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# The Expansion of Conflict of Commitment

Stacy Pritt, DVM, MS, MBA, CPIA, CHRC, DACAW  
Associate Vice President, Research Support & Regulatory Management  
Assistant Professor, Psychiatry (Ethics Division)

Meredith Noto, MBA, MA, CHRC  
Associate Director, Conflict of Interest and Export Control

## Some questions to get us started....

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Have you  
heard of  
conflict of  
Commitment  
(COC)  
before?



Does your  
Institution  
have a  
Policy on  
COC?



Are you  
involved  
with COC  
review at  
your  
institution?

## Learning Objectives & Topics

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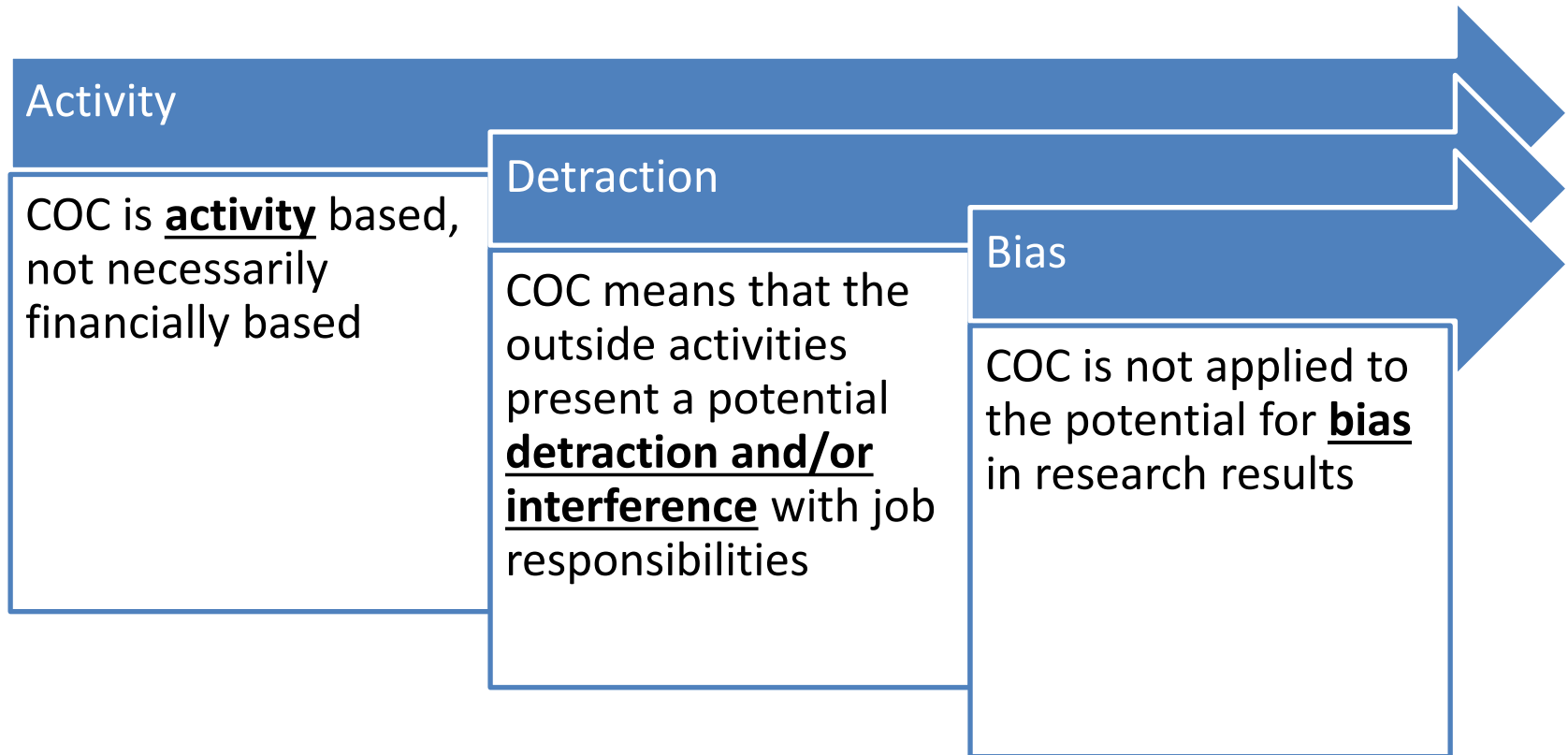


Historical  
View of COC

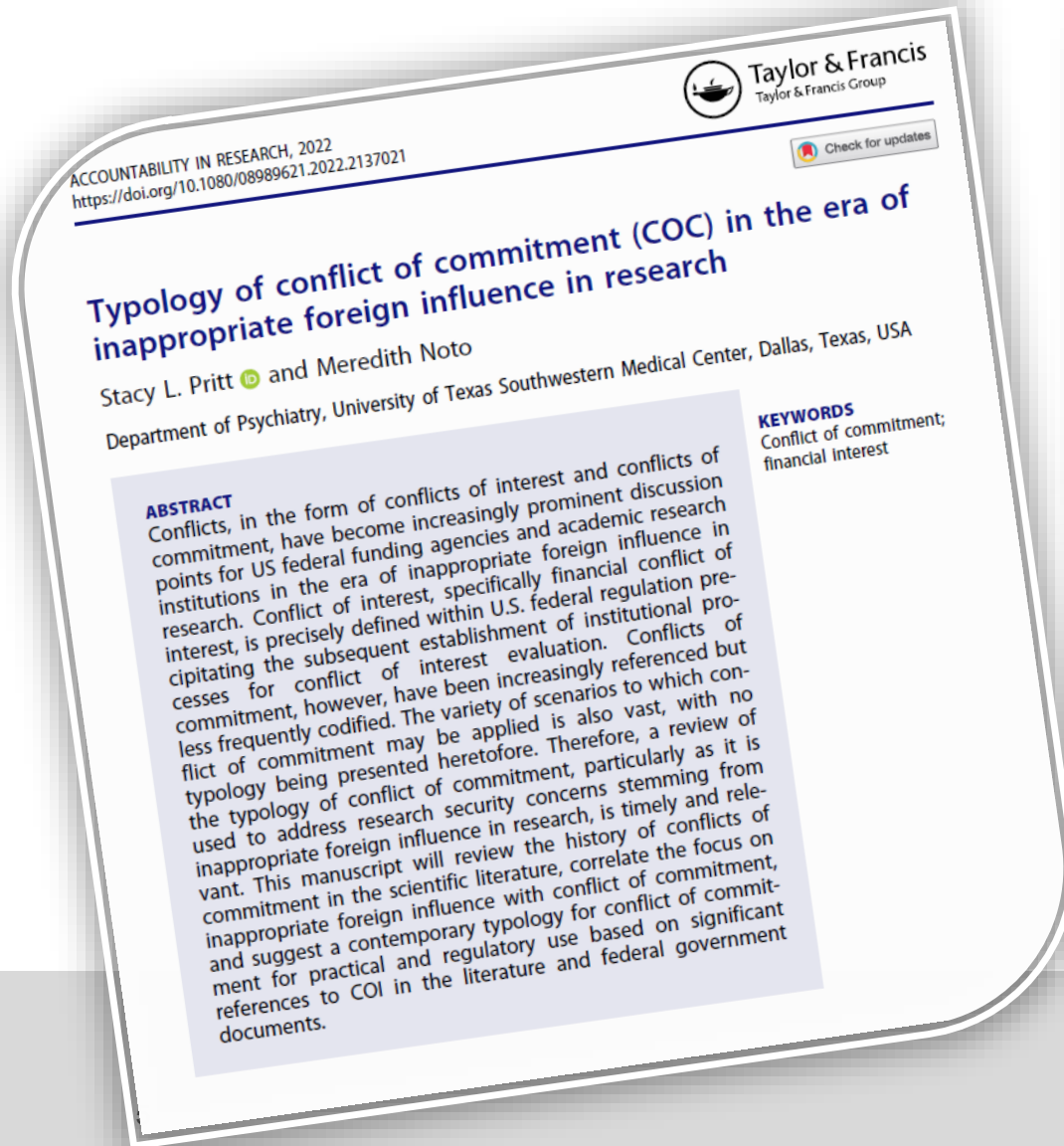
Contemporary  
Usage of COC

Inappropriate  
Foreign  
Influence in  
Research

## COI vs. COC vs. Outside Activities



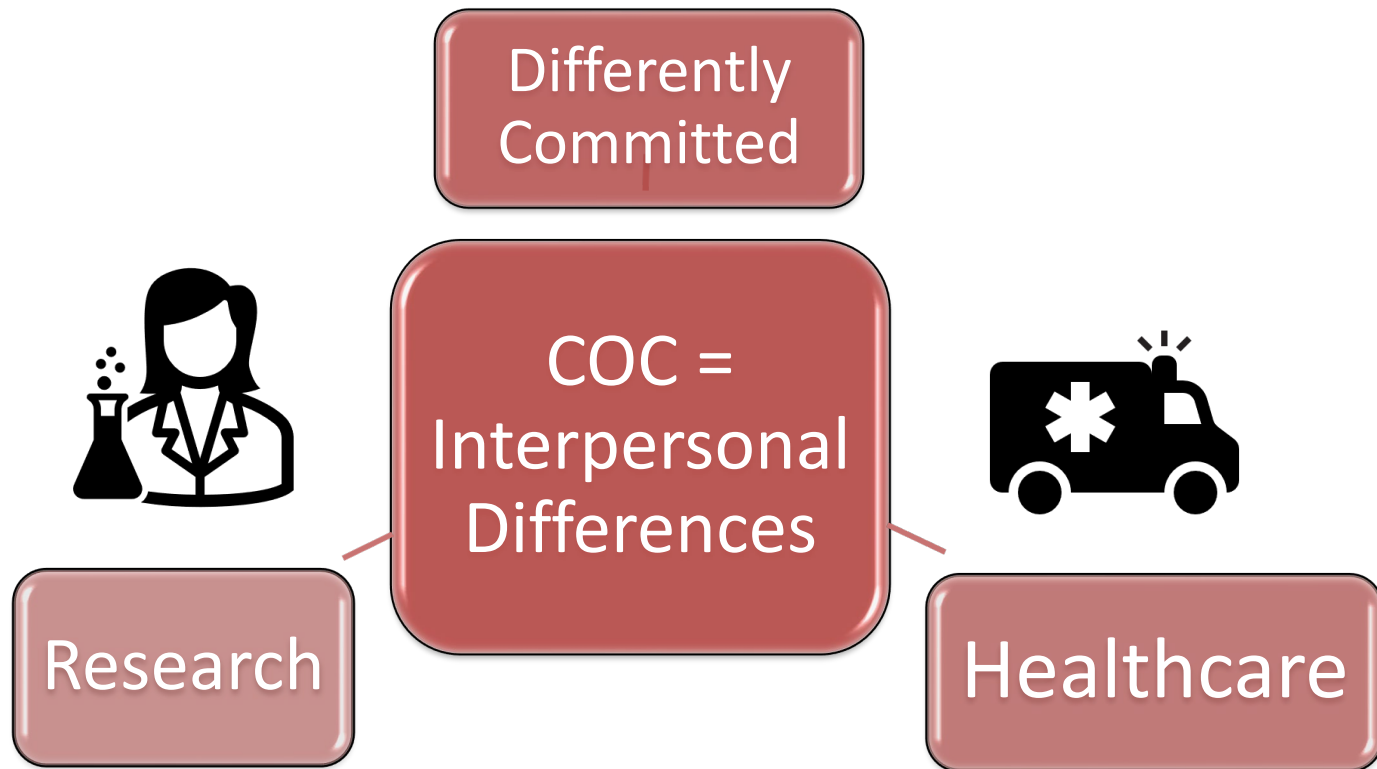
For further references see....



## Principles for Evaluating Conflict of Commitment Concerns in Academic Research

A little bit of history....

## 1963 – *American Psychologist*



1972

TECHNICAL REPORT: CARNEGIE COMMISSION  
NATIONAL SURVEY OF HIGHER EDUCATION

June 1, 1972

Martin Trow, Director

Professional Staff:

Joseph Zelan, Associate Research Sociologist  
Travis Hirschi, Associate Research Sociologist  
Stephen Steinberg, Post Graduate Research Sociologist  
Saul Feldman, Junior Specialist  
Ted Bradshaw, Post Graduate Research Sociologist  
Oliver Fulton, Post Graduate Research Sociologist  
Carlos Kruytbosch, Post Graduate Research Sociologist  
Judy Roizen, Post Graduate Research Sociologist  
Sandra Meyers, Post Graduate Research Sociologist  
Lynne Alexander, Administrative Assistant  
Glenn Edwards, Administrative Assistant  
Don Trummell, Programmer  
Richard Scheffer, Project Coordinator

TECHNICAL REPORT

Copy #7

National Survey of Higher Education  
Dr. Martin A. Trow, Project Director  
Grant no. OEG-0-9-140148-4457 (010)  
Project no. 9-0148



**Carnegie Foundation**  
for the Advancement of Teaching

**UT Southwestern**  
Medical Center



## Establishment of a Benchmark

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- 1969 study of thousands of college and university faculty across the US
- Data from that study was used to determine:
  - A majority (>50%) of faculty participated in consulting
  - Most consulting was unpaid
  - Only 6% of faculty with consulting did so for more than a day a week
- The “20%” benchmark was born!
- For many years, institutions considered COC only when faculty were committing more than 20% time allotment for outside activities



**No Data?**

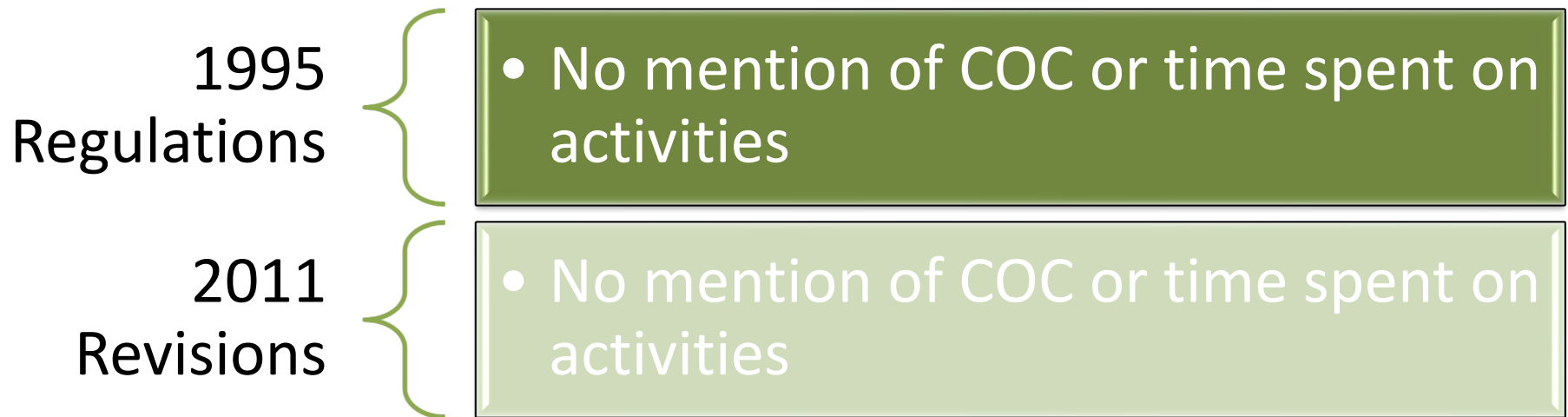
## Benefits of Outside Activities



*From Principles for  
Evaluating Conflict of  
Commitment Concerns in  
Academic Research (2021)*

## PHS Conflict of Interest Regulations

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## From 2018 to the Present

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“Dear Colleague” Letter from NIH & ACE  
Working Group (08/2018 to 06/2019)

OSTP Report (06/2020)

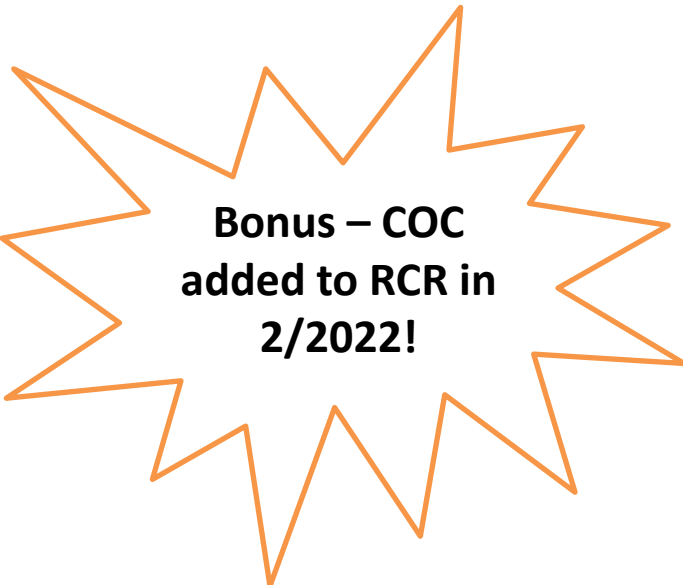
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(09/2021)

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OSTP Implementation Guidance (01/2022)

Draft Research Security Program Standard 03/2023)

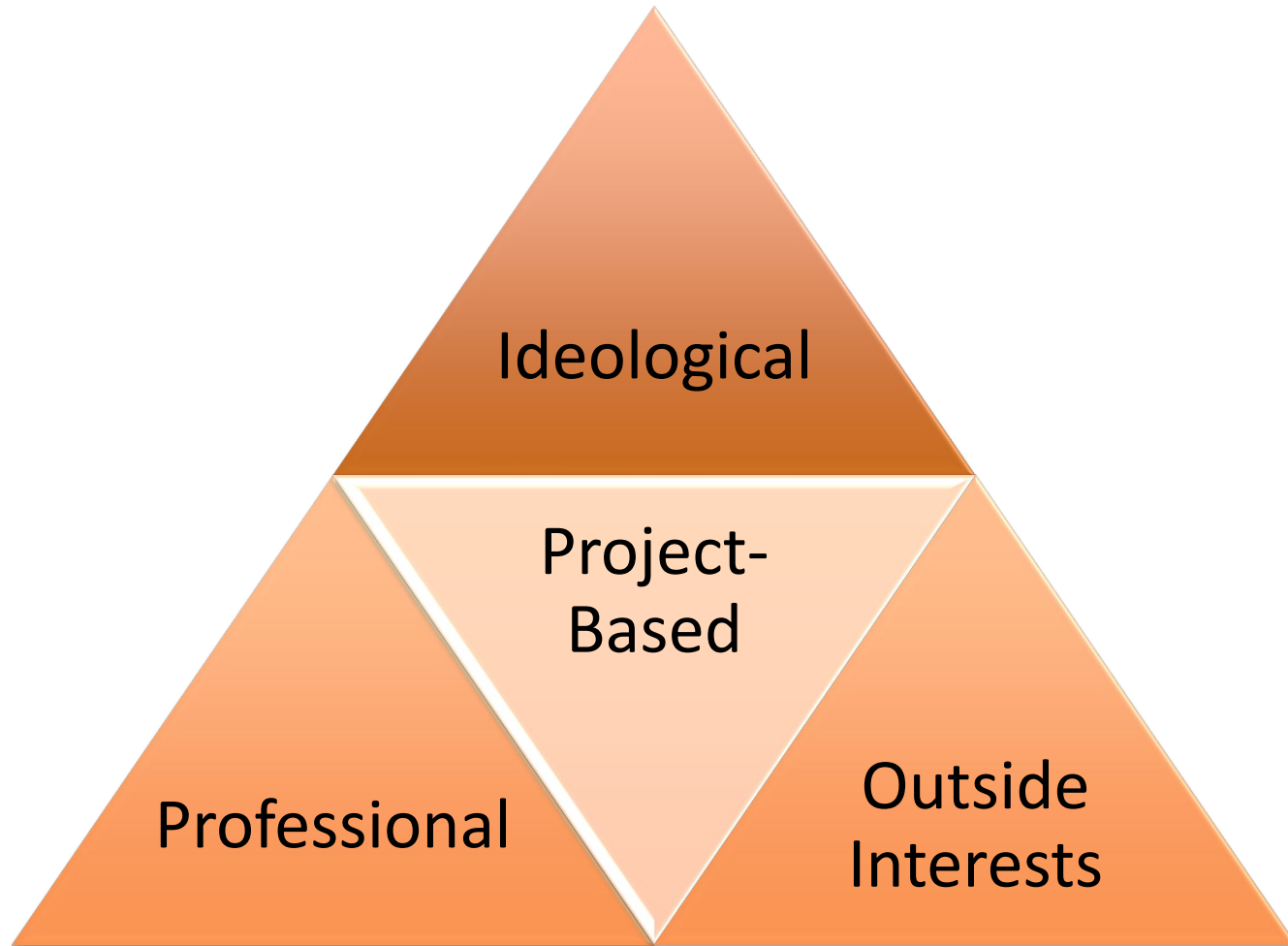


**Bonus – COC  
added to RCR in  
2/2022!**

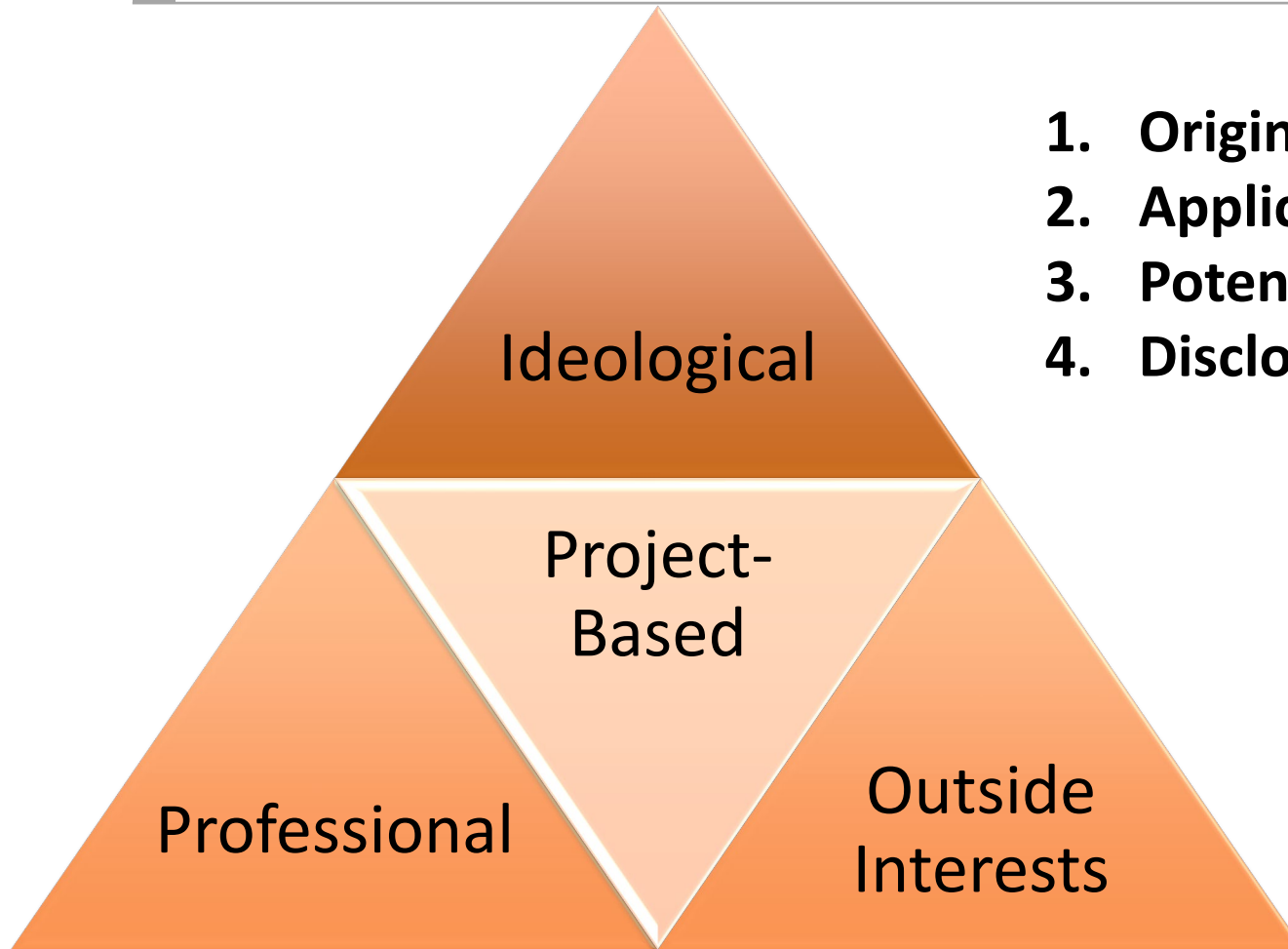
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# Contemporary Usage of COC

## Four Main Areas of Usage for “Conflict of Commitment”



## Four Main Areas of Usage for “Conflict of Commitment”



1. **Origins**
2. **Application**
3. **Potential for Mitigation**
4. **Disclosure Requirements**

AKA “non-financial COI”

Occurs when an individual’s beliefs, personality or ideologies conflict with institutional decisions and responsibilities

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Limited ability and opportunities to disclose, prevent, manage, or eliminate

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Entities requiring disclosure?

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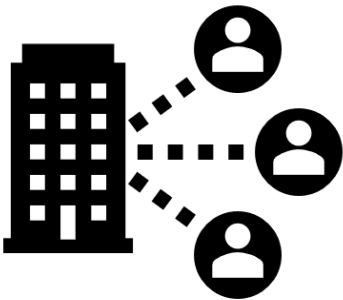


## Outside Activities

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Outside pursuits that could detract from or interfere with institutional responsibilities, usually within the context of time commitments, but not always

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Established requirements to disclose, prevent, manage, and/or eliminate usually exist

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Disclosure required by Institutions & Federal Funding Agencies

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Professional expectations and comportment,  
especially when participating in federally  
funded research and mentoring  
students/fellows

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Some ability to mitigate

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Disclosures required by Institutions?

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Overlap between existing research funding and other activities



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Evolving requirements to disclose and evolving ability to prevent, manage, and/or eliminate

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Disclosures required by Institutions & Federal Funding Agencies

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## Project-Based – Where and How

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To  
Institutions

Other Support  
Documents

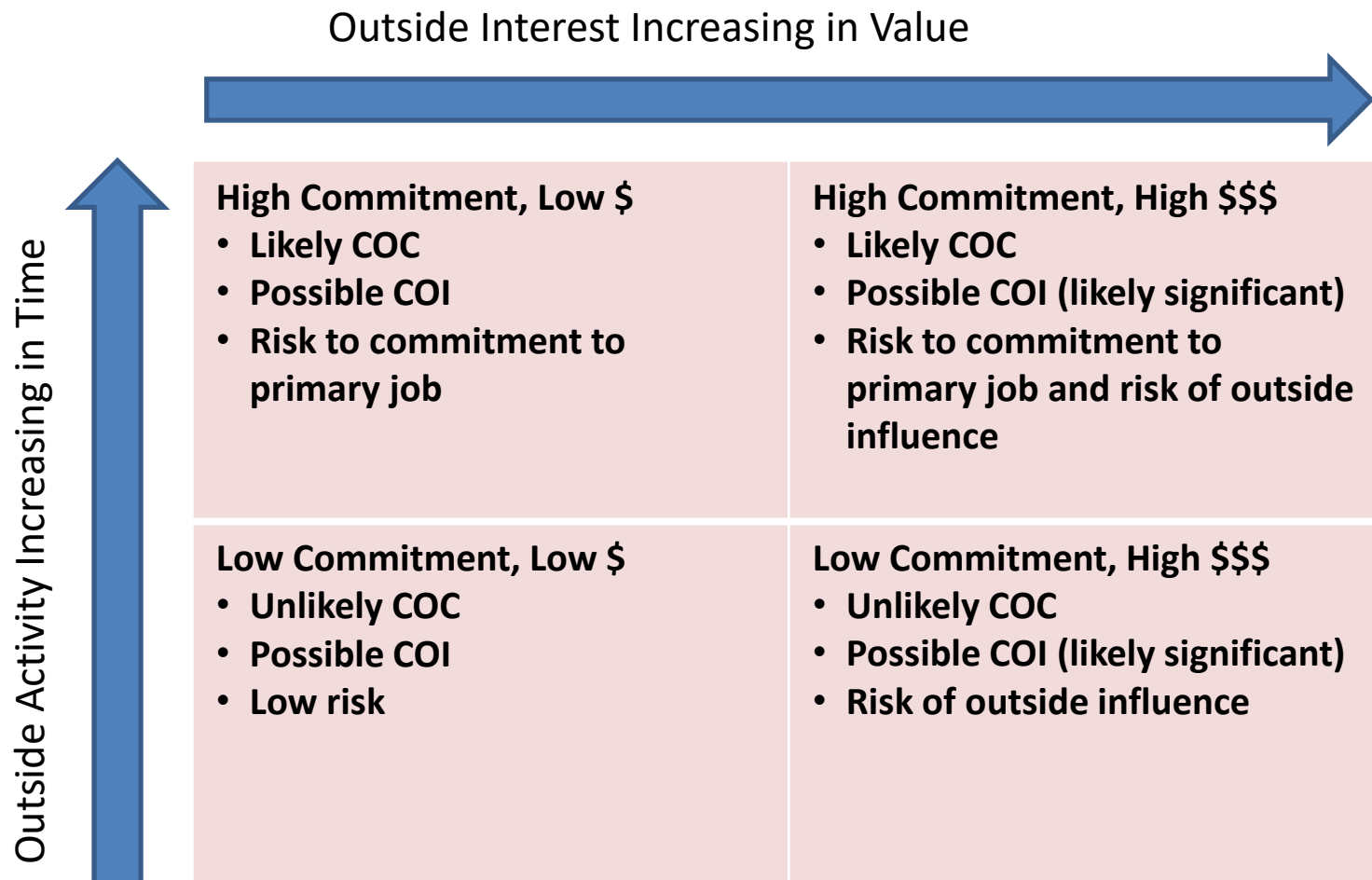
Annual  
Disclosures

To  
Agencies

Outside  
Activities &  
Compensation

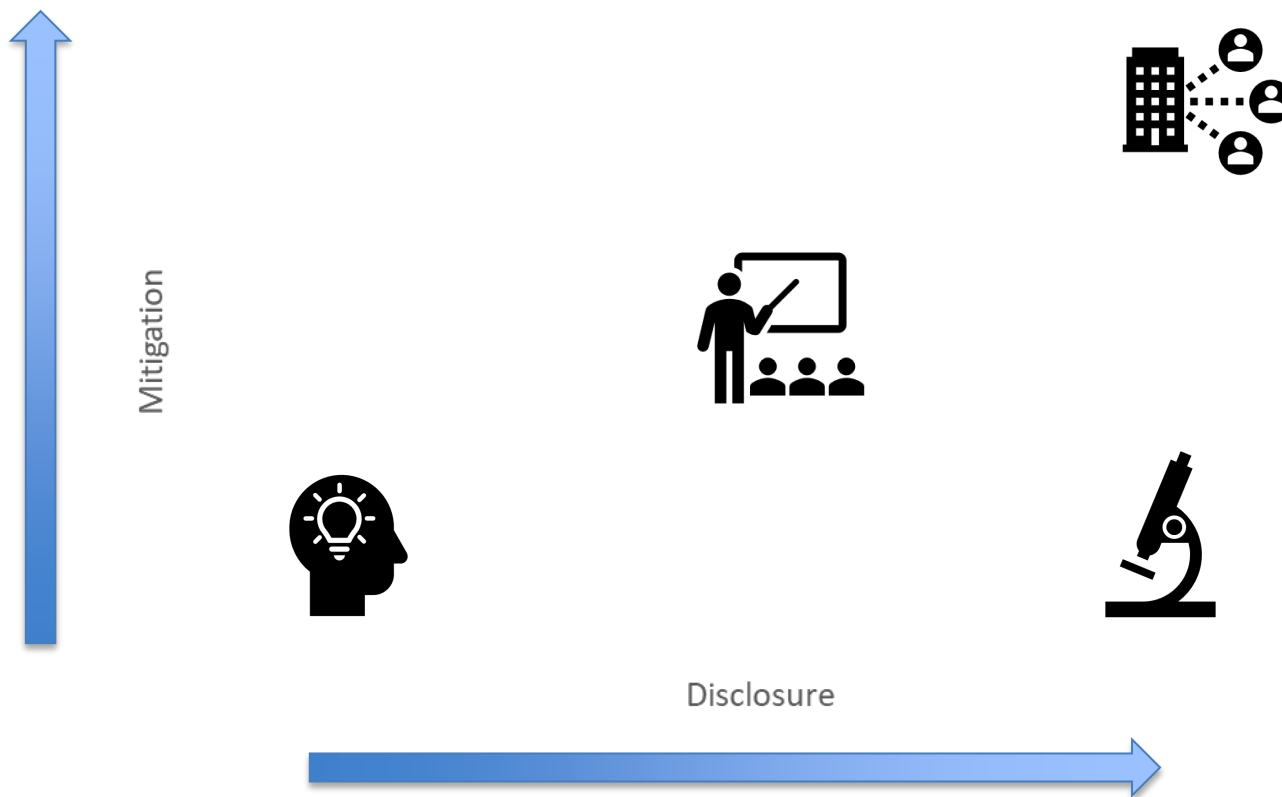
Flow-Thru  
Research  
Support

## Relating Relative COC and COI to Risk



## Mitigation

Ability for Mitigating Actions & Disclosures



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# Interface Between COC and Inappropriate Foreign Influence in Research

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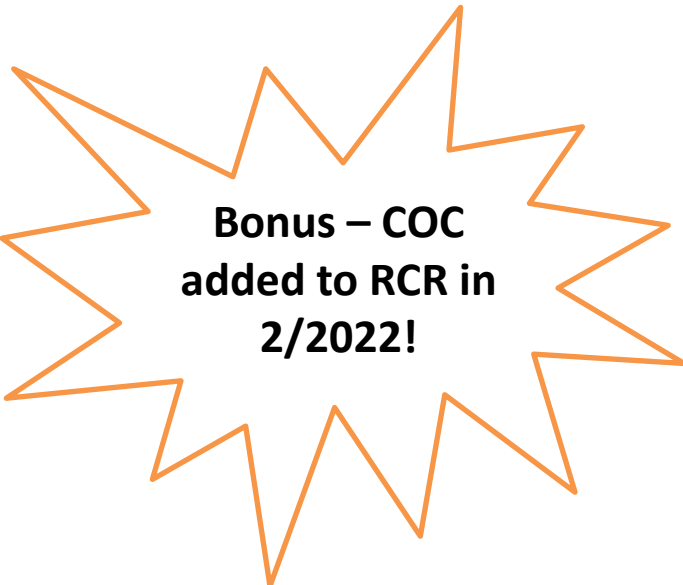
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**Bonus – COC  
added to RCR in  
2/2022!**



## From 2018 to the Present

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“Dear Colleague” Letter from NIH & ACE  
Working Group (08/2018 to 06/2019)



## Dear Colleague Letter - 2018

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- Information about the required disclosure of foreign financial interests was disseminated early in the year
- Notified specific institutions and individuals about concerns regarding inappropriate foreign influence in research in August and October
- Dr. Collins also provided testimony to the Senate about widespread concerns regarding inappropriate foreign influence in research

## From 2018 to the Present

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“Dear Colleague” Letter from NIH & ACE  
Working Group (08/2018 to 06/2019)

OSTP Report (06/2020)



# Enhancing the Security and Integrity of America's Research Enterprise

The White House Office of Science and Technology Policy

[www.whitehouse.gov/ostp](http://www.whitehouse.gov/ostp)

[www.ostp.gov](http://www.ostp.gov)

@WHOSTP



## A New Definition of Conflict of Commitment

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A **conflict of commitment** is a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of **commitment** as conflicting **commitments** of time and effort, including obligations to dedicate time in excess of institutional or funding agency policies or **commitments**. Other types of conflicting obligations, including obligations to improperly share information with, or withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of **commitment**.

# Examples of behaviors that increase risk and can harm the research enterprise

## Irresponsible Conduct that Violates Funding Agency and Institutional Policies:

- Failures to disclose:
  - Financial conflicts of interest
  - Conflicts of **commitment**
  - External employment arrangements
  - Financial support that overlaps with U.S. funding
  - Shadow laboratories or other parallel research activities
- Diversion of intellectual property
- Peer review violations

## Examples of Behaviors that May Violate Laws:

- Theft or diversion of materials and intellectual capital
- Grant Fraud



# Examples of behaviors that increase risk and can harm the research enterprise

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## Potential Impacts:

- **Distorted decisions** about appropriate use of taxpayer funds
- **Hidden transfers** of information, know-how, data, and time
- **Diversion of proprietary information** and pre-publication data to foreign entities
- **Loss of Federal research funding**, or need to replace key personnel
- **Damage to the reputation** of research institutions and researchers
- **Reputational, career, and financial detriment** to individuals
- **Loss of taxpayer and public trust** in the research enterprise

## From 2018 to the Present

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“Dear Colleague” Letter from NIH & ACE  
Working Group (08/2018 to 06/2019)

OSTP Report (06/2020)

GAO Report (12/2020)







United States Government Accountability Office

Report to the Chairman, Committee on  
Finance, U.S. Senate

December 2020

# FEDERAL RESEARCH

Agencies Need to  
Enhance Policies to  
Address Foreign  
Influence

## The Introduction of “NFCOI”

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Conflict of commitment (**non-financial conflict of interest**): is a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many institutional policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of institutional obligations, including obligations to improperly share information with, or withhold information from, an employer or funding agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment.

## From 2018 to the Present

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GAO Report (12/2020)

COGR Guidance v2  
(09/2021)

## COGR Guidelines

First set of comprehensive guidelines focused on COC

In-depth discussion of challenges and policy considerations that are a part of this topic

Many examples of COC, and discussion points, at the end of the document



### **Principles for Evaluating Conflict of Commitment Concerns in Academic Research**

Version 2.0

September 2021

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*This Framework is provided as a tool to the COGR Membership with the understanding that COGR is not providing legal, regulatory, or policy advice.*

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## From 2018 to the Present

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“Dear Colleague” Letter from NIH & ACE  
Working Group (08/2018 to 06/2019)



**COC added to  
RCR in 2/2022!**

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Draft Research Security Program Standard (03/2023)



# RECOMMENDED PRACTICES FOR STRENGTHENING THE SECURITY AND INTEGRITY OF AMERICA'S SCIENCE AND TECHNOLOGY RESEARCH ENTERPRISE

Product of the  
SUBCOMMITTEE ON RESEARCH SECURITY  
JOINT COMMITTEE ON THE RESEARCH ENVIRONMENT  
of the  
NATIONAL SCIENCE & TECHNOLOGY COUNCIL

January 2021

A conflict of commitment is considered to be a situation in which an individual accepts or incurs **conflicting obligations between or among multiple employers or other entities**. Many organizational policies define conflicts of commitment as **conflicting commitments of time**, including obligations to dedicate time in excess of institutional or funding agency policies or commitments.

Other types of conflicting obligations, including **obligations to share information improperly with, or to withhold information from, an employer or funding agency**, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment.

“The heads of US research funding agencies shall require the disclosure of information related to potential conflicts of interest and commitment from participants in the federally funded R&D enterprise.”



Section 4(b)(vi) directs that “agencies should standardize forms for initial disclosures as well as annual updates, ... and should provide clear instructions to accompany these forms and to minimize any associated administrative burden.”

The memorandum’s definition does not include the term “financial conflict of interest.”

**Subcommittee on Research Security  
National Science and Technology Council  
Office of Science and Technology Policy**

**DRAFT Research Security Programs Standard Requirement**

*Prepared by the Interagency Working Group on Research Security Programs, Subcommittee on Research Security, National Science and Technology Council*

February 2023

**NATIONAL SCIENCE AND TECHNOLOGY COUNCIL**



**GUIDANCE FOR IMPLEMENTING NATIONAL  
SECURITY PRESIDENTIAL MEMORANDUM 33  
(NSPM-33) ON NATIONAL SECURITY  
STRATEGY FOR UNITED STATES  
GOVERNMENT-SUPPORTED RESEARCH AND  
DEVELOPMENT**

*A Report by the*  
**Subcommittee on Research Security  
Joint Committee on the Research Environment**

January 2022



## From 2018 to the Present

“Dear Colleague” Letter from NIH & ACE  
Working Group (08/2018 to 06/2019)

**COC removed  
from NASA COI  
draft guidance  
(8/2023)**

OSTP Report (06/2020)

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COGR Guidance v2  
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## Conclusions

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- The original concept of COC has broadened into several emergent definitions, and become a vital component of research security and foreign influence discussions.
- However, a universal definition of COC remains elusive, as COC's reach extends to outside activities, personal ideologies, individual research projects, and research integrity.
- Institutions should prioritize keeping abreast of regulatory changes relating to COC, particularly as it relates to research security and meeting funding agency expectations.

**Thank You!**

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Questions?

Presenter Contact Information:

Dr. Stacy Pritt, Assoc. VP of Research Support and Regulatory Mgmt.

[Stacy.Pritt@utsouthwestern.edu](mailto:Stacy.Pritt@utsouthwestern.edu)

Meredith (Brown) Noto, Assoc. Director of COI and Export Control

[Meredith.Brown@utsouthwestern.edu](mailto:Meredith.Brown@utsouthwestern.edu)