

Institutional Conflict of Interest

While Duke currently has a policy regarding personal conflict of interest (dating back to 1992), it has not addressed institutional conflicts (ICOI). Institutional conflicts involve the situation where the university itself, or senior officials who can act for the university, have a financial interest that might be affected by the institution's actions. Here are a few paradigmatic examples of ICOI to illustrate why a policy is necessary:

- A senior faculty member in an administrative role is on the Board of Directors of a company that regularly does business with Duke. As such, they have fiduciary roles that may conflict, since they are obligated to serve both the company and the university and those interests may not perfectly align.
- The university is offered a major gift from a company with which it regularly does business. For example, the physics department could be offered donation of a nuclear reactor from the "American Uranium Company", with the understanding that the research will note the donation in publications (and, likely, the university will be expected to purchase uranium from the donor).
- The university holds equity in a start-up company in exchange for a license to the intellectual property developed at Duke. The start-up now wants to evaluate their product at Duke. How should Duke manage oversight of this research? (for a reference, see *Gellsinger v. University of Pennsylvania*)

A committee was created involving staff from both the campus and School of Medicine to write an ICOI policy. At the same time, an implementation was written. The plan is that policy will require Board of Trustees approval and won't be changed very often. That policy creates an ICOI Committee that will be chaired by either the chair of the Campus or School of Medicine COI Committees. The Committee will be charged with oversight of the implementation plan.

The Committee will include the chairs of the three current COI Committees (Campus, School of Medicine, and Administrative), two faculty members (one from the Campus, one the School of Medicine, picked with the assistance of ECAC), and two external members (not employed by Duke). The committee will report to the Board of Trustees. Operational support will come from one of the two primary COI Offices (probably the School of Medicine's due to familiarity with the companies involved).

The goal will not be to restrict institutional or individual activities, but to manage them so that the effects of the institutional conflicts are limited to the degree possible.