

BI/COI FORM 2

The National Academies of
SCIENCES · ENGINEERING · MEDICINE

BACKGROUND INFORMATION
AND
CONFIDENTIAL CONFLICT OF INTEREST DISCLOSURE
For Studies Involving Program Reviews and Evaluations

NAME: _____

TELEPHONE: _____

ADDRESS: _____

EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____

COMMITTEE: _____

There are two parts to this form, Part I Background Information, and Part II Confidential Conflict of Interest Disclosure. Complete both parts, **sign** and **date** this form on the last page, and return the form to the responsible staff officer for the project and committee activity to which this form applies. **Retain a copy for your records.**

PART I BACKGROUND INFORMATION

INSTRUCTIONS

Please provide the information requested below regarding **relevant** organizational affiliations, government service, public statements and positions, research support, and additional information (if any). Information is "relevant" if it is related to -- and might reasonably be of interest to others concerning -- your knowledge, experience, and personal perspectives regarding the subject matter and issues to be addressed by the committee activity for which this form is being prepared. If some or all of the requested information is contained in your curriculum vitae, you may if you prefer simply attach your CV to this form, supplemented by additional responses or comments below as necessary.

I. ORGANIZATIONAL AFFILIATIONS. Report your relevant business relationships (as an employee, owner, officer, director, consultant, etc.) and your relevant remunerated or volunteer non-business relationships (e.g., professional organizations, trade associations, public interest or civic groups, etc.).

II. GOVERNMENT SERVICE. Report your relevant service (full-time or part-time) with federal, state, or local government in the United States (including elected or appointed positions, employment, advisory board memberships, military service, etc.).

III. RESEARCH SUPPORT. Report relevant information regarding both public and private sources of research support (other than your present employer), including sources of funding, equipment, facilities, etc.

IV. PUBLIC STATEMENTS AND POSITIONS. List your relevant articles, testimony, speeches, etc., by date, title, and publication (if any) in which they appeared, or provide relevant representative examples if numerous. Provide a brief description of relevant positions of any organizations or groups with which you are closely identified or associated.

V. ADDITIONAL INFORMATION. If there are relevant aspects of your background or present circumstances not addressed above that might reasonably be construed by others as affecting your judgment in matters within the assigned task of the committee or panel on which you have been invited to serve, and therefore might constitute an actual or potential source of bias, please describe them briefly.

PART II CONFIDENTIAL CONFLICT OF INTEREST DISCLOSURE

INSTRUCTIONS

It is essential that the work of committees of the institution used in the development of reports not be compromised by any significant conflict of interest. For this purpose, **the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual's objectivity or (2) could create an unfair competitive advantage for any person or organization.** Except for those situations in which the institution determines that a conflict of interest is unavoidable and promptly and publicly discloses the conflict of interest, no individual can be appointed to serve (or continue to serve) on a committee of the institution used in the development of reports if the individual has a conflict of interest that is relevant to the functions to be performed.

The term "conflict of interest" means something more than individual bias. There must be an *interest*, ordinarily financial, that could be directly affected by the work of the committee.

Conflict of interest requirements are *objective* and *prophylactic*. They are not an assessment of one's actual behavior or character, one's ability to act objectively despite the conflicting interest, or one's relative insensitivity to particular dollar amounts of specific assets because of one's personal wealth. Conflict of interest requirements are objective standards designed to eliminate certain specific, potentially compromising situations from arising, and thereby to protect the individual, the other members of the committee, the institution, and the public interest. The individual, the committee, and the institution should not be placed in a situation where others could reasonably question, and perhaps discount or dismiss, the work of the committee simply because of the existence of conflicting interests.

The term "conflict of interest" applies only to *current interests*. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but do not currently exist, because such future interests are inherently speculative and uncertain. For example, a pending formal or informal application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest.

The term "conflict of interest" applies not only to the personal interests of the individual but also to the *interests of others* with whom the individual has substantial common financial interests if these interests are relevant to the functions to be performed. Thus, in assessing an individual's potential conflicts of interest, consideration must be given not only to the interests of the individual but also to the interests of the individual's

spouse and minor children, the individual's employer, the individual's business partners, and others with whom the individual has substantial common financial interests. Consideration must also be given to the interests of those for whom one is acting in a fiduciary or similar capacity (e.g., being an officer or director of a corporation, whether profit or nonprofit, or serving as a trustee).

The institution is frequently called upon by sponsors to provide an independent review and evaluation of a particular program or programs of the sponsor. For any committee that will be used by the institution in the development of one or more reports to be provided by the institution to a sponsoring agency for use as an independent review and evaluation of one or more programs of the sponsor, *the focus of the conflict of interest inquiry is on the identification and assessment of relationships to the program or programs to be reviewed and evaluated, as well as on other interests that might be directly affected by the review and evaluation.*

For example, if the institution were conducting an independent review and evaluation of a particular research program of a sponsor, the focus of the conflict of interest inquiry would be on the identification and assessment of existing interests in that program that could be directly affected if the institution's report were to provide the basis for action or inaction with respect to changes in the program. The concern is that if an individual (or others with whom the individual has substantial common financial interests) has interests that could be directly affected by the review and evaluation process, the individual's objectivity while participating in the review and evaluation process could be impaired.

Such interests could include existing research grants or contracts under the program being reviewed and evaluated held by the individual (or others with whom the individual has substantial common financial interests) if, for example, the grants or contracts might be modified or terminated, or if there is a reasonable expectation of continuing research funding that could be lost. Other interests that might be directly affected might include, for example, one's employment and the interests of one's employer, one's self-employment and the interests of one's clients, interests in partnerships and commercial ventures arising out of or related to the research, interests in relevant patents and other forms of intellectual property related to the research, and interests in various forms of substantial non-financial research support.

Certain relationships to the sponsor may also raise issues of conflict of interest. For example, serving as a consultant to the sponsor could constitute the basis for a conflict of interest if the consulting relationship could be directly affected or is directly related to the subject matter of the review and evaluation.

The questions set forth below are designed to elicit information from you concerning possible conflicts of interest that are relevant to the functions to be performed by the particular committee on which you have been invited to serve.

1. RELATIONSHIPS TO THE PROGRAM (S) BEING EVALUATED. Taking into account your interests and the interests of other individuals with whom you share substantial common financial interests (e.g., spouse, close research colleagues and collaborators, business partners, etc.) --

(a) Do you or such others receive current *financial support* (e.g., research and/or development grants or contracts, procurement contracts, consulting contracts, other grant support, etc.) from the program(s) being evaluated that could be directly affected by the committee's report (e.g., possible termination of current agreements or loss of reasonably anticipated future funding)?

(b) Do you or such others receive substantial current *non-financial support* (e.g., equipment, facilities, industry partnerships, research assistants and other research personnel, etc.), from the program(s) being evaluated that could be directly affected by the committee's report?

(c) Do you or such others have *any other current financial interest* (e.g., patent rights, interests in partnerships and commercial ventures, etc.) obtained from or through the program(s) being evaluated that could be directly affected by the committee's report?

If the answer to all of the above questions under RELATIONSHIPS TO THE PROGRAM(S) BEING EVALUATED is either "no" or "not applicable," check here _____ (NO).

If the answer to any of the above questions under RELATIONSHIPS TO THE PROGRAM(S) BEING EVALUATED is "yes," check here _____ (YES), and briefly describe the circumstances on the last page of this form.

2. INVESTMENT INTERESTS. Taking into account stocks, bonds, and other financial instruments and investments including partnerships (but excluding broadly diversified mutual funds and any investment or financial interest valued at less than \$10,000), if the reports resulting from this committee activity were to provide the basis for action or inaction with respect to changes in the program(s) being reviewed and evaluated --

(a) Do you or your spouse or minor children own directly or indirectly (e.g., through a trust or an individual account in a pension or profit-sharing plan) any stocks, bonds or other financial instruments or investments that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments?

(b) Do you have any other financial investments or interests such as commercial business interests (e.g., sole proprietorships), investment interests (e.g., stock options), or investment relationships (e.g., involving parents or grandchildren) that could be affected, either directly or by a direct effect on the business enterprise or activities underlying the investments?

If the answer to all of the above questions under INVESTMENT INTERESTS is either "no" or "not applicable," check here ____ (NO).

If the answer to any of the above questions under INVESTMENT INTERESTS is "yes," check here ____ (YES), and briefly describe the circumstances on the last page of this form.

3. PROPERTY INTERESTS. Taking into account real estate and other tangible property interests, as well as intellectual property (patents, copyrights, etc.) interests, if the reports resulting from this committee activity were to provide the basis for action or inaction with respect to changes in the program(s) being reviewed and evaluated --

(a) Do you or your spouse or minor children own directly or indirectly any such property interests that could be directly affected?

(b) To the best of your knowledge, do any others with whom you have substantial common financial interests (e.g., employer, business partners, relatives) own directly or indirectly any such property interests that could be directly affected?

If the answer to all of the above questions under PROPERTY INTERESTS is either "no" or "not applicable," check here ____ (NO).

If the answer to any of the above questions under PROPERTY INTERESTS is "yes," check here ____ (YES), and briefly describe the circumstances on the last page of this form.

4. OTHER INTERESTS. (a) If the reports resulting from this committee activity were to recommend changes in the program(s) being evaluated --

(i) If you are employed or self-employed (or your spouse is employed or self-employed), could your current employment or self-employment (or your spouse's current employment or self-employment) be directly affected?

(ii) To the best of your knowledge, could any significant financial interests of your (or your spouse's) employer or, if self-employed, your (or your spouse's) significant clients and/or business partners be directly affected?

(iii) If you are an officer, director or trustee of any corporation or other legal entity, could the financial interests of that corporation or legal entity be directly affected?

(iv) If you are a consultant (whether full-time or part-time), could there be a direct effect on any of your current consulting relationships?

(b) Do you have a consulting relationship with a sponsor, grantee, or contractor of the program being reviewed and evaluated that is directly related to the subject matter of the program review and evaluation for which this disclosure form is being prepared (e.g., a consulting relationship to provide assistance to the sponsor, grantee, or contractor with respect to the program review and evaluation)?

(c) Is a central purpose of the program review and evaluation a critical review and evaluation of your own work or that of your employer?

(d) Are you an official or employee of an agency or organization, which is a sponsor of the program that is being reviewed and evaluated and/or a sponsor of this program review and evaluation committee activity?

(e) Do you have any existing professional obligations (e.g., as an officer of a scientific or engineering society) that effectively require you to publicly defend a previously established position on an issue that is relevant to the functions to be performed in this committee activity?

(f) To the best of your knowledge, will your participation in this committee activity enable you to obtain access to a competitor's or potential competitor's confidential proprietary information?

(g) If you are or have ever been a U.S. Government employee (either civilian or military), to the best of your knowledge are there any federal conflict of interest restrictions that may be applicable to your service in connection with this committee activity?

(h) Could your service on the committee on which you have been invited to serve create a specific financial or commercial competitive advantage for you or others with whom you have substantial common financial interests?

(i) If the committee activity for which this form is being prepared involves reviews of specific applications and proposals for contract, grant, fellowship, etc. awards to be made by sponsors, do you or others with whom you have substantial common financial interests, or a familial or substantial professional relationship, have an interest in receiving or being considered for awards that are currently the subject of the review being conducted by this committee?

(j) If the committee activity for which this form is being prepared involves developing requests for proposals, work statements, and/or specifications, etc., are you interested in seeking an award under the program for which the committee on which you have been invited to serve is developing the request for proposals, work statement, and/or specifications -- or, are you employed in any capacity by, or do you have a financial interest in or other economic relationship with, any person or organization that to the best of your knowledge is interested in seeking an award under this program?

If the answer to all of the above questions under OTHER INTERESTS is either "no" or "not applicable," check here _____ (NO).

If the answer to any of the above questions under OTHER INTERESTS is "yes," check here _____ (YES), and briefly describe the circumstances below.

EXPLANATION OF "YES" RESPONSES:

During your period of service in connection with the activity for which this form is being completed, any changes in the information reported, or any new information, which needs to be reported, should be reported promptly by written or electronic communication to the responsible staff officer.

YOUR SIGNATURE

DATE

Reviewed by: _____
Executive Director

Date