Conflicts of Interest
Conflict of Commitment
Collaborative Work

Claudia Farber, Assistant Dean, GSNB
cfarber@rci.rutgers.edu
Eileen Kowler, Professor II
kowler@rci.rutgers.edu
Whose interests come first?
Objectives

- Conflicts of interest
  - Definition
  - Issues
  - Rutgers policy
- Conflict of commitment
- Collaborative research
- Case study break-out groups & discussion
Conflicts of Interest

Definition: situations in which one may have the opportunity to influence research directions or business decisions in ways that could lead to improper advantage for oneself or others

- Potential conflict of interest is not inherently wrong; but must be managed if arises
- Researchers DO have responsible & justifiable interests
  - Advancing knowledge
  - Discoveries that will benefit individuals and society
  - Personal gain, recognition, and satisfaction
  - Furthering professional advancement

- Steneck, 2007
Varieties of Conflicts

• Financial gain
• Commitment: one’s external activities interfere or appear to interfere with obligations to students, colleagues, university
• Conscience: personal beliefs influence objectivity in research
• Inappropriate use of institutional resources
• Peer review
• Unintentional bias
Varieties of conflicts, con’t

• Conflicts in research, e.g., bias in design, conduct, analysis, reporting results.

Can lead to:

– Inadequate protection of research subjects
  • Inappropriate enrollment of subjects
  • Flawed informed consent
  • Reporting & management of adverse events

– Inaccurate data in the research record. (journals now require researchers to disclose real or potential conflicts of interest)
Financial conflicts of interest

- *Perceived or actual* tensions between personal financial gain and honesty, accuracy, efficiency, and objectivity
- Financial interests are not inherently wrong
  - Bayh-Dole Act (1980) encourages collaboration and commercializing research ideas (technology transfer) by giving ownership to research institutions
  - But... the need for research funding & the desire for commercial success can put pressures on the researcher to produce the “right” results
Rutgers policies: technology transfer

Managed by the Office of Technology Commercialization

• identify, protect and license marketable Rutgers University inventions and intellectual property
  – Including work done while a graduate student even if on own time and with own facilities and equipment
• develop & maintain university-industry relations, including funding for research
• MUST be consulted for all technology transfer

http://otc.rutgers.edu/conflict.php
Patents FAQs (otc.rutgers.edu)

– What is an “invention”?  
– What is a “publication”?  
– What if I published my invention?  
– I think I have a new discovery, what should I do?  
– Who "owns" the patent?  
– How do I know if my post-doc or graduate student is an inventor of the patent?  
– I need to exchange information with another organization about my research, what should I do?  
– How do I get a Copyright?
Conflicts of Commitment

Situations in which a researcher is dedicating time and effort to outside activities that detract from their primary responsibilities.

May lead to conflicts in responsibilities, research, teaching, clinical, administrative, community service.

Some examples:

- accepting an unpaid position on a company's Board of Advisors when the company is sponsoring their research
- using Rutgers resources, e.g., office or lab space; printers, etc. for outside consulting or business activities
- the use of graduate students by a faculty member on a personal consulting project
Rutgers Plain Language Code of Ethics

- Avoid excessive commitments of time to external employment
- All use of facilities, equipment, stationery, and supplies must be directly related to the purposes of the university
- Avoid external relationships and employment which could result in inappropriate personal profit from university decisions
- Avoid orienting university research, teaching, or other university activity for inappropriate private (or other) advantage
- No transmitting, without disclosure to and approval … university sponsored work products, results, materials, records, or information that are not made generally available.

“Some conflicts are inevitable: Appropriate disclosure and/or recusal from decision-making often avoids problems”

http://uhr.rutgers.edu/ethics/PlainLanguageGuide.pdf
Collaborative Research

• Groups of researchers who are all more or less equal partners working on a common project
• Factors contributing to an increase in collaborations
  – technology that facilitates communication
  – funding sources encourage collaborative and multidisciplinary projects
  – evidence that collaborations can improve progress
• Additional responsibilities of collaborative work arise from:
  – complex roles and relationships, e.g., commitments to collaborative group vs. to grad students vs. to other colleagues
  – common, but not necessarily identical, interests
  – management requirements
  – cultural differences

Sterneck 2007
To avoid conflicts in collaboration

• Beforehand: consult with colleagues, university offices, read
• Regularly communicate with collaborators
• Clear definition and agreement beforehand on
  – goals, expectations, roles responsibilities, accountability
  – management (financial, training, supervision, compliance, changes in design, etc)
  – data collection, data ownership and data management
  – authorship
  – intellectual property
  – changes in the collaboration, e.g., termination

*, e.g.: Collaborative Research: Avoiding Pitfalls and Sharing Credit, K. D. Pimple, http://www.iupui.edu/~resed/collaborativereswkshp05intro.html
Break-out groups

(a) Pick someone to report to the group
(b) Read and discuss case

REPORT:
(a) Summarize (or read) case to whole group
(b) Review group discussion, consensus or majority & minority opinions, and especially reasoning processes

Full group: comments/questions/discussion
Issues to consider

• Who has a stake in the situation?
• What are the interests and perspectives of each of the parties?
• Where do the parties' interests conflict?
• What are the duties and obligations of the parties?
  – What professional norms and values give rise to them?
• What are the alternative courses of action?
  – And what are the likely consequences of each?

(Bebeau et al., 1995)
Case #1: A Conflict of Commitment

Sandra was excited about being accepted as a graduate student in the laboratory of Dr. Frederick, a leading scholar in her field, and she embarked on her assigned research project eagerly. But after a few months she began to have misgivings. Though part of Dr. Frederick’s work was supported by federal grants, the project on which she was working was totally supported by a grant from a single company. She had asked Dr. Frederick about this before coming to his lab, and he had assured her that he did not think that the company’s support would conflict with her education. But the more Sandra worked on the project, the more it seemed skewed toward questions important to the company. For instance, there were so many experiments she needed to carry out for the company’s research that she was unable to explore some of the interesting basic questions raised by her work or to develop her own ideas in other areas. Although she was learning a lot, she worried that her ability to publish her work would be limited and that she would not have a coherent dissertation. Also, she had heard from some of the other graduate students doing company-sponsored work that they had signed confidentiality statements agreeing not to discuss their work with others, which made it difficult to get advice. Dr. Frederick and the company’s researchers were very excited about her results, but she wondered whether the situation was the best for her.

1. Has Dr. Frederick done anything wrong in giving Sandra this assignment?
2. What potential conflicts in terms of data collection, data interpretation, and publishing might Sandra encounter as she continues with her research?

(from On being a scientist)
Case #2: Weighing Interests

Early in his undergraduate education, Dr. Sam M. decided to dedicate his studies to finding a cure for a psychological disorder that seemed to run in his family. As a biology major, he pursued independent research projects and worked long hours as a lab assistant. He then enrolled in a PhD program in psychopharmacology and is now completing a 3-year postdoc in the neurosciences.

During his postdoc he worked on a promising compound he first discovered during his graduate years. His work has gone well and he feels the time is right to explore clinical applications. After more than a decade of living on student and postdoc wages, he is also ready for a better paying job.

As Sam weighs the options of an academic versus an industry job, he begins to wonder about who owns or will own the useful applications of his work, if and when there are any. Will it be owned by:

- his graduate institution, where he first worked on the promising compound?
- his postdoc institution, where he refined his ideas?
- his future academic or industry employer?
- himself, based on his hard work and innovative ideas?
- society, which funded parts of his education and most of his research?

1. **Who has a legitimate interest in Sam’s work?**
2. **When do his own personal financial interests create conflict of interest?**

(from On being a scientist)
Case # 3: A Commercial Opportunity

Shen was always interested in bioinformatics and decided to use some of his free time to write a program that others in his microbial genetics laboratory would find useful. Starting with a popular spreadsheet program on his university-provided computer, he wrote the program over the summer and posted it on his personal Web page as a bundle that combined the spreadsheet program and his own program. Over the next academic year, he improved his program several times based partly on the feedback he got from the people in his laboratory who were using it.

At national meetings, he discovered that researchers in other laboratories had begun to download and use his program package, and friends told him that they knew of researchers who were using it in industry. When the issue arose in a faculty meeting, Shen’s faculty adviser told him that he should talk with the university’s technology transfer office about commercializing it. “After all,” his adviser said, “if you don’t, a company will probably copy it and sell it and benefit from your hard work.” The director of the technology transfer office was much more concerned about another issue: the fact that Shen had been redistributing the spreadsheet in violation of its license. “You do have rights to what you created, but the company that sells this spreadsheet also has rights,” he said. “We need to talk about this before we talk about commercialization.”

1. What obligations does Shen have (a) to the developer of the original spreadsheet program? (b) to the university that provided the spreadsheet and computer?

2. What are the pros and cons of trying to commercialize a program that is based on another’s product?

3. What conflicts and practical difficulties might Shen encounter if he tries to operate a business while working on his dissertation?  
   (from On Being a Scientist)
Case # 4: Collaborative Research

Sharon, Ben, and Terra met during a late-night discussion at a professional meeting. They share a common interest in learning disorders but come from different scientific backgrounds. Sharon works at the cutting edge of brain imaging technology. Ben is an educational psychologist interested in pre-school children in inner cities. Terra has been putting her knowledge as a physiologist to work exploring the effects of alternative medicines.

As late night turns to early morning, the newly met trio begins to see benefits from working together and starts sketching out a grant proposal. The scientific ideas quickly fall into place, but some of the logistics raise questions that need answers.

1. Who should submit the proposal, through which university?
2. Do all three need to get IRB approval to work on the project?
3. What will happen if their work has practical applications? What RCR issues may arise?
4. How should they go about answering these questions? Are there other important questions that should be asked as well?

From Steneck, 2007
Rutgers Links

- Ethics at Rutgers website and links:  [http://uhr.rutgers.edu/ethics/](http://uhr.rutgers.edu/ethics/)
- ORSP links to Rutgers policies: [http://orosp.rutgers.edu/conflict.php](http://orosp.rutgers.edu/conflict.php)
- Rutgers Academic Integrity policy: [http://academicintegrity.rutgers.edu/](http://academicintegrity.rutgers.edu/)
- Academic Integrity Facilitator: Barbara Bender, GSNB, 25 Bishop Pl, [bbender@rci.rutgers.edu](mailto:bbender@rci.rutgers.edu), (732) 932-7747
- Presenters:
  - Claudia Farber, Graduate School- New Brunswick, 25 Bishop Pl. [cfarber@rci.rutgers.edu](mailto:cfarber@rci.rutgers.edu)
  - Eileen Kowler, Psychology Department, Busch [kowler@rci.rutgers.edu](mailto:kowler@rci.rutgers.edu)