

Discussion Item: On Conflict-of-Interest and Confidentiality

Frank R. Kschischang

September 25, 2011

With this document I introduce two items for discussion by the Board of Governors. The aim of this discussion is to gather feedback from the Board prior to the development of a formal Bylaws amendment to be voted upon at the first Board meeting of 2012.

The first item pertains to confidentiality, with the purpose of affirming the principle that various awards committee discussions, nomination committee discussions and technical program committee discussions are to be confined to within the committee and kept confidential by all committee members.

The second item pertains to conflict-of-interest, with purpose of affirming the principle (also stated in the IEEE Code of Ethics) that all (real or perceived) conflicts of interest are to be disclosed.

The eventual motion to the BoG (to be voted upon in 2012), would create a bylaw stating (effectively):

- that in meetings of the various awards committees, nominations and appointments committees, and technical program committees of the Society, the Committee Chair shall:
 1. remind committee members of the possibility of conflict-of-interest, and provide members with adequate opportunity to reflect upon and to declare conflict-of-interest;
 2. document all declared conflicts-of-interest in the report of the committee;
 3. remind committee members that all deliberations of the committee are to be confined to members of the committee only, and otherwise treated as confidential, with any “external” requests for information referred to the Chair;
- that in cases where a conflict of interest has been declared by a committee member, the committee member be permitted—at their own discretion—to participate in the decision-making and voting **only if** a majority of committee members deem the conflict of interest to be minor;
- that in cases where a conflict of interest is temporary, a committee member may be excused temporarily, but then be invited to rejoin the process (including decision-making and voting) when the situation that caused the conflict of interest no longer applies (e.g., when a paper

being considered for an award, initially causing a conflict of interest, is eliminated from consideration).

In the remainder of this document, I provide some background and definition of real and perceived conflict of interest.

On Conflict of Interest¹

An essential aspect of every community is relationship. Each of us has a multitude of relationships and a multitude of interests. It is inevitable that there will be times when our relationships, interests and responsibilities collide.

A *conflict of interest* exists

1. when our participation in decision-making has the potential to create a benefit for ourselves, our close friends, or a particular person or institution with which we have had a significant relationship; *or*
2. when our participation in decision-making has the potential to create a situation potentially detrimental to a person or institution with whom we have had a negative relationship.

A *perceived conflict of interest* exists when a reasonable person—who has been reasonably informed of the situation—might believe that we are biased or in a conflict of interest as described above. A perceived conflict of interest (sometimes called an “apprehension of bias”) is not an accusation of wrongdoing; however, it *is* tantamount to conflict of interest.

The IEEE Code of Ethics requires us “to avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist.” Conflicts of interest arise in all kinds of situations, and when we are in a conflict of interest, this does not imply that we would in fact act improperly or with bias. However, when we have a conflict of interest, a reasonable person might anticipate the possibility of unfairness or bias in our decision making. Even if we are in fact completely unbiased, we are in conflict of interest when we are being asked to judge a close friend, a colleague in the same department, a former co-author, a former graduate student, or anyone else with whom we have had a significant relationship.

On the next page I include a copy of the National Science Foundation conflict-of-interest guidelines for NSF Panelists. Although these guidelines are widely accepted by many in our community, they are probably too stringent to be adopted *in toto*; thus I include them for reference as an example of a set of formal guidelines that may be helpful for us in setting our own.

¹Drawn in part from “Conflict of Interest and Apprehension of Bias Guidelines for Use in Bay of Quinte Conference,” United Church of Canada.

Conflict-of-Interests for NSF Panelists

Includes members of proposal review panels; site visitors; and committee of visitors.

AS A PANELIST, PLEASE REVIEW THESE EXAMPLES OF POSSIBLE CONFLICTS PERIODICALLY DURING YOUR TENURE.

1. YOUR AFFILIATIONS WITH AN APPLICANT INSTITUTION.

You may have a conflict if you have/hold/are:

- *Current employment at the institution as a professor, adjunct professor, visiting professor, or similar position.*
- *Other current employment with the institution (such as consulting or an advisory arrangement).*
- *Previous employment with the institution within the last 12 months.*
- *Being considered for employment at the institution.*
- *Formal or informal reemployment arrangement with the institution.*
- *Ownership of securities of firms involved in the proposal or application.*
- *Current membership on a visiting committee or similar body at the institution. (This is a conflict only for proposals or applications that originate from the department, school, or facility that the visiting committee or similar body advises.)*
- *Any office, governing board membership, or relevant committee chairpersonship in the institution. (Ordinary membership in a professional society or association is not considered an office.)*
- *Current enrollment as a student. (Only a conflict for proposals or applications that originate from the department or school in which one is a student.)*
- *Received and retained an honorarium or award from the institution within the last 12 months.*

2. YOUR RELATIONSHIP WITH AN INVESTIGATOR, PROJECT DIRECTOR, OR OTHER PERSON WHO HAS A PERSONAL INTEREST IN THE PROPOSAL OR OTHER APPLICATION.

- *Known family relationship as spouse, child, sibling, or parent.*
- *Business or professional partnership.*
- *Past or present association as thesis advisor or thesis student.*
- *Collaboration on a project or on a book, article, report, or paper within the last 48 months.*
- *Co-editing of a journal, compendium, or conference proceedings within the last 24 months.*

3. YOUR OTHER AFFILIATIONS OR RELATIONSHIPS.

- *Interests of the following persons are to be treated as if they were yours: Any affiliation or relationship of your spouse, of your minor child, of a relative living in your immediate household or of anyone who is legally your partner that you are aware of, that would be covered by any italicized items above.*
- *Other relationship, such as close personal friendship, that you think might tend to affect your judgment or be seen as doing so by a reasonable person familiar with the relationship.*