

CONFLICT REVIEW COMMITTEE OPERATING PROCEDURES

May 6, 2021

1) ESTABLISHMENT AND PURPOSE

- a) Policy - The MSU [Policy on Conflicts of Interest, Faculty/ Academic Staff](#) (*the MSU Policy*), as approved by the Board of Trustees on April 13, 2006 and revised on April 13, 2012, states that the Vice President for Research and Graduate Studies (VPRGS) shall appoint a Conflict Review Committee (CRC). (It is interpreted that VPRGS authority transfers to the individual serving as Vice President for Research with a successor title)
- b) Purpose
 - i) The CRC shall review cases referred by the Faculty Conflict of Interest Officer (FCOIO) to determine whether a conflict of interest exists;
 - ii) The CRC shall develop a conflict management plan for situations where it is determined that a conflict exists;
 - iii) The CRC may assess whether conflicts or potential conflicts are being appropriately managed and recommend corrective actions when concerns are brought to the committee by the FCOIO or committee members;
 - iv) The CRC may develop standards for specified situations for the FCOIO to apply to their initial assessment about the existence of a conflict of interest in future cases;
 - v) The CRC may recommend to the Provost and VPRGS the issuance of specific guidelines to investigators and other faculty regarding common conflict situations;

2) COMMITTEE ROLES

- a) Chairperson - The CRC shall elect a Chairperson at the beginning of each academic year. The Chairperson runs the meetings of the CRC.
- b) FCOIO – The FCOIO convenes the CRC and serves, *ex officio*, as a non-voting member, and is responsible for providing information to the committee as specified or requested by the committee, and coordinating staff support for the committee. The FCOIO communicates and coordinates conflict of interest matters between the CRC and other University personnel and external entities.
- c) Member Responsibilities - Members are expected to:
 - i) Review case materials prior to meetings and be prepared to discuss cases at the meeting
 - ii) If assigned as Primary Reviewer, give a presentation at the CRC meeting outlining important facts and issues of the case;
 - iii) Participate in the formulation of requests for additional information (for the FCOIO to submit to the Faculty Member/Investigator) when desired by the CRC in its reviews;
- d) Other input - The FCOIO has the authority to invite any input they deem useful to assess a potential conflict of interest (e.g. representatives from the Office of Sponsored Programs (OSP), Office of General Counsel (OGC), Office of Audit, Risk and Compliance (OARC) or Institutional Review Board (IRB)). The CRC may consult with the faculty member, the faculty member's unit administrators, FCOIO, and appropriate representatives of the central administration.

3) MEETINGS

- a) Meetings - The CRC will meet in coordination with Board of Trustees deadlines, with additional meetings as needed.
- b) Emergency meeting - In cases where an urgent situation requires the CRC's input on a case before the next scheduled meeting, the FCOIO or CRC Chairperson may schedule an *ad hoc* meeting, in person or by teleconference, to address the urgent case.
- c) Agenda - The FCOIO, in consultation with the Chairperson, will draft a preliminary agenda and send it to members at least five business days prior to the meeting.
- d) Materials for review - Materials relating to each case to be reviewed will be sent to members and/or posted at least five business days prior to the meeting.
- e) Attendance - Members may, when necessary, attend virtually by teleconference if arranged prior to the meeting.
 - i) No person outside the CRC has a right to attend CRC meetings; such a person may be permitted to attend a meeting with the consent of the FCOIO and Chairperson.
 - ii) A faculty member whose case is planned for review by the CRC may request, and may be requested, to attend a portion of a CRC meeting to provide relevant information and discuss resolution of a conflict (in person, by telephone, or virtually by teleconference).
- f) Voting - Actions by the CRC shall be approved by a simple majority vote of members present. All votes will be taken openly. Vote count will be recorded in the minutes, but not identification of voters. A CRC action may be voted on by email. Voting will be deferred to the following meeting of the CRC if a member requests further discussion.
- g) Minutes
 - i) The FCOIO and staff are responsible for taking minutes for meetings.
 - ii) Meetings may be recorded and the recording destroyed after minutes are submitted.
 - iii) Minutes will record discussion highlights without member names.
 - iv) Minutes will be submitted at the next meeting, with opportunity for corrections by CRC members.
 - v) Minutes will be distributed and/or posted for member access only.

4) DETERMINATION AND ACTIONS:

- a) All reviews, determinations and actions shall comply with the [MSU Policy](#).
 - i) Conflict management plan – If the CRC determines that a conflict of interest exists, it shall devise a Conflict Management Plan. The plan may recommend one or more of the following:
 - (a) Public disclosure of significant financial interests;
 - (b) Severance of relationships that create actual, potential, or reasonably perceived conflicts of interest;
 - (c) Disqualification from participation in all or part of an activity in which an actual, potential, or reasonably perceived conflict of interest exists;
 - (d) Modification of the planned activity;
 - (e) Monitoring of the activity by independent reviewers;
 - (f) Divestiture of significant financial interests as a condition of approval; or
 - (g) That the faculty member not engage in the activity at issue.

- ii) Designated Approval Authority - If making a determination requires gathering additional information, the CRC may authorize a member or members to obtain the information and make a determination prior to the next meeting.
- iii) Notification - The FCOIO shall inform the VPRGS, the individual, and the individual's unit administrator of the CRC's determination in writing. The office of the FCOIO coordinates review and approval of the Conflict Management Plan.

5) CONFIDENTIALITY

The CRC is a confidential review body. CRC members and all persons attending the meetings shall hold the contents of meetings in confidence to the maximum extent allowed by law and may not use any information gleaned from meetings for their own gain.

6) MEMBER CONFLICT OF INTEREST

CRC members are required to disclose any conflicts they have with cases where they have a conflict of interest. Such disclosures should be evaluated by the remaining committee members to determine the required remedy, which may include recusal from review, discussion and voting on the case, and exiting the meeting for the review of the case.