

## A. POLICY ON CONFLICT OF INTEREST IN GRADUATE EDUCATION

### PURPOSE, BACKGROUND, AND GUIDING PRINCIPLES

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This policy affirms joint student and faculty responsibilities, as members of the University of California, in relationship to potential conflicts of interest and provides mechanisms to ensure that outside activities are consistent with University policy. Specifically, this policy seeks to identify cases where a faculty member's financial interest may have negative effects on a student's academic interests.

Opportunities for graduate students to work in the private sector as part of their education are rapidly increasing. The experience and feedback these experiences provide complement their academic curricula and enhance its relevance. Opportunities and benefits of such collaborations may include a sense of the private sector's needs and future directions; exposure to the most recent specialized research within a particular field; opportunities to apply theory to "real-world" problems; access to cutting-edge equipment and lab resources; opportunities to enhance work skills, such as critical thinking, communication, business acumen, and team participation; increased understanding of career possibilities and potential career directions.<sup>1</sup>

#### Guiding Principles

When considering the appropriateness of graduate student participation in particular research projects with the private sector the following principles apply:

##### A. Open Academic Environment

Student involvement with the private sector should enhance their educational experience and not unduly influence or restrict their academic choices. Specifically, a student must retain the ability to move freely from advisor to advisor and to change topic areas or research direction free from influence or pressures outside the realm of scientific appropriateness and personal choice. A student's field of research should not be significantly narrowed or limited as a result of involvement with the private sector, nor should such involvement result in significant limitation of post-graduate employment. All University research, including research sponsored by industry, is governed by the tradition of the free exchange of ideas and timely dissemination of research results. The University is committed to an open teaching and research environment in which ideas can be exchanged freely among faculty and students in the classroom, laboratory, informal meetings, and elsewhere.

##### B. Freedom to Publish

Freedom to publish and disseminate results are major criteria for assessing the appropriateness of any research project, particularly those involving graduate students. Consistent with the mission of the University, the integrity of a student's academic experience shall be preserved, including the ability to complete and publish a thesis or dissertation and to freely publish, present, or otherwise disclose the results of research both within the academic community and to the public at large. The University precludes assigning to extramural sources the right to keep or make final decisions about what may or may not be published with respect to a research project<sup>2</sup>. Within this general understanding, the University also realizes that circumstances may arise where certain restrictions or limitations may be appropriate. Short, reasonable delays may be appropriate, for example,

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<sup>1</sup> From the Report of Advisory Group #2: UC/Industry Relationships and Education of Students, President's Retreat on Working with Industry (I/97).

<sup>2</sup> From the OTT Guidelines on University-Industry Relations and UC Systemwide Policy as outlined in the UC Contract and Grant Manual.

to allow the research sponsor to review publications for inadvertent disclosures of proprietary data or potentially patentable inventions. In all cases, however, these limitations or restrictions may not be more restrictive than those borne by faculty conducting similar research under University auspices.

#### C. Right to Conduct Future Research

A graduate student's ability to use research results in future research and educational activities shall not be impaired.

#### D. Outside Professional Activities

Faculty are encouraged to engage in appropriate outside professional activities (as defined in APM-025). Graduate students also can benefit from participating in such activities with faculty members. Faculty members should be careful to ensure that the student's thesis or dissertation work is not unreasonably compromised as a result of such involvement.<sup>3</sup>

#### E. Responsibility to Students

University regulations guide the academic rights and responsibilities of students, and responsibility for adherence to these principles rests with the faculty. The University is committed to protecting the educational interests of students and maintaining an open environment free from undue influence of private outside interests. The advice and guidance given to students by faculty or staff members (including the nature and direction of research or other studies as well as employment opportunities outside the University) should always be governed by what is in the best academic interests of the student.

## DEFINITIONS

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"Private entity" means any non-governmental entity, except those entities exempted from the University's non-governmental financial disclosure requirements. The list of exempt entities can be found at <http://www.ucop.edu/research/exempt.html>.

"Financial interest" means:

- a. An investment in a private entity, by the faculty member or a member of the faculty member's immediate family (spouse/registered domestic partner or dependent children), worth more than \$10,000, including stock options and profit sharing; or
- b. A position in a private entity as an employee, director, officer, partner, consultant, trustee, or any management position; or
- c. Income from a private entity, including consulting income, totaling \$10,000 or more in value within a 12-month period.

"Academic interest" means:

Academic interest refers to the integrity of a student's academic experience. A student's academic interests include: the ability to move freely from advisor to advisor and to change topic areas or research direction free from influence or pressures outside the realm of scientific appropriateness and personal choice; the ability to complete and publish a thesis or dissertation and to freely publish, present, or otherwise disclose the results of

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<sup>3</sup> From the OTT Guidelines on University-Industry Relations and UCOP Principles Regarding Rights to Future University Agreements With External Parties.

research both within the academic community and to the public at large; and the ability to use research results in future research and educational activities.

## DISCLOSURES

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In order to protect a student's academic interests, faculty members and students need to disclose certain agreements or arrangements where conflicts with these interests may arise. Such disclosure should take place at any time the agreements or arrangements set forth below arise.

When these agreements or arrangements are disclosed, procedures will be initiated to determine whether the agreements or arrangements are consistent with the student's academic interests. If not, consideration will be given to methods of resolution of these conflicts.

The following agreements or arrangements should be disclosed to the Dean of the Graduate Division as soon as the student becomes aware of the facts giving rise to the disclosure obligation:

- i. Agreements or arrangements between a student and a private entity involving research or other professional activities as required by the graduate degree program by the student, where the University or a mentor/research/thesis/dissertation advisor is a party to the agreement or arrangement, and the student's mentor/research/thesis/dissertation advisor has a financial interest in the private entity.

And one or more of the following is true:

- a. The research activities or other professional activities as required by the graduate degree program are related to the student's thesis/dissertation, or
- b. There are restrictions on the student's ability to publish, present, or otherwise disclose the findings from their research activities.

When students enter into any private arrangements, they should take into account obligations they may have to the University (such as employment) and ensure that conflicts do not arise which could violate those University obligations.

## RESPONSIBILITIES

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### A. Graduate Division

This policy and ancillary information is in the Graduate Handbook [www.graddiv.ucsb.edu/academic/handbook](http://www.graddiv.ucsb.edu/academic/handbook), published by the Graduate Division. The Graduate Division shall:

- i. Annually send graduate students an electronic communication that provides the URL to the Policy on Conflict of Interest and Graduate Education.
- ii. Work with students and departments in the event that formal procedures detailed herein are initiated.

### B. Academic Unit

The academic unit shall:

- i. Communicate at least once per year, in a format of the unit's choosing, about the University's Policy on Conflict of Interest and Graduate Education as well as the procedures designed to protect the academic interests of the student.

- ii. Notify graduate students of the identity of a designated resource person (typically the Graduate Advisor) who is available to advise students in circumstances in which there is a perceived or potential conflict of interest. Have the designated resource person in the academic unit serve as the departmental representative in all matters related to the conflict of interest issue as it pertains to graduate students.
- iii. Include this policy in the departmental student handbook.

The Department Chair of the academic unit is responsible for ensuring that faculty members and students are familiar with the ways in which the policy might impact a mentor/research/thesis/dissertation advisor's relationship with a graduate student. The Department Chair shall:

- iv. Ensure that faculty members have submitted the required disclosures (see Red Binder <http://ap.ucsb.edu/policies.and.procedures/red.binder/red.binder.pdf>) and obtained approvals required pursuant to APM-025 for involvement of graduate students in outside compensated activities.

#### C. Mentor/Research/Thesis/Dissertation Advisor

Each faculty member serving as a mentor/research/thesis/dissertation advisor to a graduate student shall:

- i. Disclose any conflict of interest that might in any way be pertinent to the research conducted by the student or pertinent to other professional activities as required by the graduate degree program (using criteria as outlined in this policy and APM-028, regardless of whether the private entity is sponsoring research at the University.)
- ii. Notify the student and the designated resource person in the department of his or her conflict of interest in a timely manner ("Timely manner" means that the faculty member should notify the departmental representative and the student at the time that the student is being employed as a research or teaching assistant, forming a graduate committee, considering a thesis or dissertation topic, whichever comes first.)

## PROCEDURES

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### Disclosure Process

- A. The Graduate Student Conflict of Interest procedure will be communicated from the Graduate Dean to graduate students each academic year. A conflict of interest may be reported through two basic avenues:
  - i. All graduate students completing a thesis or dissertation must submit Graduate Division's Master's Form I and Doctoral Form I. [downloadable at <http://www.graddiv.ucsb.edu/pubs/>] The Graduate Student Conflict of Interest (COI) Form for disclosure is embedded in the Graduate Division's Master's Form I and Doctoral Form I.
  - ii. In addition, at any time, through a formal or informal process at the level of the academic unit, a stand-alone COI Form [downloadable at <http://www.graddiv.ucsb.edu/pubs/>] may be submitted by any of the following parties: the graduate student, the faculty mentor/research/thesis/dissertation advisor, a departmental representative/Graduate Advisor, or the campus Conflict of Interest Committee.

In addition to consulting the departmental representative/Graduate Advisor, a student may at any time seek the advice of one of the identified campus-wide resource persons, who include the Dean of the Graduate Division, Assistant Dean of the Graduate Division, the Director of Academic Services in the Graduate Division, and the Conflict of Interest Coordinator in the Office of Research.

B. Graduate Student Conflict of Interest Forms shall be submitted to the Dean of the Graduate Division for review.

#### Review Process

The Dean of the Graduate Division or designee shall review each form submitted. Those containing a positive disclosure will be reviewed in greater depth to determine whether the Graduate Student Conflict of Interest Subcommittee review of the disclosure is required.

- i. If the conflict of interest poses **minimal risk** of harm to the academic interests of the student, then the Graduate Dean or Dean's designee shall write a brief statement to that effect, and shall include a summary of the situation and the reasons for the decision. If there is agreement with the risk statement, the Department Chair, the student, and faculty member who has a conflict of interest shall co-sign the statement. Upon acceptance by the Dean or Dean's designee, the signed statement shall then be forwarded to the department for placement in the student's academic file; a copy will also be retained by the Dean of the Graduate Division with copies forwarded to the co-signers. Should any party become aware of new information impacting the academic interests of the student, the minimal risk statement should be reassessed and a new COI Form submitted by the department to the Graduate Division. If, on the other hand, the Department Chair, student, or the faculty member does not agree with the statement after suitable revisions have been attempted, the conflict of interest matter should then be referred to the Graduate Student Conflict of Interest Subcommittee for final resolution.
- ii. If the conflict of interest issue includes a component that may be harmful to the student, then the Dean of Graduate Division will refer the matter to the Graduate Student Conflict of Interest Subcommittee.

#### Subcommittee Review Process

Reviews will be performed by the Graduate Student Conflict of Interest Subcommittee ("Subcommittee") consisting of the Chair of the Conflict of Interest Committee, the Conflict of Interest Coordinator in the Office of Research, and the Dean of the Graduate Division or his or her designee. The Subcommittee shall meet as necessary.

When a disclosure is submitted for Subcommittee review, the Subcommittee shall have the following options:

1. Approve the project<sup>4</sup> (determine that no obvious conflict of interest is present);
2. Conditionally approve the project to manage the conflict, subject, but not limited to, conditions such as the following:
  - Further management by, or reporting to, an appropriate Dean, Chair, or *ad hoc* departmental committee formed for such purpose;
  - Periodic reports back to the Subcommittee on steps taken to manage the conflict;
  - Divestiture of the financial interests that cause the conflict;
  - Recommendation that the Graduate Dean work with the Department to find a substitute on the student's dissertation or thesis committee for the faculty member with a conflict;
  - Limitation of the length or scope of student's work with industry;
  - Adoption of standard UC provisions concerning intellectual property for student's work with industry;
  - Requiring that all student work is to be conducted on-campus;

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<sup>4</sup> A project could be, but is not limited to, a textbook, software, scientific or engineering innovation, or basic/applied research that would benefit the company's interest.

- Appointment of an additional member to serve on the dissertation or thesis committee as an “Oversight Member.” This member is chosen by the Department Chair (or the Graduate Advisor if the Chair is the conflicted faculty member) in consultation with the graduate student and their dissertation advisor. The Oversight Member shall be from a different academic department in a reasonably related discipline.
- Any other condition that the Subcommittee feels appropriate and reasonable to manage the conflict may also be implemented.

## REFERENCES

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Conflict of Commitment and Outside Professional Activities of Faculty Members APM-025 (7/01)

<http://www.ucop.edu/acadadv/acadpers/apm/apm-025-07-01.pdf>

University Policy on Disclosure of Financial Interest in Private Sponsors of Research APM-028 (4/84)

<http://www.ucop.edu/acadadv/acadpers/apm/apm-028.pdf>

Office of Technology Transfer Guidelines on University-Industry Relations (5/89)

<http://www.ucop.edu/ott/genresources/unindrel.html>

Principles Regarding Rights to Future Research Results In University Agreements With External Parties (8/99)

<http://www.ucop.edu/ott/genresources/principles.html>

Report of Advisory Group #2: UC/Industry Relationships and Education of Students, President's Retreat on Working with Industry (1/97)

<http://www.ucop.edu/ott/retreat/tabofcon.html>