



Unmanaged conflict of interest

Part 1

Fatimah is part way through a PhD program in the Department of Computer and Electrical Engineering. Her work is related to a new technology that her supervisor, Professor Jones, has recently created a business case for a new start-up company on. Her research project is a proof-of-concept study, and the outcome of that project will mark the final go / no-go decision on whether the company moves forward.

The supervisor is presently negotiating with the university's technology-transfer office around the terms of the start-up and the related intellectual property. The tentative agreement is that the university will jointly own the intellectual property until the company generates a profit, at which point the university and the company will form a licensing agreement. While there is nothing confirmed, Fatimah and her supervisor have talked about the possibility of her joining the start-up company as an employee once she finishes her graduate program.

Questions for consideration

1. What are some of the potential and real conflicts of interest that exist in this scenario?

Part 2

A few months later, with early data from Fatimah's research showing positive results, Dr. Jones decides to move forward with formally establishing the company. As part of that decision, Fatimah and her supervisor come to terms on a job for her in the start-up. Her title will be Manager, Research & Development, and thanks to a recent round of venture capital, there is funding available for a salary. There is also funding for an additional 5 staff positions but for a lack of other space, the company continues to operate out of the supervisor's academic laboratory on campus. The company's Chief Operating Officer, also a former PhD student in the lab, is actively searching for suitable office and laboratory space elsewhere, but with the necessary renovations, moving the company into new space is at least a year away.

Fatimah is within a few months of defending her thesis and completing her program, when she negotiates with her supervisor that she will begin to receive a salary with the company as she transitions her work from her graduate program to the start-up. The work she will be doing with the company is a natural continuation of her thesis research, and even she would have a hard time articulating where her own research project stopped and the company project started. Dr. Jones explained that Fatimah would not be eligible for any benefit from the intellectual property generated by her thesis project, because it arose in Dr. Jones' lab. Fatimah didn't fully understand that decision, but with her thesis defense nearing, wasn't about to challenge Dr. Jones on that point.

We thank our colleagues at UBC and beyond who provided perspectives and feedback that greatly improved the relevance of these case studies to members of our research community. Their contribution and support are central to our efforts to promote education on, and raise awareness of, the importance of the responsible conduct of research.

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Questions for consideration

2. Do we know at this point whether there has been a breach of any institutional or other policy?
3. If you need more information to answer the above question, what exactly would you need to know?

Part 3

The week before Fatimah's thesis defense, the VPR Office receives a complaint about undeclared conflicts of interest in Dr. Jones' laboratory. The complaint is from a Research Associate who has worked in the lab for several years, but has been left out of any discussion about the start-up company. The complaint outlined pressures that Dr. Jones places on their graduate students to do work for the start-up company, and three instances of when Dr. Jones told students that the conflict-of-interest policy doesn't apply to them. The complaint also outlines a potential misuse of grant funding wherein people in the lab who were clearly doing work for the start-up company were being paid by a grant from a federal funding agency. The scholarly integrity officer at the university meets with the Research Associate, who indicates that she would like the university to consider her complaints as an allegation under the scholarly integrity policy.

An investigative committee was convened, and Dr. Jones was identified as the Respondent to the allegations. The committee made several findings of breach, including:

- That Dr. Jones misspent Tri-Agency funds by using grant money as compensation for work done for their company;
- That several conflicts of interest with regards to Fatimah's work in the lab went undeclared and unmanaged;
- That Dr. Jones intended to commit a breach by not actively declaring or managing the conflicts of interest in their lab, and by misusing Tri-Agency funds.

The institution required Dr. Jones to stop all company-related work that was being undertaken in their academic laboratory and to develop conflict of interest management plans immediately for anyone in their lab whose work could also be related to the start-up. They were also required to ensure students in the lab were provided training on the institution's conflict of interest policy. Following a forensic audit, the Tri-Agency required the university to repay a portion of the grant that had been used to support company work.

Questions for consideration

4. What are some of the conditions that allowed the events in this case to unfold as they did?
5. What do you know about the expectations and implications of the university's conflict of interest policy?
6. What are some simple tips and advice for both students and supervisors to avoid the dynamics presented in this case?

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Part 1

1. What are some of the potential and real conflicts of interest that exist in this scenario?
 - Fatimah not being involved in the discussion and negotiation regarding intellectual property. Her research project is critical to the establishment of the start-up company; it is critical to ensure mutual understanding and expectations between all stakeholders when establishing an agreement. This presents a potential financial COI for Professor Jones.
 - The connection between Fatimah's research and Professor Jones' commercial interests may influence how they contributes to the analysis and interpretation of the results of her work. This represents both a conflict of interest and a conflict of commitment.
 - The promise of employment at the new start-up and the knowledge the outcome of her project will dictate the establishment of a start-up company may influence Fatimah's ability to conduct her research. There could be a financial COI in this case, or a conflict of commitment.

Part 2

2. Do we know at this point whether there has been a breach of any institutional or other policy?
 - Conflict of Interest and Conflict of Commitment (potential breach of COI Policy and of Policy SC6, section 2.1.9): using university's physical space and equipment for non-university related activities (equipment and physical resource conflict), unless there is a facility rental agreement.
 - Authorship & Credit Attribution (potential breach of Policy SC6, section 3.2.5 and 3.2.6): inadequate acknowledgement and attribution of Fatimah's intellectual contribution
3. If you need more information to answer the above question, what exactly would you need to know?
 - The most recent conflict of interest declaration for Professor Jones.
 - Presence and details of a facility rental agreement between Professor Jones and the university regarding conducting work relating to the start-up company
 - The terms of the agreement between Professor Jones and the university relating to intellectual property.
 - Detailed documentation of all grant/funding accounts of Professor Jones' lab.

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Part 3

4. What are some of the conditions that allowed the events in this case to unfold as they did?
 - Fatimah (and other graduate students) lacks knowledge/awareness of relevant policies that govern their conduct of research, of their rights and responsibilities as graduate students, of available services and support units they can access for advice and consultation.
 - Individuals involved may not be aware that they have entered into a conflict of interest situation, as their objectivity may be compromised.
 - Lack of communication and discussion opportunities within the research group to raise awareness of and to learn about responsible conduct of research.
5. What do you know about the expectations and implications of the university's conflict of interest policy?
6. What are some simple tips and advice for both students and supervisors to avoid the dynamics presented in this case?
 - Engage in frequent and open conversations to clarify and revisit role responsibilities, mutual expectations.
 - Know your respective rights and responsibilities as students and/or supervisor
 - Familiarize yourself with available research support services and resources

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