

**POLICY ON CONFLICT OF INTEREST
AND
GRADUATE EDUCATION
Q & A**

Frequently Asked Questions by Students

Q1. I'm a bit confused about what conflict of interest is as it relates to my graduate education. Please elaborate...

A1. Conflict of interest (COI), in the context of graduate education, concerns protecting the academic interests of our graduate students in the event that a financial interest, on the part of a Faculty Mentor/Research/Thesis/Dissertation Advisor, relating to a project on which the student is [or may be] working, raises a conflict of interest issue that may have the potential to harm the academic interests of the graduate student. The following two scenarios should help to clarify the issue for you (if you're already clear on conflict of interest in graduate education, please skip ahead to find an answer to your particular question).

Scenario 1: A faculty member owns stock in an outside entity that may or may not be supporting research on which the faculty is working, but which stands to benefit from that research. The faculty member directs the student, who is also working on this research, to delay publication of his/her dissertation, and graduation, until the faculty member completes his/her research.

Scenario 2: A faculty member establishes a company that stands to benefit financially from a research or other project. The company is also supporting the faculty member's research in this area at the university laboratory. The faculty member pressures a student to work on the research project of interest to his/her company.

Q2. When is the best time to raise a concern about conflict of interest?

A2. A COI issue may be raised at any time. It is the responsibility of the faculty member, however, to notify the departmental representative and the student of any personal financial interests that could lead to a COI at the time that the student is considering a thesis or dissertation topic, forming a graduate committee, or being employed as a research or teaching assistant, whichever event comes first.

Q3. Who can identify and report a conflict of interest?

A3. The graduate student, the Faculty Mentor/Research/Thesis/Dissertation Advisor, a Departmental Representative (either the Faculty Graduate Advisor or Departmental Chair), or the campus Conflict of Interest Committee (COIC) can initiate the procedures to deal with the perceived COI (see Q7 below).

Q4. What are the responsibilities of my academic unit in conflict of interest matters?

A4. The academic unit is responsible for ensuring that graduate students are properly notified about the nature and risks of faculty conflicts of interest, the University definition, and policy regarding such conflicts. The academic unit is asked to communicate at least once each year to its graduate students, in a format of the unit's choosing, the University policy on COI matters as well as the procedures designed to protect the academic interests of the student (see also Q6 below). In addition, the Graduate Division will notify students once per academic year of the University policy on COI.

The academic unit is also responsible for: (i) notifying the graduate students of the identity of a Designated Resource Person (typically the Graduate Advisor) who is available to advise students in circumstances in which there is a perceived faculty COI; (ii) ensuring that faculty members have a written copy of the Academic Personnel Manual, Section 028 (APM-028) section concerning COI and other related policies and guidelines; and (iii) ensuring that faculty are familiar with the ways in which the policy might impact a mentor's relationship with a graduate student.

Q5. What is the role of the "Designated Resource Person" in the Academic Unit with regard to conflict of interest?

A5. The Designated Resource Person (usually the departmental Graduate Advisor) will serve as the de facto departmental representative in all matters related to COI issues. If, however, the departmental graduate advisor is the conflicted faculty member, the Department Chair should personally advise the student and serve as the departmental representative as described herein.

Q6. What is the responsibility of the Mentor/Research/Thesis/Dissertation Advisor with regard to conflict of interest?

A6. Each faculty member serving as a mentor or thesis or dissertation advisor to a graduate student is responsible for disclosing in advance any COI that might in any way be pertinent to the research conducted by the student. In doing so, the faculty member should use criteria as outlined in APM-028, regardless of whether the company/entity is sponsoring research at the University. The faculty member is also responsible for notifying the student and the Designated Resource Person of the academic unit of his or her COI in a timely manner. The faculty member should notify the departmental representative and the student at the time that the student is considering a thesis or dissertation topic, forming a graduate committee, or being employed as a research or teaching assistant, whichever event comes first.

Q7. Is there any routine documentation/paperwork regarding conflict of interest that I as a graduate student should be aware of?

A7. Yes. UCSB requires that all graduate students, and their faculty, be made aware of UCSB's Conflict of Interest (COI) Policy related to graduate education and research. Awareness of the COI issue must be acknowledged formally (as is stated on the recently updated Master's Form I and Doctoral Degree Form I: <http://www.graddiv.ucsb.edu/pubs/>

) prior to the student's advancement to candidacy examination. These forms include transparent instructions, a straightforward format, and a place for COI acknowledgment.

If there is any concern about a possible conflict of interest for students who have already advanced or filed their "Master's Form I", a stand alone COI form should be completed and filed with Graduate Division.

Q8. What are the procedural steps to be followed in the event that an apparent conflict of interest is perceived?

A8. *Step-1.* A COI issue may be raised at any time at the academic unit level by the graduate student, the Faculty Mentor/Research/Thesis/Dissertation Advisor, a departmental representative, or the campus Conflict of Interest Committee. The COI issue shall be reviewed by and openly discussed among the relevant parties to determine if the conflict has the potential to negatively impact the academic interests of the student. The COI issue shall be handled by the Designated Resource Person in an academic unit, preferably the departmental Graduate Advisor. If the Designated Resource Person is also the student's conflicted Faculty Mentor/Research/Thesis/Dissertation Advisor, then the Department Chair shall handle the matter.

Step-2. If the conflict of interest poses **minimal risk** of harm to the academic interests of the student, then the Graduate Dean or Dean's designee shall write a brief statement to that effect, and shall include a summary of the situation and the reasons for the decision. If there is agreement with the risk statement, the Department Chair, the student, and faculty member who has a conflict of interest shall co-sign the statement. Upon acceptance by the Dean or Dean's designee, the signed statement shall then be forwarded to the department for placement in the student's academic file; a copy will also be retained by the Dean of the Graduate Division with copies forwarded to the co-signers. Should any party become aware of new information impacting the academic interests of the student, the minimal risk statement should be reassessed and a new COI Form submitted by the department to the Graduate Division. If, on the other hand, the Department Chair, student, or the faculty member does not agree with the statement after suitable revisions have been attempted, the conflict of interest matter should then be referred to the Graduate Student Conflict of Interest Subcommittee for final resolution.

Step-3. If the conflict of interest issue includes a component that may be harmful to the student, then the Dean of Graduate Division will refer the matter to the Graduate Student Conflict of Interest Subcommittee ("Subcommittee"). Reviews will be performed by the Subcommittee consisting of the Chair of the Conflict of Interest Committee, the Conflict of Interest Coordinator in the Office of Research, and the Dean of the Graduate Division or his or her designee. The Subcommittee shall meet as necessary.

When a disclosure is submitted for Subcommittee review, the Subcommittee shall have the following options:

- 1) Approve the project¹ (determine that no obvious conflict of interest is present);
- 2) Conditionally approve the project to manage the conflict, subject, but not limited to, conditions such as the following:
 - Further management by, or reporting to, an appropriate Dean, Chair, or *ad hoc* departmental committee formed for such purpose;
 - Periodic reports back to the Subcommittee on steps taken to manage the conflict;
 - Divestiture of the financial interests that cause the conflict;
 - Recommendation that the Graduate Dean work with the Department to find a substitute on the student's dissertation or thesis committee for the faculty member with a conflict;
 - Limitation of the length or scope of student's work with industry;
 - Adoption of standard UC provisions concerning intellectual property for student's work with industry;
 - All student work is to be conducted on-campus;
 - Appointment of an additional member to serve on the dissertation or thesis committee as an "Oversight Member." This member is chosen by the Department Chair (or the Graduate Advisor if the Chair is the conflicted faculty member) in consultation with the graduate student and their dissertation advisor. The Oversight Member shall be from a different academic department in a reasonably related discipline.

Any other condition that the Subcommittee feels appropriate and reasonable to manage the conflict may also be implemented.

Q9. What if there is a COI and after Subcommittee review they decide to appoint an additional member to serve on dissertation or thesis committee as an "Oversight Member? How does this work?"

A9. The Dean of the Graduate Division shall work with the involved parties (the student, the faculty research advisor, and the Designated Resource Person) in the department to select an "Oversight Member."

The Oversight Member shall participate, as a non-voting Ex Officio Member, in all student research advisory and/or thesis/dissertation committee meetings. The Oversight Member shall be aware of the COI issues and relevant campus policies. If there do not appear to be any harmful results from COI issues, the "Oversight Member" shall sign a brief statement to that effect after each committee meeting. The "Oversight Member" shall also sign the advancement to candidacy and final exam forms below the signatures of the voting committee members. A copy of these forms, together with the oversight member's statements on the impact of the COI, shall be placed in the student's

¹ A project could be, but is not limited to, a textbook, software, scientific or engineering innovation, or basic/applied research that would benefit the company's interest.

departmental file and also forwarded to the Graduate Division. However, if the Oversight Member perceives that there is a problem arising from COI issues, then the Oversight Member shall not sign the advancement to candidacy or final exam forms summarizing the committee deliberation, but shall instead inform the Dean of the Graduate Division of the problem in writing. Regardless of the impact of the COI on the student, the Oversight Member shall not halt the proceedings during the course of an oral examination.

If the Oversight Member perceives that a potentially harmful situation to the student has arisen as a result of COI issues, and has so informed the Dean of the Graduate Division in writing, then the Dean will consult with the Graduate Student Conflict of Interest Subcommittee to devise a solution.

Q10. What if I have a question that wasn't addressed by this Q&A? Who can I contact?

A10. Students can consult their departments' Designated Resource Person (typically the Graduate Advisor), the Department Chair, or they may contact the Graduate Division Academic Services Unit located in 3117 Cheadle Hall or call 893-4654.

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