

# *Conflict of Interest*



## What is a conflict of interest?



- A conflict of interest (COI) is a **clash** between an individual's concern for the **public interest** (or the organization) and his or her **private interest** or allegiance.
- COIs can be actual or perceived.

## What are the effects of conflicts of interest?



- Can compromise the effectiveness of the **decision-making process** by warping or biasing judgments. (Bad data = Bad result)
- Can erode confidence and **trust** in the integrity, effectiveness, and evenhandedness of the **decision-making process**.

## *Who must be aware of conflicts of interest?*



- **Everyone**, because sound process helps lead to sound decisions.

## *How to deal with conflicts of interest?*



➤ Disclosure

➤ Avoidance

➤ Removal

## *Discussion of conflict of interest in science research.*

### *PEER REVIEW*



**“I am a faculty member at University X. Two co-PIs on this proposal are affiliated with University X. I do not know them, although it is true that University X as an institution would benefit if they were to be funded. I am the PI on the Y database proposal which is developing a database that I would very much like to see interface with this Project and related databases. Y database supports the goals articulated by this Project and in the past my close collaborator with the PI has received some funding under this Project. I have attended one Project workshop in November 2001, but have had no direct contact with the primary PI and her colleagues.”**

## *What do you think, conflict or not?*

### **Affiliation with a requestor's institution**

- **Current employment (formal or informal) within the same department or institution.**
- **Any affiliation with the requestor institution including, but not limited to, current membership on a visiting committee or similar body at the requestor's department, holder of any office, governing board membership, or relevant committee chairpersonship in the requestor's department.**
- **Currently seeking employment with the institution.**

## *PEER REVIEW*



### **REVIEWERS NOT TO INCLUDE:**

"Anonymous. Reviewer of the previous version of this proposal who was the only one of four who ranked the proposal lowly. This reviewer's comments indicate strong familiarity with the region we are targeting, thus we sense some conflict of interest."

## *What do you think, conflict or not?*

### **Other relationships with the PI**

- **A competitive relationship, such as would exist if the reviewer was a PI or Co-PI on a proposal that competes for resources, schedule, facilities, or other resources with the program under consideration by the program.**
- **Any other relationship, such as close personal friendship that might affect the reviewer's judgments, or be seen as doing so by a reasonable person familiar with the relationship.**
- **Any other conflicts known to the reviewer that would prevent reviewing a project in a non-biased, fair and objective way.**

## *PEER REVIEW*



**“I do I do not have a conflict of interest even though I have been named as a member of the Committee of Community Representatives (named in the proposal) because this group has not yet met. I agreed to be on this committee because of my strong interest in seeing the development of such a database system and I truly believe this Project is the system of choice. I know the PI and have had discussions with him at various meetings, but we have not collaborated on any papers or research projects.”**

## *What do you think, conflict or not?*

### **Relationships with a PI or other person who has a personal and/or financial interest in the proposal**

- **Known family or marriage relationship.**
- **Business or commercial partnership.**
- **Present association as primary thesis advisor or thesis student**
- **Professional collaboration involving research and publication over the past four years or as Principal Investigator and Co-Principal Investigator on a current request.**

## POST-EMPLOYMENT

- A. A 'rotator' program director from University X funds a proposal to establish a new research institute at University Y. She return to her home institution (University X) and then applies for the position as head of the institution at University Y.**
  
- B. While a program director at the NSF you personally approved the terms of a grant to the Solar Equipment Company for development of solar heating equipment. Subsequently, responsibility for this grant was transferred to the Department of Energy. After you retire from NSF, you accept a position with the Solar Equipment Company. A problem comes up under the same grant and you would normally be responsible for resolving it in discussions with DOE officials.**

## *What do you think, conflict or not?*

- **Current-employee restriction.** During your Federal employment you must not represent anyone (including yourself) in dealings with any Federal official on any proposal, project, or other matter.
- **One-year NSF restriction.** For one year after you leave NSF employment you must not represent anyone (including yourself) in dealings with any NSF official on any proposal, project, or other matter.
- **"Official responsibility" two-year restriction.** For two years after you leave NSF employment you must not represent anyone else in dealings with any Federal official on any proposal, project, or other matter involving specific parties if the same matter was active under your official responsibility during your last year at the NSF.
- **"Personal involvement" permanent restriction.** You must never represent anyone else in dealings with any Federal official on any proposal, project, or other matter involving specific parties if you were personally involved with the same matter as an NSF employee.

## *Contrast to National Academy of Sciences*



**“The Academy shall make its best efforts to ensure that no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such a conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable.”**

## *Federal Advisory Committee Act (FACA) of 1972*



- ❖ **Provide advice that is relevant, objective, and open to the public.**
- ❖ **Used when specific advice and recommendations are sought but not when seeking viewpoints or experiences.**
- ❖ **Need to use FACA when at least one member of advisory committee is not a federal employee.**
- ❖ **Federal officials have access to advice on issues that affect federal policies and programs.**
- ❖ **The public can actively participate in federal government decision-making.**

*General Standards of Ethical Conduct*  
*5 C.F.R. § 2635.101 (b)*

- (1) Consider public service as a public trust, requiring you to place loyalty to the Constitution, the laws, and ethical principles above private gain;**
- (2) Hold no financial interests that conflict with the conscientious performance of your duties;**
- (3) Engage in no financial transactions using nonpublic Government information nor allow the improper use of such information to further any private interest;**
- (4) Unless an exception applies, solicit or accept no gift or other item of monetary value from a person or entity seeking official action, doing business with, or conducting activities regulated by the Foundation, or whose interests may be substantially affected by the performance of your duties;**

## *General Standards of Ethical Conduct*



- (5) Put forth honest effort in performing your duties;**
- (6) Make no unauthorized commitments or promises of any kind purporting to bind the Government;**
- (7) Avoid using public office for private gain;**
- (8) Act impartially and give no preferential treatment to any private party or individual;**
- (9) Protect and conserve Federal property and use it only for authorized activities;**
- (10) Engage in no outside employment or activities, including seeking or negotiating for employment, that conflict with your official Government duties and responsibilities;**

## *General Standards of Ethical Conduct*



- (11) Disclose waste, fraud, abuse, and corruption to appropriate authorities;**
- (12) Satisfy in good faith your obligations as a citizen, including all just financial obligations imposed by law;**
- (13) Adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, or handicap; and**
- (14) Endeavor to avoid any actions creating the appearance that you are violating the law or other ethical standards.**