

UNIVERSITY OF TOLEDO RESEARCH REGULATORY COMMITTEE CONFLICT-OF-INTEREST GUIDELINES

(IRB, IACUC, IBC, COI Review Committee, Academic/Scientific Misconduct Committee,
Radiation Safety Committee and Patent Advisory Committee)

"All Individuals must temporarily excuse themselves from any University regulatory research committee or review process that is considering an activity in which they or their family member(s) have a financial interest. In addition, Individuals must disclose to committee chairs or the appropriate administrator any interest (business, financial or family) that might cause the Individual to compromise his/her judgment while serving as a committee member or making administrative decisions."

**Source: UT FCOI: IMPLEMENTATION, REVIEW AND COMPLIANCE
PROCEDURES (Companion document to the Conflict-of-Interest Policy)**

It is the responsibility of each committee member to identify and avoid situations in which he or she, either personally or by virtue of their position, might have a conflict-of-interest, or may be perceived by others as having a conflict-of-interest, arising in connection with a matter before a committee of which they are a member. For the purposes of these guidelines, the term "conflict-of-interest" refers to situations in which a real or apparent Conflict-of-Interest may exist, or in which others may perceive that such a conflict-of-interest may exist.

If assigned as a reviewer for a matter which the committee member feels that he or she may have a conflict-of-interest, the committee member must notify the UT office handling the review process immediately so the matter may be reassigned to another reviewer. It is essential that potential reviewers peruse the matters for which they are assigned reviewers immediately upon receipt to determine whether they may have a conflict-of-interest.

Typically, there are three distinct phases of a committee's consideration of a matter: discussion, deliberation, and action (which may include a vote). In general, committee member(s) who have a conflict-of-interest may remain in the meeting room, at the discretion of the committee chair, during the discussion of the matter in order to provide answers to questions, clarifications, etc. However, said member must recuse him or herself from deliberations and actions/votes regarding the matter by leaving the meeting room. It shall be the prerogative of a committee chair to request that an individual recuse him/herself from a given matter before his/her committee, if the committee chair recognizes a potential for conflict-of-interest on the part of that individual, even if the individual does not recognize such potential.

The following **Guidance** is provided to assist committee members in determining whether they may have a conflict-of-interest, or may be in a position to be perceived by others as having a conflict-of-interest, with regard to matters before a committee. These guidelines do not cover all possible situations, but should be helpful in identifying the most obvious conflicts-of-interest. The following represent examples of situations in which a conflict-of-interest is likely:

- 1) A committee member is the principal investigator, program director, collaborating investigator or other named participant in a matter (e.g., a research protocol) being reviewed by the committee.
- 2) A matter before the committee has been submitted by, or involves, a spouse or domestic partner, or by an individual who supervises, or is supervised by, said spouse or domestic partner.

3) A committee member has a direct financial interest in, or serves as an officer, director, owner, trustee, consultant or employee of, or is negotiating future agreements with, a company whose product is a part of a matter before a committee.

4) A committee member has, or may be perceived as having, either a positive or negative bias that may affect his or her objectivity in a matter before the committee. Examples of this may include:

- (i) a matter involving a student/trainee for whom the committee member was the major advisor/mentor within the past five (5) years,
- (ii) a matter involving a professional collaborator with whom the committee member has co-published within the past five (5) years,
- (iii) a matter involving a colleague with whom the committee member has had scientific or personal differences.

5) A matter before the committee involves, as a named participant, individual(s) to whom a committee member has a direct reporting or supervisory role. For example, a department chair should leave the room for matters involving a member of her/his department. Likewise, a faculty member should leave the room for matters involving her/his department chair.

6) A matter before the committee involves applications/proposals that a committee member has been involved in writing, reviewing (except as a reviewer assigned by the UT committee office responsible for review/approval of the application/proposal), or editing.

7) A matter before the committee in which, by virtue of his/her position(s), a committee member may be perceived as gaining personal benefit. Recent guidance from the Office for Human Research Protection (OHRP), for example, has stated that an institution's Director of Research should not serve as a voting member of an IRB, because he/she has a vested interest in grants/contracts awarded to the institution. Given this guidance, it follows, that the director of research (regardless of specific title) for a department or division should not be involved in deliberations and actions related to research protocols, etc. from his/her department or division.

Minutes of committee meetings must reflect the absence of a member (by name) when he or she leaves the meeting during deliberations and actions regarding matters for which they have, or may be perceived to have, a conflict-of-interest.

Revised: 07/23/2007