment Policy](#)\*



Integrated the following policies:

- Conflict of Commitment Policy
- Conflict of Interest (UHAP) Policy
- Conflict of Interest in Purchasing Policy
- Individual Conflict of Interest in Research Policy
- Institutional Conflict of Interest Policy

\* The policy language was reviewed and approved by OGC for compliance with federal regulations, state law and ABOR policies.

# Policy requirements are based on current Federal & State regulations



- Pre-1980: Arizona's Conflict of Interest statute enacted
- 1988: ABOR adopts policy that University Employees can have Outside Employment if it is "fully consistent with all rules promulgated by" UArizona and ABOR.
- 1995: NSF makes changes to financial disclosure policy to align with PHS's policy
- 2011: PHS's Promoting Objectivity in Research regulations implemented
- 2011: NIH requests institutional conflict of interest policies at research institutions
- 2018: NIH requests COI/COC policies be reviewed and augmented
- Jan 2021: Presidential Memorandum on United States Government – Supported Research & Development National Security Policy (NSPM-33)
- Jan 2021: US Government Accountability Office issues Protecting Federal Research from Foreign Influence
- Spring 2021: Federal funding agencies inform research institutions that conflict of commitment review must occur prior to conflict of interest review.
- Jan 2022: National Science & Technology Council issues Guidance for Implementing NSPM 33

# What happens if we fail to comply with COI/COC policy requirements? ▶▶▶

- UArizona faculty would be ineligible to receive federal funding. This will not be implemented faculty by faculty, but institutionally, agency by agency.
- UArizona faculty would become ineligible to receive many private grants. (Many private organizations have adopted conflict policies that require grantees to have a conflict policy that requires disclosure and conflict review and complies with Federal guidelines.)
- UArizona and its employees would be in violation of Arizona's conflict statute (ARS 38-503).
- Our faculty who are externally (Agency) investigated may be at significantly higher risk due to lack of conforming policy

# Support systems being put in place now ▶▶▶



- New Faculty Liaison position in the OROI
- FAQs living document on OROI webpage
- Disclosure Scenarios to help answer common questions/concerns
- Annual review with Faculty Senate & OGC to consider policy changes that may be needed as a result of FAQ analysis

# Other Support Tools ▶▶▶



- **Disclosure Matrix**

<https://research.arizona.edu/compliance/office-responsible-outside-interests/disclosure-requirements>

- **Decision Tree**

<https://research.arizona.edu/compliance/office-responsible-outside-interests/disclosure-requirements>

- **Responsibility Accountability Consulted Informed Matrix**

<https://research.arizona.edu/compliance/office-responsible-outside-interests/disclosure-requirements/coc-coi-review-processes>



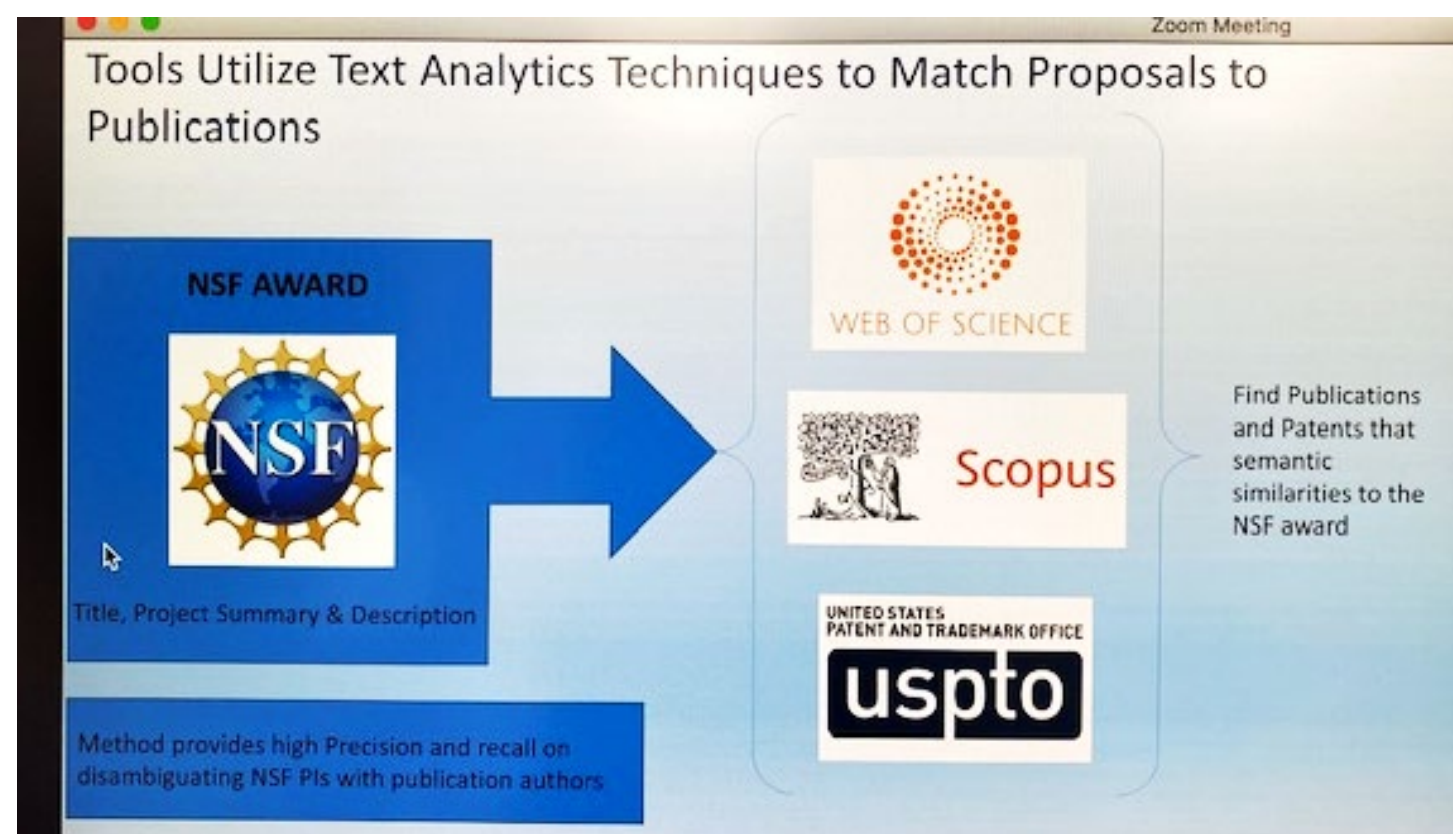
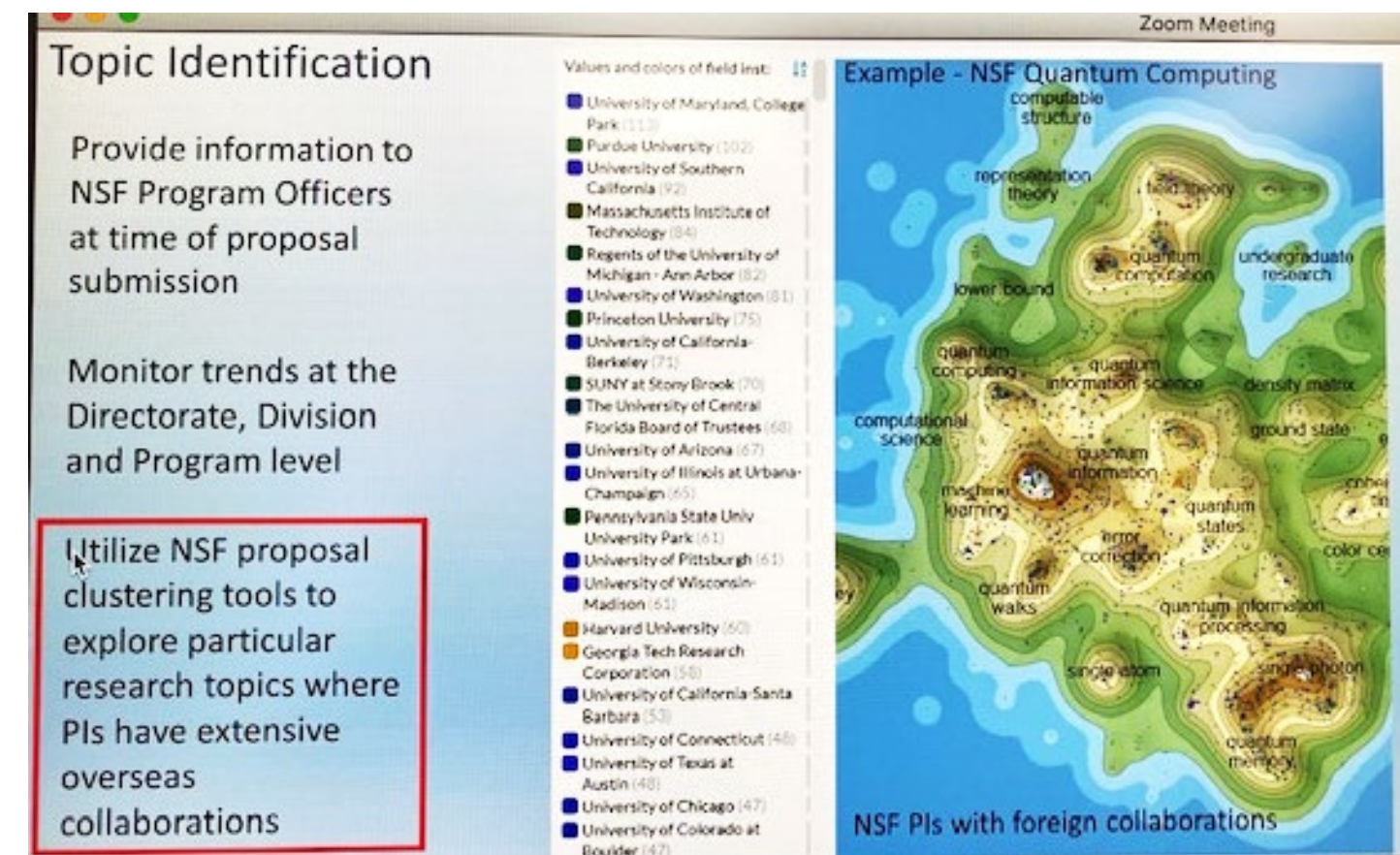
# More is coming ▶▶▶

NSPM33

Whitehouse implementation guidance

- Digital persistent identifiers
- Consequences for violation
- Research Security Program

NSF AI-Based System



## International Collaboration Catechism--1

- Describe the engagement succinctly and without jargon. Is it fundamental research? If not, what are the institution's policies around creating the engagement?
- Are the terms of the engagement made clear in writing? Have all the participants been identified? Are all participants known to the PI and the PI's institution?
- Are all the participants' conflicts of interest and commitment documented? Are there any aspects of the engagement that are not to be disclosed to any of the participants? If so, what is the reason?
- Is there any aspect of the engagement that seems unusual, unnecessary or poorly specified?
- Where does the funding and other resources needed for the activity come from? Is it clear what each party is providing?

## National Security Presidential Memorandum 33 (NSPM-33)

- » Addresses why research security and integrity are important and outlines their key elements
- » Establishes federal department and agency roles and responsibilities related to research security
- » Contains requirements such as:
  - Disclosure of key information to federal agencies
  - Establishment of a research security program for institutions receiving >\$50M in federal funding

## NSPM Implementation Guidance

- **Disclosure Policy** — ensuring that federally-funded researchers provide their funding agencies and research organizations with appropriate information concerning external involvements that may bear on potential conflicts of interest and commitment;
- **Oversight and Enforcement** — ensuring that federal agencies have clear and appropriate policies concerning consequences for violations of disclosure requirements and interagency sharing of information about such violations; and,
- **Research Security Programs** — ensuring that research organizations that receive substantial federal R&D funding (greater than \$50 million annually) maintain appropriate research security programs.

# Backup Slides With FAQ Examples



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QUESTIONS?



Thank you



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# Concern #1 ▶▶▶ (presented by Dr. Hingle on behalf of Faculty Senate)

"the words "volunteer / pro bono work" which respondents pointed out are a) two different things, and b) are outside of the University's purview since volunteer time unpaid and outside of typical work hours"

## SCENARIO #1

A College of Nursing faculty member is a registered nurse and will be participating in their child's school's field day where they will be working the first aid station.

- While nursing and first-aid may be within the same knowledge area, this is not a "professional or other activities that are related to a University Employee's professional expertise" that requires COC disclosure.

## SCENARIO #2

A College of Law faculty member who teaches Labor Law courses would like to represent an individual in a worker's compensation claim. This will be pro bono and the faculty member will use nights, weekends and/or vacation time.

- This is an Outside Commitment that requires disclosure because it is a "professional or other activities that are related to a University Employee's professional expertise," is outside of their UArizona duties and responsibilities, and is for the benefit of a third party.

## Concern #2 ▶▶▶ (presented by Dr. Hingle on behalf of Faculty Senate)

"professional and other activities that faculty engage in frequently (e.g., Editor of a scientific journal) which meet the written definition of an "outside commitment" in this policy but is expected of faculty as part of their professional service and evaluated in promotion and tenure, are not currently reported, and would create quite a bit of administrative burden to track"

### SCENARIO #1

An Investigator receives personal compensation or an honorarium of \$5,000 or more for editing journal articles. In this instance, the editing work must be disclosed as a Significant Financial Interest for conflict of interest (COI) review even though it is part of the individual's professional service requirement. The Investigator would not need to submit a COC form if the activity is part of their professional service.

### SCENARIO #2

An Investigator serves on the Scientific Advisory Board for a professional society but does not receive any remuneration. The Investigator must disclose this board membership as a Significant Personal Interest for conflict of interest (COI) review. The Investigator would not need to submit a COC form if the activity is part of their professional service.

### SCENARIO #3

An Investigator receives an honorarium of \$300 from a foreign funding agency to review research proposals. In this instance, the Investigator must disclose the review work as a Foreign Interest for conflict of interest (COI) even though the remuneration is less than \$5,000 and the work may be part of the individual's professional service. The Investigator would not need to submit a COC form if the activity is part of their professional service.