

Conflict of Interest Advisory Committee (COIAC) Authority and Review

The UCSF **Conflict of Interest Advisory Committee (COIAC)** reviews financial interests and relationships disclosures of persons who are employees of UCSF and who have a financial interest or external commitment related to a UCSF research project. The COIAC also issues plans for managing such interests and relationships as appropriate.

The COIAC may take action to monitor compliance with the terms of an approved management plan, may communicate with the investigator (“anyone responsible for the design, conduct, or reporting of the research”) regarding the terms or implementation of the management plan, may notify or refer noncompliance matters to other appropriate committees or persons, and may withhold or withdraw the COIAC’s approval of a management plan to address a disclosed conflict of interest in research, requiring that the investigator may not participate in the research study unless the conflicting interest is divested.

COIAC Review Process: Administrative Review

If the study qualifies for administrative approval, the COIAC Administrator will conduct an administrative review of the investigator’s disclosure.

A disclosure of an individual interest will qualify for administrative approval if one or more of the following criteria are met:

1. The study at issue is not a UCSF research project funded by the Public Health Service (PHS) or PHS agencies.
2. The value of the investigator’s interest is less than \$10,000 and the investigator owns less than 5% ownership equity; or the interest disclosed is greater than \$10,000 or a greater than 5% equity interest, but the investigator’s role in the study is tangential or very minimal.
3. A disclosure is very similar to an existing, COIAC-approved disclosure, and the management plan would be the same.
4. The COIAC Administrator and Chair determine there are other reasonable circumstances for administrative approval, including indirect relationship with potential conflict.

Upon initial evaluation by the COIAC Administrator, if there is any question about the qualification of the disclosure for administrative approval based on these criteria or other circumstances that the COI Administrator believes would be pertinent to the COIAC, the COIAC Administrator will consult with the Chair of the COIAC to determine whether to submit the disclosure to the COIAC for a full Committee review.

COIAC Review Process: Expedited Review

A disclosure may qualify for expedited review (i.e., review by one or more members of the COIAC prior to the next convened meeting) by the COIAC if:

1. There is a legitimate business need or other good cause to review the study on an expedited basis rather than on the COIAC's regularly scheduled meeting date; and
2. The investigator of a study with a related interest requesting the review is not primarily responsible for the circumstances necessitating the expedited review.

Review of disclosures by expedited review is at the discretion of the COIAC Administrator and COIAC Chair.

Procedure for Review of Disclosures

1. As stated previously, the COIAC Administrator will identify whether all necessary information has been provided by the investigator or appropriate departments for adequate COIAC review. If not, the review must be postponed until such information has been provided.

Human Subject Research

2. The COIAC Administrator will identify whether UCSF research project involves human subjects or whether the results of the research will be used to support the design or conduct of a subsequent clinical study. If so and there is a Significant Financial Interest, the COIAC should, as a first principle, determine whether there are compelling circumstances to permit the activity. The presumption may be overcome when, in the judgment of the COIAC, individuals holding presumptively prohibited Significant Financial Interests present demonstrable, compelling justification – consistent with the rights and welfare of clinical research subjects – for being permitted to simultaneously hold the Significant Financial Interest and participate in the clinical research that involves human study participants is subject to heightened scrutiny. This is because the ramifications of bias, or the appearance of bias, in clinical research are more immediate and can directly impact the safety and welfare of clinical research participants.

Compelling circumstances are those facts that convince the COIAC that an investigator should be permitted to conduct human subjects research, taking into account the following factors:

1. The **nature** of the research.
2. The **magnitude** of the Significant Financial Interest and the degree to which it is related to the research.
3. The extent to which the Significant Financial Interest could be **directly and substantially** affected by the research.
4. The **degree of risk** to the human subjects involved that is inherent in the research protocol.
5. The extent to which the investigator is **uniquely qualified** to perform a research study with important public benefit.
6. The extent to which the interest is **amenable to effective oversight and management**.

- Additional circumstances to consider include but are not limited to:
 - Impact on trainees
 - If applicable, role in developing intellectual property for technology to be studied
 - If applicable, whether the clinical research is on technology subject to an institutional license or royalty sharing agreement, and if so, the type of license/royalty sharing income received (i.e., one time signing fee, success-based milestone, non-success-based milestone)
 - The best interests of study participants who could benefit from the clinical research.
 - Research structure and study design, including aspects that could serve as potential controls (e.g., multisite, blinded, external data safety monitoring board)
 - Correlation between the related interests and the aims of the research
 - Specific role and responsibilities of the conflicted investigator
- 3. When an investigator is permitted to conduct human subjects research, the interest must be subject to appropriate management controls so that the interest does not adversely affect human subjects. If there are reasonable and/or compelling circumstances to permit the activity, the COIAC, in collaboration with the IRB, should determine:
 - a. whether the financial interest will adversely affect the protection of participants in terms of the criteria for IRB approval; and
 - b. whether the financial interest will adversely affect the integrity of the research.

All Research

- 4. The COIAC Administrator, in consultation with the COIAC, is responsible for designing and implementing a management plan for the conflict as well as appropriate monitoring procedures, if required by the COIAC. An appropriate management plan may include disclosure of the interest to the participants in the research, but disclosure alone may not be sufficient to manage the interest. Additional management controls for human subjects research can include disqualifying the investigator from consenting potential subjects, analyzing data, etc.
- 5. A Significant Financial Interest related to a PHS-funded project will be reported to the sponsor as a Financial Conflict of Interest.
- 6. The COIAC must identify whether other conditions exist that suggest close ties between the research and the related financial interest. For example,
 - a. The research is performed jointly with an investigator representing the business entity.
 - b. The research is conducted at the facility of the business entity.
 - c. The investigator has a significant ownership interest in the entity.
 - d. The investigator has the opportunity to receive substantial financial benefits from the entity (e.g., bonuses, stock options).
 - e. The investigator has a long-term or ongoing consulting relationship with the entity.

7. The following situations may merit advisory consideration by the COIAC (and possible referral to the administrative entity responsible for oversight of such matters):
 - a. Any indications that the arrangement may not be an “arm’s length” transaction (e.g., grants of an equity interest to an individual that provide disproportionate compensation relative to 1) the standard share of royalties an investigator might receive for technology licensed to an unrelated company, or 2) the services provided (compensation should be fair market value for the services provided));
 - b. Licensing of inventions covering basic research that may cause the licensee to compete with the institution for grant funding;
 - c. Any limits on the freedom to publish, other than short delays allowing a sponsor to comment or to permit filing of patent applications (or disclosures).
 - d. Whether University facilities and other resources will be used to support the secondary interest, and, if so, whether costs are being fully recovered by the University;
 - e. Whether the private sponsorship/financial interest could affect students' academic progress, and/or whether there is an employment relationship between students working on the project and the sponsor, and/or whether there is free exchange of information and technical interaction between personnel working on the sponsored project and related UCSF research on campus; and/or whether there is an open research environment for the project;
 - f. Whether all technology has been disclosed to the Office of Technology Management; and/or whether the investigator is involved in setting terms of licensing the technology.

8. The COIAC must consider whether the management controls proposed are sufficient to eliminate or reduce the investigator’s influence in the design and/or conduct of the research study and/or the reporting of the research results. As a general rule, an investigator should not be directly engaged in aspects of the research project that could be influenced inappropriately. If a management plan is required or proposed, the COIAC will determine:
 - a. (if human participants are involved) whether the financial interest will adversely affect the protection of participants in terms of the criteria for IRB approval (in collaboration with the IR); and
 - b. whether the financial interest will adversely affect the integrity of the research; and
 - c. determine whether a management plan is adequate based at minimum on these criteria.

Developing a Management Plan

Some circumstances of a research study provide inherent management controls that can be considered by the COIAC as part of the management plan. These include, but are not limited to:

- Objective outcomes that cannot be manipulated by the investigator (e.g., an objective read-out of a device);
- Multi-center trials in which the site of the investigator does not provide a disproportionate percentage of the research results;

- Peer review or independent testing of research results prior to further dissemination of results or influence of the results on the secondary interest;
- Investigator will be blinded;
- Multiple non-interested investigators taking part in the study.

Beyond the inherent management controls that may be present in a research study, useful criteria and principles for developing a management plan include but are not limited to:

Disclosure

- The investigator makes disclosures to the research sponsor.
- The investigator makes disclosures to potential publishers of the research findings (presentations, manuscripts, press releases, etc.).
- The investigator discloses to students, research associates, and all project team members his or her financial interests or relationships.
- The investigator discloses his or her financial interests or relationships to human subjects in the research informed consent document (subject to review and approval of the IRB of such disclosure and any suggested language).

Oversight

- An ad hoc oversight committee reviews the UCSF research project on a periodic basis to be determined by the COIAC.
- Research data are managed by independent investigators or an existing multi-center data oversight committee.
- Certain aspects of the research study (e.g. safety and efficacy data) conducted by the investigator are monitored by an independent party.
- Re-review of the research study by the COIAC at intervals to be determined by the COIAC.

Divestiture or Removing the Situation

- The investigator is replaced as principal investigator by an independent investigator with no relevant financial interest.
- Research plans are modified, or portions of the research are transferred to independent investigators.
- The investigator removes himself or herself from supervision of non-interested individuals conducting the research.
- The investigator resigns from a board or executive position.
- The investigator recuses himself or herself from board deliberations involving his or her own research.
- Investigator recuses himself or herself from negotiations for any agreements or purchasing decision from the sponsor.
- The investigator divests equity in a company that is sponsoring his or her research.
- The investigator does not receive income from the entity that is sponsoring his or her research during the length of the project.

- The investigator must relinquish control over spending or hiring for the research.
- The investigator may be prohibited or limited on involvement in (or independent involvement) in research data collection or analysis, human research subject recruitment, enrollment and/or consent activities, performing certain research interventions or procedures, and/or involvement in adverse event evaluation and reporting.