

Conflicts of Interest: *Compliance and Guidance*

Overview of Disclosure Requirements and Foreign Influence Matters

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Agenda, part 1

- What is a conflict of interest?
 - Examples
 - Conflicts of commitment – differences explained
 - Why do conflicts of interest and commitment matter?
- Types of conflicts of interest
 - Personal/financial, sources of support, tech transfer, procurement
- Stanford policies and DOE requirements (via the M&O contract)
- Federal agency disclosure requirements
 - DOE, NIH, NSF, DOD
 - Foreign talent recruitment programs and foreign government sponsored or affiliated activities (DOE Order 486.1A)
 - NIH and NSF disclosure requirements



Agenda, part 2

- Disclosure processes
 - Who must disclose
 - Annual and rolling forms
 - What and when to disclose
 - What COI review is seeking
- Importance of compliance
- Resources for compliance



What Is a Conflict of Interest?

Personal

- Outside activities that can influence professional conduct

Financial

- Anything of economic value that could influence a person's professional conduct

Who

- Applies to you and any immediate family members of your household (especially those who do business with Stanford/SLAC)

Examples of Conflicts of Interest

Employment by another entity/organization

Acceptance of gifts, payments or services from those seeking to do business with SLAC

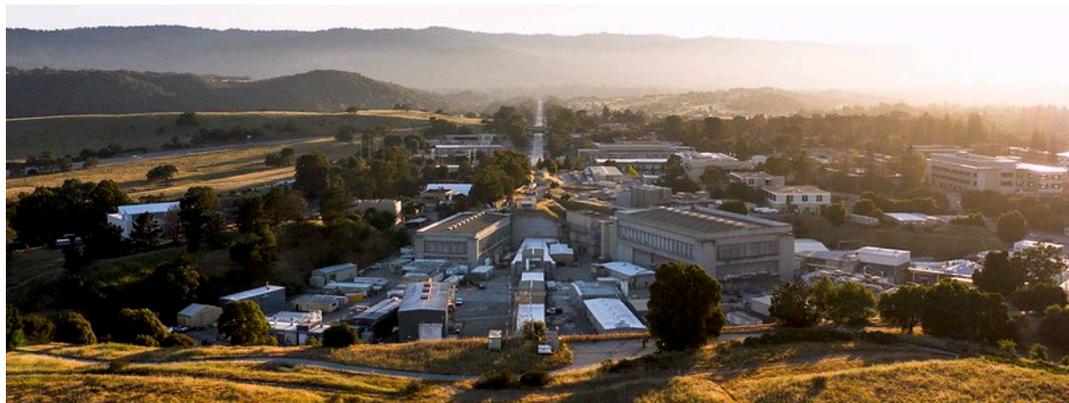
Acting independently as a consultant to a SLAC customer or supplier

Having a personal interest or potential for personal gain (financial or otherwise) in any SLAC transaction

Using SLAC or DOE assets, intellectual property or proprietary information for personal gain

What is a Conflict of Commitment?

- Conflicts of commitment differ in meaning from a conflict of interest
- Underlying principle: employees owe their primary professional allegiance to Stanford/SLAC
 - External activities should not yield conflicts regarding an employee's allocation of time and energies
- Conflicts of commitment can exist *even if no conflict of interest exists*



Why Do Conflicts of Interest/Commitment Matter?

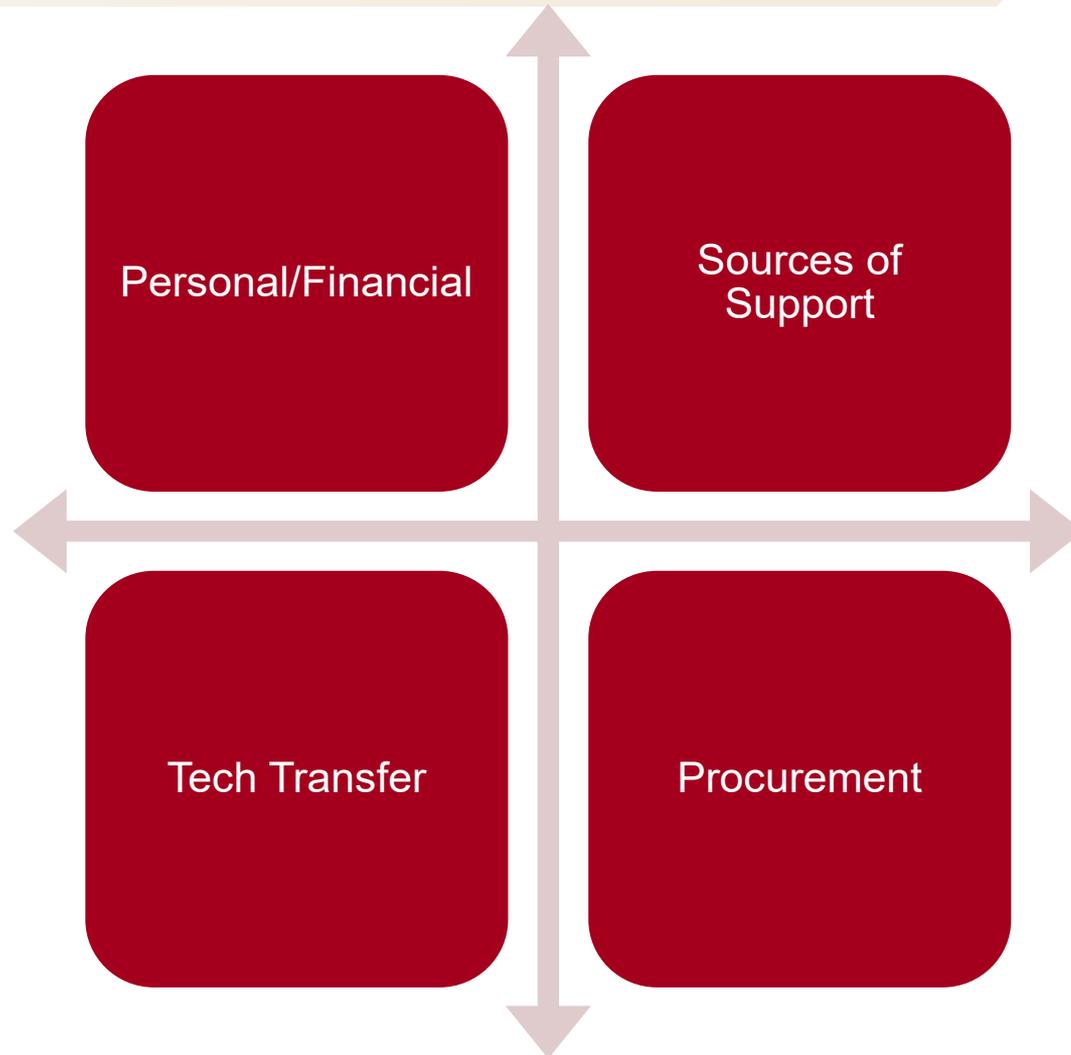
Conflicts of Interest

- A principal element of retaining public trust in science is to ensure that research is not biased by inappropriate external factors, such as personal gain (financial or otherwise)
- As such, both Stanford and the DOE have requirements related to avoiding even the appearance of conflicts of interest

Conflicts of Commitment

- Stanford and SLAC must ensure that other commitments are not interfering with or impacting an employee's primary professional commitment to the university or the lab

Types of Conflicts of Interest



For Staff:

- [Administrative Guide Memo 1.5.2](#), “Staff Policy on Conflict of Commitment and Interest”
- [Administrative Guide Memo 2.1.2](#), Part 2c, “Employment of Related Persons”

For Faculty:

- [Research Policy Handbook Section 4.1](#), “Faculty Policy on Conflict of Commitment and Interest”
- [Research Policy Handbook Section 4.3](#), “Consulting and Other Outside Professional Activities by Members of the Academic Council and Medical Center Line Faculty”

Application

- DOE has conflict of interest rules that apply to its M&O contractors' employees.

Requirements

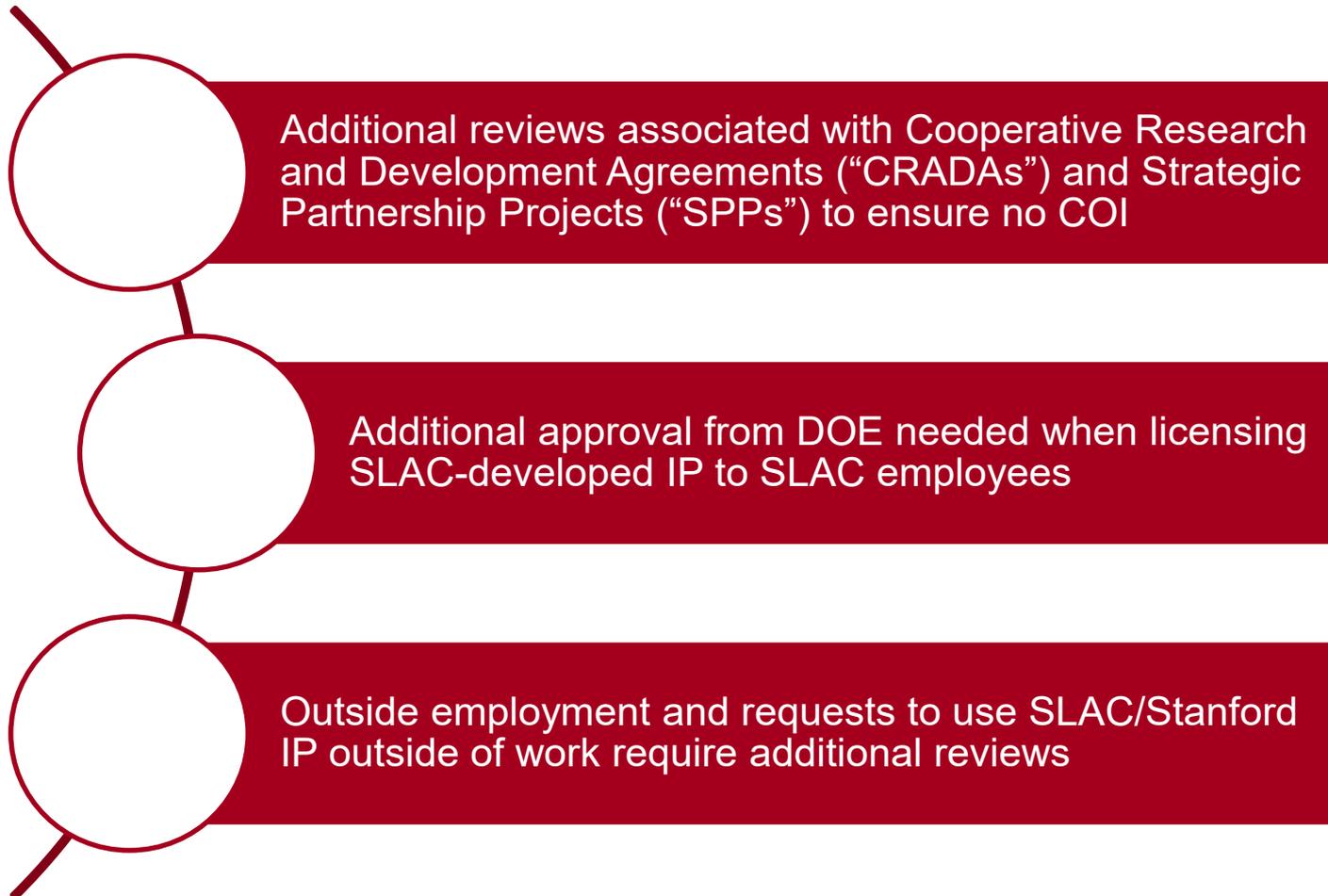
- DOE's rules overlap with some Stanford policies, but include distinct requirements. They are detailed in the next slide.

DOE Requirements – M&O Contract, part 2

- No gratuities or special favors from persons doing or trying to do business with SLAC (DEAR 970.0371-4 – Gratuities)
- No use of SLAC privileged information for personal gain (DEAR 970.0371-5 – Use of privileged information)
- No decisions or influences on behalf of SLAC, which benefit an outside company you are employed with, have a significant financial interest in, or which put your company's competitor at a disadvantage (DEAR 970.0371-6 – Incompatibility between regular duties and private interests)
- No outside employment or work while on leave that will:
 - In any manner interfere with the proper and effective performance of the duties of the position,
 - Appear to create a conflict-of-interest situation, or
 - Appear to subject DOE or the contractor to public criticism or embarrassment (DEAR 970.0371-7 – Outside employment of contractor employees).

Tech Transfer Requirements - Overview

- Technology Transfer Activities have additional reviews and requirements:



Federal Agency Disclosure Requirements

Sponsor	Review Criteria	Contacts
DOE	DOE Order 486.1A applies to employees, joint appointees, personnel funded by DOE or doing work within the scope of the M&O contract, and subcontractors who work on-site. DOE is now flowing down similar requirements through limited grants/contracts.	SLAC Legal
NIH/NSF	1. Conflicts of Interest	Proposal Advancement Office (“PAO”)
	2. Other Support (NIH) / Current & Pending Support (NSF) (Conflict of commitment)	
	3. Foreign Component (NIH)	
DOD	For DOD research projects, all Key Personnel (even if not DOD-funded) must list all current/future projects, percent effort, funders’ names, period of performance, and more. DOD Memo (3/20/2019)	PAO

- What is the DOE concerned about?
 - Federal agencies have growing concerns about security risks associated with international research and collaborations involving sensitive foreign countries.
 - The DOE's intent is not to stop international collaborations, but to protect specific science and technology.
 - [DOE O 486.1A](#) (issued 9/4/20) works to address concerns.
- DOE is interested in outside or personal work with foreign countries of risk
 - “Foreign countries of risk”: Please visit the [SLAC Legal COI page](#) for a current list of foreign countries considered “of risk” by DOE

DOE: Prohibitions and Restrictions (O 486.1A), part 2

- Participation in a foreign government talent recruitment program (“FGTRP”) is **prohibited** under the Order
- Foreign government sponsored or affiliated activities are **restricted** under the Order
- Following a review of your type of involvement, DOE may direct SLAC to have its personnel terminate participation or affiliation with a foreign government talent recruitment program or a foreign government sponsored or affiliated activity.
 - DOE may approve a requested exemption for a foreign government sponsored or affiliated activity

DOE: Foreign Government Talent Recruitment Programs (O 486.1A), part 3

Foreign-state-sponsored attempts to acquire U.S.-funded scientific research and technology, targeting scientists, engineers, academics, researchers, and entrepreneurs of all nationalities working or educated in the United States. DOE is concerned with FGTRPs from foreign countries of risk.

The person participating in the FGTRP may, in turn, be asked to share knowledge or expertise with the foreign state or its researchers, students, or other representatives.

A full definition of FGTRPs can be found in the Order.

DOE: Foreign Government Sponsored or Affiliated Activities (O 486.1A), part 4

“Activities” sponsored or affiliated by or with a foreign government or entity, again, of a foreign country of risk. Such activities include foreign government or entity employment, support (contractual or otherwise, and monetary or otherwise) from a foreign government or entity, participation in programs sponsored by foreign governments or entities, and positions, appointments or affiliations with foreign governments or entities of foreign countries of risk.

Such activities do not include activities that have been authorized through SLAC and Stanford institutional processes, such as sponsored research activities conducted on behalf of SLAC or Stanford.

The DOE’s full definition of such activities, as well as what constitutes foreign entities, support, positions, appointments, or affiliations is available in the Order.

NIH: Foreign Influence in Research, part 1

- Stanford has provided information for researchers regarding the NIH's foreign influence guidance.
 - The NIH has provided guidance that reporting of foreign influence in research should go through three channels: 1) Other Support, 2) Foreign Component, and 3) Financial Conflicts of Interest (<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-19-114.html>).
 - More details may be found at the School of Medicine web page: <https://med.stanford.edu/rmg/resources/foreign-component-guidance.html>.
- **Financial:** NIH-funded researchers must disclose **any financial interests relating** to their institutional responsibilities. If you are a faculty member, please also disclose your outside financial interest in: opacs.stanford.edu.
- Types of financial interests include consulting or services for, receipt of income or support from, or services or funding from, sponsored or reimbursed travel from: **ANY FOREIGN ENTITY**

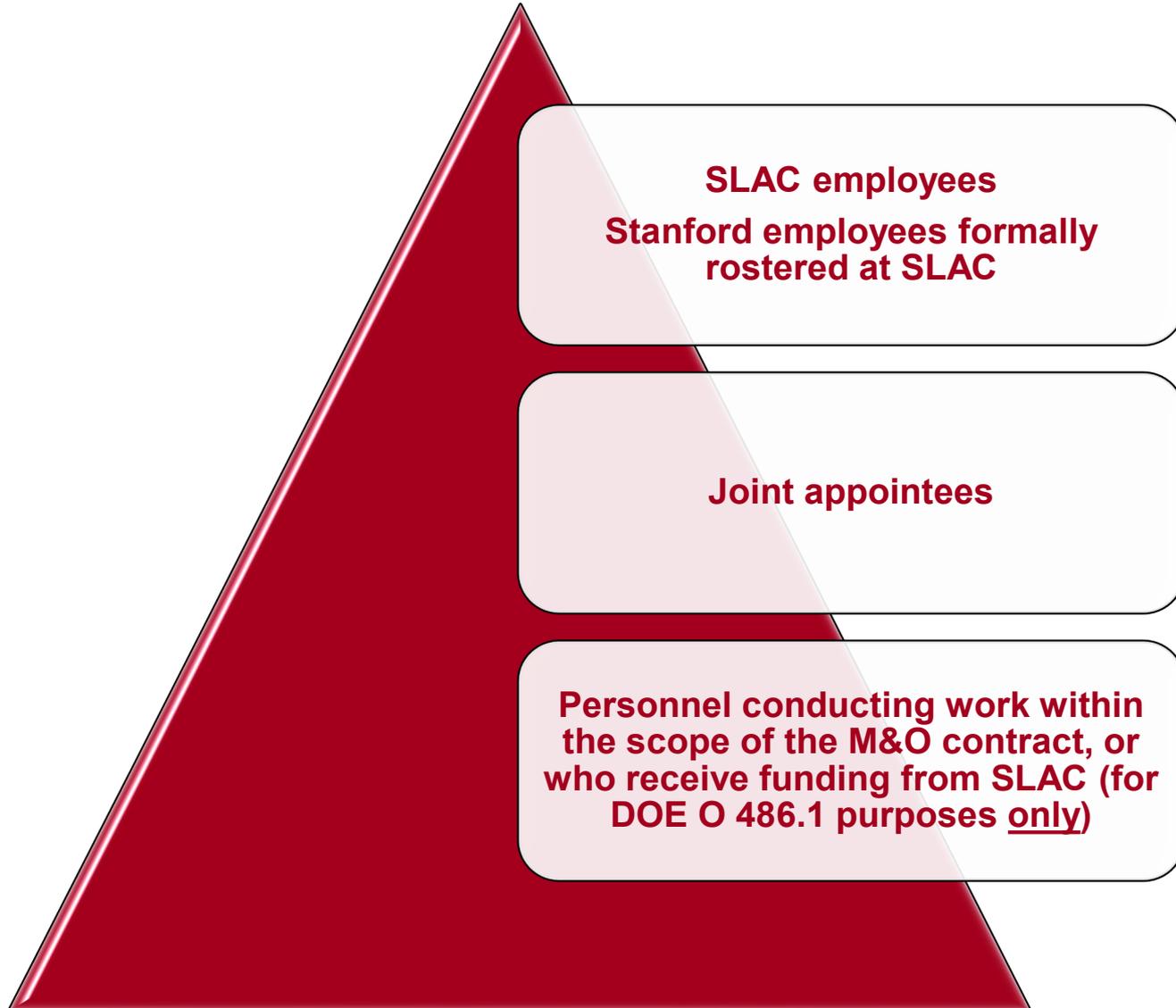
NIH: Foreign Influence in Research, part 2

- Examples of Activities requiring reporting to NIH as Other Support, Foreign Component, or Financial Conflict of Interest are listed in Table 1 at <https://grants.nih.gov/policy/protecting-innovation.htm>.
- **SLAC-specific clarification:** Personal financial interests disclosures discussed on the prior slide should only be disclosed *if they fall outside* of a SLAC-authorized Cooperative Research and Development Agreements (CRADA), Strategic Partnership Project Agreements (SPP), Memorandum of Understanding (MOU), subcontract or other contract.

NSF: Disclosure Rules

- Stanford has provided information for NSF-funded researchers and their disclosure requirements.
- Each investigator should disclose to the institution all significant financial interests (“SFI”) of the investigator (including those of the investigator’s spouse and dependent children):
 - That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by NSF, or
 - In entities whose financial interests would reasonably appear to be affected by such activities
- Include anything of monetary value; generally \$10,000 threshold, or more than 5% ownership interest
- Disclosures must meet both Stanford policy (including institutional thresholds) and sponsor requirements

Who Must Disclose?



Annual COI
Certification

Rolling Outside
Employment and
Professional
Engagement
Form

Questions? Talk
to SLAC Legal

What and When to Disclose

- Any outside consulting or professional engagement, or other affiliation, that could potentially involve or lead to a personal conflict of interest
- Any compensated outside employment or activity reasonably related to your employment at SLAC
 - You aren't required to disclose activities wholly unrelated to your job at SLAC (e.g., housesitting, yoga instruction)
 - Activities could include consulting, advisory services, serving on a board
- Compensation includes: wages, fees, stock options, equity
- You must get approval from line management, PAO, Legal, and the Director **prior** to engaging in any activity that could result in a conflict of interest
- Disclose as soon as you are aware of a possible conflict or want to engage in an outside activity through the rolling “outside employment and professional engagement” form

Purpose of COI Reviews

What is SLAC or DOE looking for in COI reviews?

No affiliations with any third parties that could result in a conflict of interest with SLAC's mission

No affiliations that could result in a conflict of commitment with respect to an employee's time

No affiliations that could trigger the restrictions under DOE Order 486.1A or other federal agency guidance

Importance of Compliance

Proper and timely disclosures assist SLAC and Stanford with maintaining compliance with various regulatory and funding bodies

Ensures that SLAC's scientific pursuits are not influenced by conflicts of interest

Failure to disclose pursuant to the requirements could lead to disciplinary action, loss of funding, or termination

Resources for Compliance



Questions?

- The SLAC Legal Department administers the COI program for SLAC, in conjunction with managers at Stanford.
- Please contact conflictsofinterest@slac.stanford.edu for further questions.