



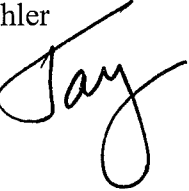
**UNIVERSITY OF MARYLAND**  
**Office of the President**

**JAY A. PERMAN, MD**  
*President*

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**MEMORANDUM**

**TO:** Dean Janet D. Allan  
Dean Richard P. Barth  
Dean Natalie D. Eddington  
Dean Phoebe A. Haddon  
Dean Malinda B. Orlin  
Dean E. Albert Reece  
Dean Christian S. Stohler

**FROM:** Jay A. Perman, M.D. 

**DATE:** November 5, 2010

**SUBJECT:** University Position on Management of Researcher's Conflict of Interest

UMB faculty and staff researchers have many opportunities to work with emerging and established life sciences companies. These opportunities are expected to increase as researchers seek funding from non-traditional resources and UMB seeks to develop the inventions made by its researchers. The BioPark is attracting tenants with keen interest in collaborative work.

UMB encourages collaborative relationships between its researchers and private entities. However, UMB faculty, staff, and academic leaders must balance enthusiasm for these activities with the fact that they present challenges relating to avoiding, minimizing and managing faculty and staff conflicts of interest and protecting academic freedom of our investigators. This is particularly true when the companies are involved with inventions owned by UMB, sometimes having as inventors the same researchers who are working with the companies.

UMB anticipates a continuing expansion of research and entrepreneurial activity where investigators have, or may be perceived as having, a conflict of interest as a result of having an interest in a business entity affected by the outcome of the research. The campus encourages this activity; it is exciting and it directly addresses one of our missions – bringing our scientific advances into the marketplace in order that the public may benefit. However, researchers and administrators at UMB must remember that preserving academic freedom and complying with State and Federal law must also be assured. This requires that we carefully examine each conflict of interest situation.

If a conflict of interest exists, or may be perceived to exist, due to a relationship with a private entity, the relationship may cause a violation of the State Ethics Law unless I grant an exemption. I will consider exemption requests, under campus policy and State law, if I am presented with a School's plan for management of a conflict or perceived conflict. Plans

proposed must be credible and reasonable, given the time and funds required to execute them, and must have the endorsement of School leadership.

In many cases, conflicts of interest can be managed by disclosure, protection of graduate students' rights, and other steps that are readily implemented and documented. In other cases, the magnitude or extent of financial interests or other relationships with private entities having an interest in the outcome of University research will make it impossible for specific researchers, or perhaps the University itself, to be involved in research that may benefit the private entities.

Examples of conflicts for which acceptable management plans could not be developed include:

- A University researcher conducting research, where the researcher holds a controlling or substantial interest in the commercial entity sponsoring the research, or a commercial entity which would be affected directly by the outcome of the research;
- A University researcher conducting research, where the researcher holds a significant management responsibility as an officer or employee of the commercial entity sponsoring the research or having an interest in the outcome of the research; and
- A University researcher conducting research on a University-owned invention that has been licensed to a commercial entity, where the research proposal and results will not be subject to scrupulous peer review, publication of results will not be possible without approval of the licensee, or the researcher's equity in the licensee may increase as a direct result of the success of the invention under study.

Each management plan will be judged on its own merits. In this, I will rely heavily upon the advice of the campus Conflict of Interest Officer, the Conflict of Interest Advisory Committee, and the Vice President for Academic Affairs. The Deans are responsible for the development of management plans, taking into account the researchers involved, the structure of the School, the resources available for the management effort, and the value of the proposed activity to the School. If a management plan is recommended by the Vice President and it is approved by me, either as submitted or following modification, the Dean recommending the plan is accountable for its implementation.

cc: Kathleen M. Byington  
Joseph J. Giffels  
Peter Gilbert  
Susan Gillette  
T. Sue Gladhill  
James L. Hughes  
Mary L. Leach  
Peter Murray

JAP:dch