Conflict of Interest
Export Control
Research Integrity

Cordell Overby, ScD
Associate Provost for Research and Regulatory Affairs
Conflict of Interest
Concern … if potential is realized

- Conflict of interest refers to situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an employee’s professional judgment with regard to the research they are conducting.
Potential for “Conflict”

- Is not inherently bad … so, disclose
- If conflict actually develops … must be managed
- Management plans must be periodically reviewed
University of Delaware has …

- “Conflict” of interest policy
- “Conflict” process
- Based in case specifics & detail
- Web based disclosure
UD Policy Provides for …

• Disclosure of
  – Consulting agreements
  – Substantial ownership
  – Participation
    • In entity that supports employee’s UD function
    • In key role for commercial entity
    • In commercial entity on day-to-day basis
UD Policy Provides for … (continued)

• Specifics to be included in disclosures
  – Nature of relationships
  – Period of relationships (short vs. long term)
  – Entity name
  – Benefits to UD, entity & employee
  – % of employee’s time
  – How to avoid conflict w/ UD obligations
UD Conflict of Interest Process

• Primary players
  – Faculty &/or professional staff
  – Unit head
  – Dean
  – Dean’s College Conflict Advisor Committee
  – Provost
  – Provost’s University Conflict Committee
UD Conflict of Interest Process (continued)

• Disclosure of “interest” to unit head
• Informally resolve matter w/ unit head
• If unresolved, unit head submits to dean’s advisory committee
• If dean’s resolution unacceptable, refer to provost & university conflict committee
UD Conflict of Interest Process (continued)

- Provost makes final determination
- Faculty/Professional Staff
  - Maintains file
  - Reports status changes
- Biannual administrative review or upon substantial change
Financial Conflicts May Lead to Conflicts in …

- Commitment
- Conducting research
- Protecting research subjects
- Use of institutional resources
Conflict of Commitment

• Research responsibilities
• Teaching responsibilities
• Clinical responsibilities
• Administrative responsibilities
• Community service responsibilities
Conflict in Conducting Research

- Bias in design of research
- Bias in conduction & analysis of research
- Bias in reporting research
Conflict in Protecting Research Subjects

• Inappropriate enrollment of subjects
• Flawed informed consent
• Inadequate patient care
• Inadequate reporting & management of adverse events
Conflict in Use of Institutional Resources

- Non-UD research conducted in UD facilities
- Non-UD research conducted by UD persons
- Non-UD research conducted with UD equipment
- UD research resources provided to non-UD entity
Export Controls
• Exports are physical things, electronic information, etc. sent to foreign countries as well as disclosing information to foreign persons in the US (deemed export)
• Exports are controlled for National security
  – ITAR
  – EAR
  – OFAC
Fundamental Research

• *Information* resulting from basic and applied research in science and engineering conducted at an accredited institution of higher education *in the U.S.* that is ordinarily published and broadly shared within the scientific community.
• Publication restrictions
  – DFARS 252.204.7000 “Disclosure of Information”
• Restrictions on foreign national participation
UD Export Control Policy

6-17 Export Controls and Trade Sanctions
http://www.udel.edu/ExecVP/polprod/6-17.html

Export Compliance Manual
Research Integrity
Definition of misconduct

• Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

• Office of Science and Technology Policy (OSTP)
Research misconduct does NOT include honest error or differences of opinion.

Office of Science and Technology Policy:  
http://www.ostp.gov/cs/federal_policy_on_research_misconduct
For there to be a finding of misconduct

• There must be a significant departure from accepted of the scientific practices of the relevant research community; and

• The misconduct is committed intentionally, or knowingly, or recklessly of accepted practices; and

• The allegation is proven by a preponderance of evidence (OSTP)
Where to Report

• Allegations of research misconduct may be reported to the University of Delaware, Associate Provost for Research and Regulatory Affairs, Dr. Cordell Overby.
Important Players defined

- Research Integrity Officer (RIO)
- Deciding official (DO)
- Complainant (the accuser)
- Respondent (the accused)
When allegations are received

1. The RIO reviews the matter and decides if the allegations meet the definition of research misconduct. If so,

2. An Inquiry Committee is formed to conduct an initial review and determine if,

3. A full Investigation Committee should be formed.
Inquiry Committee

- Performs an initial review of the evidence and meets with the parties.
- Decides if there is sufficient evidence that misconduct MAY have occurred to warrant a full investigation.
- Delivers recommendation to RIO who forwards to the DO for final disposition.
Investigation Committee

- Meets if the DO decides there is sufficient evidence to move forward
- Has different members (none the same) from the Inquiry Committee
- Fully investigates the allegation
- May recommend that other charges be brought forward
The investigation committee makes a recommendation of finding for or against misconduct

- Delivered to RIO who reviews and if satisfied that the investigation committee fulfilled its obligations
- Forwards to the DO
• The DO makes the final determination and assesses the institutional penalty
• The cognizant agency may also assess additional penalties
Policy may be found at:

Points of Contacts

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