

CONFLICTS OF INTEREST AMONG SCIENTIFIC ADVISORS: POLICY FRAMEWORK

A. GOAL

The goal of this policy is scientific advice that, *in all cases*, advances the interests of the Organization absent biases caused by conflicts of interest.

B. THREATS

Threats to this goal include anything that gets in the way of advisors' duty to put the Organization's interests first, as they fulfill their obligations as scientific advisors. There are a number of situations having to do with self-interest or divided loyalties that pose either a real or perceived threat to the goal of objective scientific advice untainted by personal or institutional conflicts.

Financial Self Interest. Money changes everything! The most obvious and pervasive conflicts of interest come about as the result of the possibility that a decision may benefit an advisor financially. There are several ways in which money might enter into an advisors calculus as he/she considers how to advise the organization. Among these are:

- *Compensation.* A danger for advisors is that they may skew their advice in order to please the Organization, maintain their advisory relationship, and, thus, continue to receive their honoraria or fees. To be valuable to the Organization, an advisor must be willing to forego a relationship and resulting fees in order to be able to tell it like it is!
- *Grants.* Once advisors receive funding from the Organization they advise, everything changes. With potential funding on the table, an advisor may be tempted to: (i) provide advice that favors the advisor's particular research interests; (ii) come to expect support from the Organization, especially if other advisors have received funding; and (iii) establish a quid pro quo relationship with other advisors (I'll support your project if you'll support mine).

Personal or Professional Self Interest. Beyond financial self-interest are a number of less obvious but perhaps more insidious threats to the goal of objective advice. Among these are:

- *Self-Promotion or Advancement:* Professional insecurity or conceit may reduce an advisor's effectiveness through his/her need always to be right, dominate all conversations, and feather his/her own nest, and through an inability to serve as a member of an advisory group which, to be effective, must work as a team.

- *Loyalty to Friends and Colleagues.* While friendships and collegial relationships are not usually thought of as conflicts of interest, they can certainly bias an advisor's view of a scientific theory, body of work, finding, or application.
- *Scientific Competition.* While we might wish it were not so, science is a highly competitive enterprise, rife with bitter rivalries and long-standing feuds that can reduce an advisor's ability to separate his/her biases and relationships from what is best for the Organization scientifically.
- *Scientific Bias.* The flip side of this, of course, is an advisor's tendency to favor perspectives, approaches, and methods that are compatible with his/her own, and the people who propound them.

Divided Loyalties. Divided loyalty refers, primarily, to a conflict between an advisor's loyalty to the Organization and his/her loyalty to another organization. This might include:

- *Loyalty to One's Home Institution.* The threat here is that an advisor might be tempted to skew his/her advice to the Organization in order to further the interests of his/her home institution for the purpose of prestige, advancement, publications, or research funding.
- *Loyalty to Another Organization.* Where an advisor has a relationship with another organization – in the form of consulting, research funding, or, in the case of a for-profit company, substantial equity position or stock ownership, or ownership of intellectual property being developed by that company – there is the danger that such a relationship could lead to unintended consequences in the form of biased advice or a breach of confidentiality.

C. POLICY FRAMEWORK

Principles. External experts sought by this Organization to provide scientific advice are capable, prominent, and active scientists with many areas of personal and professional interest and involvement, and, often, multiple institutional affiliations. It is inevitable that the Organization will have to decide how best to handle decisions about issues in which one of its advisors – or a close relative or professional associate – has an “outside” interest that represents an actual or apparent conflict with his/her obligations to the Organization. The challenge is to prevent as many conflicts as possible but, when they occur, to manage them firmly and consistently.

There are principles that, if adhered to, can reduce the threats to the goal of objective scientific advice:

- *Obligation.* When fulfilling their responsibilities as scientific advisors to this Organization, individuals are obligated to put the best interests of the Organization first

and foremost, ahead of any other personal or professional interests or institutional loyalties.

- **Objectivity.** Effective scientific advice requires focused, clear thinking, unimpeded by concern for one's own interests, or those of other individuals or institutions.
- **Threat.** Conflicts of interest – whether actual or apparent – are real, ubiquitous, and potentially a threat to an advisor's effectiveness and the Organization's success.
- **Policy Imperative.** Potential and actual conflicts of interest among external scientific advisors can best be prevented and managed by the development of, and strict adherence to, a clear, explicit, and consistent policy.
- **Awareness.** It is the responsibility of each external advisor and advisory group to be vigilant and sensitive about situations that represent actual or apparent conflicts between their obligations to this Organization and other personal or professional interests, agendas, or organizational loyalties.
- **Disclosure** – When an advisor identifies a conflict, it should be disclosed well in advance of any discussion or action in which the conflict is a factor (for example, by submitting an annual disclosure form), and *again* at the time of the discussion or action.
- **Recusal** – An advisor for whom an issue being discussed by the Organization or advisory group to the Organization represents a conflict of interest should leave the room while the issue is being discussed and action taken. *Conflicted advisors must not attempt to influence a decision process nor be present when decisions are being contemplated or made.*
- **Confidentiality.** Another element of this Organization's policy regarding the behavior of scientific advisors is absolute confidentiality of *all* discussions, decisions, actions, and documents related to an individual's role as an advisor.
- **Turnover.** An integral element of efforts to prevent and manage conflicts of interest is regular turnover of advisors and members of advisory groups. Term limits: (i) minimize the potential for the sense of entitlement, ownership, and complacency that may come to characterize the behavior of long-standing members; and (ii) help introduce the kinds of fresh perspectives, new ideas, and different approaches the Organization needs to sustain its effectiveness, competitiveness, and/or profitability.

Policy. It is the policy of this Organization to maximize the degree to which the scientific advice it receives from external advisors is objective and candid, free from biases caused by conflicts between the advisor's obligation to the Organization and: (i) financial self interest; (ii) loyalty to another organization; (iii) competing personal or professional agendas; or (iv) personal or professional relationships.

It is the responsibility of scientific advisors retained by this Organization to be vigilant and sensitive about situations that represent actual, potential, or apparent conflicts of interest. This means, at a minimum:

- Annually completing a conflict of interest disclosure form describing all situations and affiliations that represent actual, potential, or apparent conflicts of interest;
- In addition, disclosing conflict situations at the time when they are relevant to discussions being held by the Organization or by advisory bodies on which the advisor serves;
- Absenting himself or herself from the portion of any discussion by the Organization or advisory bodies on which the advisor may serve, making himself or herself available to respond to questions before leaving; and
- Maintaining a practice of strict confidentiality concerning discussions, actions, and decisions in which the advisor is involved, and materials to which the advisor is exposed.

Definitions. For the purpose of this policy statement, a conflict of interest exists if an advisor, or a close relative of an advisor, acting on behalf of some *other* organization, takes any action that would result in, or give the appearance of resulting in, a financial gain or advantage to that individual, relative, or other organization, or would result in an adverse effect on this Organization's best interest, integrity or financial position.

In the case of this policy:

- "*Other organization*" shall mean: (i) any business enterprise or professional entity from which this Organization might purchase goods or services; (ii) any educational, research, policy, health care, social service or other non-profit entity which represents a current or potential future recipient of research support from this Organization; and (iii) any for-profit or not-for-profit entity with which this Organization might partner or collaborate.
- "*Acting on behalf of some other organization*" shall mean: (i) in the case of not-for-profit organizations, serving as a Trustee/Director, paid staff, advisor, or volunteer, or having a relative who serves one of these functions; and (ii) in the case of for-profit organizations, serving as an owner, director, employee, advisor, counsel, or other capacity, or having a relative who serves one of those capacities, or holding sufficient financial interest as to potentially benefit materially from transactions with this organization, or having a relative who holds such an interest.
- "*Relative*" shall mean spouse, life partner, child, parent, mother/father/sister/brother in-law, and sibling of a director.

- "*Financial interest*" shall mean: (i) an actual or potential ownership or other material investment interest in an entity with which this Organization has a transaction or arrangement; or (ii) a compensation arrangement (direct or indirect remuneration, as well substantial gifts or favors) with another organization or with any entity or individual with which this Organization has an actual or potential transaction or arrangement.