

## **COMMISSION ON RESEARCH**

February 8, 2012

325 Burruss Hall

3:30 – 5:00 p.m.

**Members Present:** Randy Wynne (Chair), Michael Akers, Kevin Davy, Dennis Dean, Jesus de la Garza, Guru Ghosh, Serkan Gugercin, Terry Herdman, William Huckle, Delbert Jones, William Knocke, Jeff Moore, Heather Moorefield-Lang, Anita Puckett, Arnab Roy, Chris Zobel and Tammy Bose (Recording Secretary).

**Absent:** Lay Nam Chang, Bradley Martens, Annie Pearce, Wornie Reed and Robert Walters.

**Guests:** Roderick Hall (for R. Walters), Pat Hyer, Ken Miller, Sandra Muse, and Elizabeth Tranter.

### **I. Approval of Agenda:**

**a.** A motion to approve the agenda as presented was offered, seconded and was carried.

### **II. Announcements**

**a. Approval and Posting of the minutes of December 14, 2011:** R. Wynne reported that the minutes from the last meeting on December 14, 2011 were approved by the membership electronically and are available on the Commission Scholar site.

### **III. Unfinished Business:**

#### **a. Report of Ongoing Activities**

**i. Library Committee:** H. Moorefield-Lang reported that there are many changes happening in the library, such as new access services, new library hours of operation, courier services, and the implementation of the digital repository. Julie Speer, the newest associate dean, will be joining the library faculty the week of February 20th. There is a pilot test under way this semester for the new library hours of 24 hours per day and five days per week. It will be assessed throughout the semester to determine if these hours will be extended through the next academic year.

**ii. Centers and Institutes Committee:** D. Dean reported that he is aware that there are several centers currently in the process of development. With the new policies regarding center development in place, it is helpful to contact W. Knocke to review the updated procedures and avoid unnecessary steps. The ICAM review is nearly complete and the final report has been drafted. The ICTAS review is now in progress. The VTTI review committee met for the first time this week, and has launched their review process.

**iii. Human Resource Committee:** M. Akers reported that the committee has met once and is developing a survey to gather data on Special Research Faculty.

**iv. Research Administration Committee:** K. Davy reported that the committee met with Matt Swift, Linda Bucy, and others in the OSP Pre-award department regarding the new Cayuse research administration system. The system has been fully released for use university-wide. Use of the system will become mandatory for qualifying submissions once more pilot tests have been conducted and found to be satisfactory.

**b. Second Reading of Proposed Modifications to Policy 13010: Faculty Conflicts of Interest and Commitment:** Elizabeth Tranter and Pat Hyer, co-chairs of the Task Force on Consulting and Conflict of Interest (COI), presented the second reading of the modifications to

Policy 13010. See the attached handouts: "Revision of Policy 13010: Individual Conflicts of Interest and Commitment, Commission on Research, COR Resolution 2011-12 A," and "Virginia Tech Policy 13010 Rev.: 5, DRAFT dated 2/1/2012." The Policy 13010 draft was reviewed in detail, with the main emphasis on the Procedures section.

In Section 2.1, new language was noted in the second paragraph. The added guidance pertains to the potential for the appearance of irresolvable COI in the case of Small Business Innovation Research or Small Business Technology Transfer (SBIR/STTR) projects. An individual may not serve as both the small business primary investigator (PI) and the university sub-contract PI or co-PI. The employee may not contribute to both the small business and the university components of a single project as an employee, investigator, or consultant. This reflects the importance of maintaining a clear division of roles between the university and small business portions of the project, as well as the university priority of clear separation between the employee's university responsibilities and external activities.

There was discussion regarding de minimus use of university resources and its precise definition. University Legal Counsel has confirmed that, according to state law, university resources cannot be used for any private external activity. The use of university resources for both institutional responsibilities and external activities also makes it unclear whether or not the consultant is acting as individual or as an agent of the university. When the consultant is paid externally, a legal distinction is made, drawing a clear line that separates the university from any advice or actions taken by the consultant in that external relationship.

There was discussion regarding the difficulty of completely separating university vs. external activity regarding the use of phones, laptops, and other commonly used devices. It was noted that all electronic communication using university email is the property of Virginia Tech, including emails using personal accounts that are sent on a university-owned computer. There was discussion regarding external consulting that is done on university time but is allowed because of the potential benefit of the university from networking and synergy that occurs with outside entities. It was also noted that university resource facilities such as testing labs may be used for external activities if the faculty pays the university's approved rate for its use.

There was discussion regarding paid authorships of scholarly work. NIH requires the author to disclose if there has been remuneration for the publication. It is important in consulting agreements regarding publications to clearly specify ownership of intellectual property and the copyright of the publication.

Section 2.3 of the draft policy addresses potential conflicts involving students, postdoctoral associates and other trainees who are engaged in research involving a faculty-owned or managed business. The policy recognizes that the involvement of students in such projects may yield substantial benefits to the students or trainees, provided that certain conditions are met. Faculty members must disclose the involvement of students or trainees in their external activities or company-sponsored research. Those faculty who intend to serve as PI or co-PI on sponsored projects funded by a business in which they have a financial or managerial interest and have students or trainees conduct a portion of the research under their supervision must develop a management plan. The student must have transparent knowledge regarding funding and risks, and the opportunity to address it with a designated neutral party if needed. The student will be required to sign an agreement acknowledging awareness of the risks. The policy also provides details regarding assignment of co-PIs, required notification of the Graduate School, and guidance that pertains to the composition of the thesis and dissertation committee.

Section 3.1 covers disclosure of external consulting activities. An annual call for university-wide reporting of external activities will be made beginning in the fall of 2012. The Office of the Vice President for Research (OVPR) will be responsible for the oversight of the process of COI reporting and management plans, since the greatest risk for COI is with researchers who have a financial interest in their external activities.

Section 3.4 details strategies for the mitigation, reduction, or elimination of conflict of interest through the development, implementation, and periodic review of management plans (formerly called Memoranda of Understanding or MOUs). A research oversight committee may be formed for situations in which there are serious risks for COI. If the COI is deemed unmanageable, the contract will not be approved and must be withdrawn. There will be a three-member independent research oversight committee to review COI management annually to ensure the procedures are being implemented and are not tainted by bias. All management plans will also be reviewed by OVPR to ensure consistency and compliance with applicable policies. Multiple strategies for mitigating conflicts of interest will be listed on a Conflict of Interest website.

In Section 3.5, it was noted that the Virginia Tech Graduate School requires students to report any employment outside of their full-time assistantship. It was noted that post-doctoral associates are university employees and must also disclose outside activities.

Section 4.0 covers policy compliance issues. In cases of non-compliance, it is important to determine whether or not the action in question was deliberate. If the action was deliberate, it is incumbent upon the university to determine if the non-compliance has resulted in any financial impropriety or has compromised the objectivity of the research. PHS will require a report on the investigations of the occurrence of non-compliance and details on the sanctions imposed. The COI designee will follow up to ensure that the sanctions were instituted appropriately.

OVPR is currently developing procedure documents to provide more details to offices regarding policy implementation. Guidance for management of SBIR and STTR projects as well as requirements for PHS investigator reporting of travel compensated by external, non-governmental entities. Beth Tranter is meeting bi-monthly with a working group in OSP to develop the operational aspects of tracking, reporting and advising faculty of decision points during the proposal, award and post-award phases of the project life cycle.

A motion was made to approve this draft of Policy 13010. A vote was taken and acceptance was unanimously approved. A stipulation was made that minor editing may occur prior to submission of the report to University Council. Further discussion will occur between the Commission and the Task Force regarding such outstanding topics as A/P faculty and research faculty consulting.

**IV. New Business:** There was no new business to be addressed.

**V. Adjournment:** There being no further business, the meeting adjourned at 4:25 p.m.