

SWOG

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Policy Memorandum No. 35
Subject: Conflict of Interest Policy
Departments Affected: All

Page 1 of 9 pages
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CONFLICT OF INTEREST POLICY

I. BACKGROUND

The scientific credibility and the general acceptance of the results of a clinical investigation clearly depend on the integrity and objectivity of the investigators involved in SWOG (Group) trials. Even the perception that an investigator has a bias may cast doubt on the validity of the results. This policy was established to address such concerns.

The Public Health Service regulation entitled "Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought" (42 CFR Part 50, Subpart F) currently requires that grantee institutions, including cooperative groups, have written policy guidelines on conflict of interest. The intent of this regulation is to promote "objectivity in research by establishing standards to ensure there is no reasonable expectation that the design, conduct, or reporting of research funded under PHS grants or cooperative agreements will be biased by any conflicting financial interest of an investigator." Other funding or granting organizations have similar policies either published or under consideration. Therefore, most Group investigators will already be subject to conformance with the policy of their institution with respect to conflict of interest

The process of managing and minimizing the impact of potentially conflicting financial interests in Group research involves forthright internal disclosure with appropriate management and external disclosure only when an individual investigator's interests rise above certain defined thresholds. In certain cases, the extent of an individual's interests may be such that he or she is precluded from some types of involvement in specific Group trials. This policy will identify when internal disclosure is required, when a management plan will be implemented, and when an investigator may be precluded or otherwise limited from participation in Group activities, as determined by the Conflict of Interest (COI) Committee.

II. POLICY

Definitions

1. **Conflict of Interest.** A conflict of interest may exist whenever an Investigator or a member of his or her immediate family has a direct or indirect interest or relationship, financial or otherwise, with a Third Party that may conflict, be perceived as conflicting, or be inconsistent with the Investigator's duties, responsibilities, or exercise of judgment in any Group Research.
2. **Immediate Family Member.** Immediate Family Member includes a spouse and dependent child. There may be situations where other family members not defined as an "immediate family member" hold a financial or other interest in an Outside Entity such that a perceived conflict may exist. In such situations, disclosure is required (see Required Disclosure Level A.7. below).
3. **Investigator.** The term Investigator includes all scientists, clinicians, statisticians, nurses, Clinical Research Associates (CRAs) and patient advocates of SWOG whose participation in Group Research is not limited to registering patients. Participation

includes having an active role in the development and conduct of the protocol, as well as the reporting of study results. This definition also includes those situations where there is more than one investigator, such as the potential with multidisciplinary or intergroup trials. In such cases, the Investigator who leads the research for the Group or is considered a co-Investigator will be required to comply with this policy.

4. Outside Entity. Any publicly-traded biotechnology, pharmaceutical, bioinformatics, or other similar company will be considered an outside entity for disclosure purposes.
5. PHS Awarding Component. The PHS Awarding Component shall mean the NCI's Cancer Treatment Evaluation Program, the Division of Cancer Prevention, or any other government component which provides funding for the Research of the Group.
6. Research. Research includes any Group protocol, investigation or analysis of a drug, technique, treatment or technology, and any correlative biologic investigations related to such protocols, investigations or analyses, and includes publication or other public disclosure of the results.
7. Sponsor. The sponsor is the entity providing funding, drug, materials, etc., in support of or for use during, the Research in which the Investigator is involved.

Required Disclosures and Implications

A. Required Disclosure Level

All Investigators on active protocols and for one year following the publication of the results for which they participated, will report on an annual basis or more frequently as the need arises as addressed herein, the following information:

1. Amount and source of payments which total \$2,000 or greater per year including salary, honoraria, royalties and other payments for services rendered, excluding travel, from any Outside Entity;
2. Funds received for research which total \$30,000 or greater from any individual Outside Entity for the most recent three-year period;
3. Number of shares and current value of stock held in any Outside Entity for which the current value is \$2,000 or greater;
4. Any ownership interest in an Outside Entity, excluding stock equity totaling less than 5% of the estimated value of a publicly traded company;
5. Amount and nature of interest in a non-publicly traded company whose value cannot be readily determined by referencing public prices;
6. Any financial arrangement in which the value of compensation could be influenced by the outcome of any Group Research;
7. Any additional interest, affiliation or relationship, financial or otherwise, by the Investigator, an Immediate Family Member or other family member (as discussed in Section II.2. above) with an Outside Entity which may create or be perceived as a Conflict of Interest, such as intellectual property rights, the receipt of trips, gifts, or incentives, or a position as a director, board member, officer, partner, trustee, etc.

B. Floor for Management Plan

In the following situations, a Management Plan, as further discussed herein, must be in place to ensure objectivity and minimize the potential for public mistrust of the Research.

1. Payments totaling greater than \$10,000 per year for salary, honoraria, royalties, or other similar purposes, but excluding research compensation, from the Research Sponsor;
2. Equity interests totaling greater than \$10,000 in an Outside Entity, including the Sponsor, directly involved in or potentially directly influenced by the outcome of the Research during the course of the Research;
3. Any ownership interest in any Outside Entity, including the Sponsor, directly involved in or potentially directly influenced by the outcome of the Research;
4. Any interest in a non-publicly traded company whose value cannot be readily determined by referencing public prices;

C. Ceiling Affecting Participation

The following is the ceiling levels that, if one or more exist, preclude a Group member from involvement in Group Research in any capacity other than patient accrual during the course of the Research;

1. Any financial arrangement with the Sponsor or Outside Entity in which the value of compensation could be influenced by the outcome of the Research;
2. Payments totaling greater than \$25,000 per year for salary, honoraria, royalties, or other similar purposes, but excluding research compensation, from the Research Sponsor;
3. Equity interest totaling greater than \$50,000 in an Outside Entity, including the Sponsor, directly involved in or potentially influenced by the outcome of the Research;
4. Any significant interest, as determined by the COI Committee, in a non-publicly traded company directly involved in or potentially influenced by the outcome of the Research whose value cannot be readily determined by referencing public prices.

Proper Procedure

The proper procedure for disclosure of potential conflict of interests, as discussed above, on the part of an Investigator as required is as follows:

1. Prior to developing a protocol or serving in a leadership role in Research, Investigators must complete the enclosed Financial and Affiliation Declaration Form and forward to the COI Committee for review.
2. If the COI Committee receives a Form marked with no conflict or potential conflict of interest declaration, the Form will be held on file at the Operations Office and be available for any future review as may be required.

3. If the COI Committee receives a Form disclosing an actual or potential conflict of interest declaration, the noted conflict(s) will be forwarded to the Conflict of Interest Committee for review to determine whether a Management Plan or any other action is necessary.
4. Conflicts or potential conflicts which develop during the conduct of the Research or up to the final publication of the results must also be disclosed as set forth in #1 above. While COI declaration information will be required and collected annually, it is incumbent upon each investigator to notify and disclose to the COI Committee any changes to their annual COI declaration information. Upon receipt of the updated information, the COI Committee will further review and consider any management action necessary..
5. The COI Committee reserves the right to review public domain resource information to confirm any involvement for any investigator.

Management Plan

For all Investigators whose interest disclosures fall between the floor and ceiling levels, the COI Committee shall create a Management Plan applicable to the Investigator and the conduct of the Research. The Management Plan will be presented to the Investigator for discussion and modification if deemed appropriate by the COI Committee. The Management Plan may include some or all of the following:

- Independent review of the Research by the COI Committee
- Independent review of the Research by the National Cancer Institute
- Independent review of the Research by the Group's Data Safety Monitoring Board
- Preclusion of Investigator from any role in the statistical management of the Research data
- Managed/reviewed role of the Investigator in the assessment of objective response to therapy and gradation and attribution of toxicities
- Appointment of Co-Investigator who has no conflict of interest with the Research
- Public disclosure of the existence of a potential conflict
- Disclosure of the existence of a potential conflict in the informed consent document
- Modification of the Research to eliminate or reduce the conflict
- Divestiture or minimization of the Investigator's conflicting interest
- Monitoring of the Investigator or Research by impartial observers
- Other actions deemed appropriate by the COI Committee

All executed management plans will be forwarded by the grantee Institution (University of Michigan) to the appropriate Sponsored Programs Office, either the Director, Cancer Therapy Evaluation Program (a program under the Division of Cancer Treatment and Diagnosis) and/or the Director of the Division of Cancer Prevention of the National Cancer Institute. In addition, the Group Chair, the Executive Officer and the Disease and Research Committee Chair will also be informed.

For Phase III studies, the Management Plan will also be submitted to the NCI's Central Institutional Review Board (CIRB) with the accompanying Research Application, with the appropriate responses to the two conflict of interest questions contained in the Application.

All Management Plans will be reviewed every six months by the COI Committee at their bi-annual meeting.

Acknowledgement of a conflict of interest management plan does not automatically preclude an individual from having a role in the authorship of manuscripts relating to this or other Group studies, subject to the requirements of institutional and journal disclosure policies. The Conflict of Interest Sub Committee will work with the appropriate Disease and Research Committee Chairs and the Group Chairs Office when publications arise from studies involving individuals with conflict of interest management plans in place.

Group Leadership Disclosures

In addition to disclosures by Investigators, the Group Chair, Group Chair Elect, Deputy Chair, Associate Chair for Cancer Control and Prevention, the Executive Officers, Statisticians, all Committee Chairs, co-chairs and vice-chairs, all primary, and secondary Study Coordinators as listed on the title page of the protocol, members of the COI Committee, members of the Scientific Advisory Board, members of the Board of Governors, members of Data and Safety Monitoring Committee, the Chief of Administration for SWOG, the Director of Operations and Protocols and the Director of The Hope Foundation are required to comply with this policy, and complete the Financial and Affiliation Declaration Form annually.

Such Group leadership disclosures will be reviewed by the COI Committee to determine if any action is required to ensure the existence and public perception of objectivity in research, as outlined in Section IV, SANCTIONS. COI Committee members whose own disclosure is being reviewed shall be recused from the review and action decision, if any. Disclosure is not necessary for Group members who are not in a leadership role or whose participation is limited to registering patients.

III. NOTIFICATION OF GOVERNMENT

The Group shall make all conflict information and related documentation available to the Department of Health and Human Services (HHS). The Group is obligated to report any interest identified as conflicting to the Public Health Service (PHS) awarding component and identify what steps have been taken to manage, reduce or eliminate the conflict. Further, the Group will promptly notify the PHS awarding component of the corrective action taken or to be taken if it is determined that an Investigator has biased the Group's research. If HHS determines that a PHS-funded project of clinical research, whose purpose was to evaluate the safety or effectiveness of a drug, medical device, or treatment, was designed, conducted, or reported by an Investigator with a conflicting interest that was not disclosed or managed, the Group must require the Investigator to disclose the conflicting interest in any public presentation of the results of the applicable research.

IV. SANCTIONS

Failure to disclose a potential or existing conflict of interest as required or otherwise comply with the provisions of this policy may subject an Investigator to disciplinary action, including, but not limited to, prohibition from participating on Group trials or acting as a Study Coordinator, restrictions on authorship rights fro Group trials, or probation or termination from Group membership. Investigators who fail to or erroneously make the required disclosures in the requisite Financial and Affiliation Declaration Form, or who later obtain an interest that may be perceived as a conflict after the publication of the Research results, may be required to disclose his/her interest in any public presentation of the applicable study.

V. APPEALS

Any Investigator who disagrees with the findings of the COI Committee may request an independent review by the Group Chair or his/her designee. The decision of the Group Chair or designee shall be final.

VI. RECORD RETENTION

Records of all financial disclosures and any actions taken concerning such disclosures will be maintained for at least three (3) years from the date of the final publication of the applicable study results.

SOUTHWEST ONCOLOGY GROUP

Operations Office
 Email: COI@swog.org
 Fax: 210-614-0006
 Page 1 of 3 pages

2010 Financial and Affiliation Declaration Form

Investigator: _____
 (Please Print or Type)

Affiliated Academic/Research Institution: _____

Investigator, please provide a description of any proprietary or financial interest related to an Outside Entity for you or any member of your immediate family. The term Investigator includes all scientists, clinicians and statisticians of the Southwest Oncology Group whose participation in Group Research is not limited to registering patients. Participation includes having an active role in the development and conduct of the protocol, as well as the reporting of study results. An outside entity is any publicly-traded biotechnology, pharmaceutical, bioinformatics, or other similar company. Immediate Family Member includes a spouse and dependent child. There may be situations where other family members not defined as an "immediate family member" hold a financial or other interest in an Outside Entity such that a perceived conflict may exist. In such situations, disclosure is required (see number 7 below). Use a separate sheet of paper if necessary. If you have no financial interests and/or affiliation to declare, indicate by checking the applicable box at the end of this form.

1. Amount and source of payments which total \$2,000 or greater per year including salary, honoraria, royalties and other payments for services rendered, excluding travel, from any Outside Entity (list each source separately)

None

Source	Purpose for payment	Amount
		\$
		\$
		\$
		\$
		\$

2. Funds received for research which total \$30,000 or greater from any individual Outside Entity for the most recent three-year period

None

Source	Nature of research	Amount
		\$
		\$
		\$
		\$
		\$

3. Number of shares and current value of stock held in any Outside Entity for which the current value is \$2,000 or greater

None

Stock name	No. shares	Current value
		\$
		\$
		\$
		\$
		\$

4. Any ownership interest in an Outside Entity, excluding stock equity totaling less than 5% of the estimated value of a publicly traded company;

None

Entity name	Ownership type	Current value
		\$
		\$
		\$
		\$
		\$

5. Amount and nature of interest in a non-publicly traded company whose value cannot be readily determined by referencing public prices;

None

Company name	Nature of interest	Estimated Current value
		\$
		\$
		\$
		\$
		\$

6. Any financial arrangement in which the value of compensation could be influenced by the outcome of any Group Research;

None

Source of compensation	Nature of arrangement	Estimated Current value
		\$
		\$
		\$
		\$
		\$

7. Any additional interest, affiliation or relationship, financial or otherwise, by the Investigator, an Immediate Family Member or other family member (as discussed in Section II.2. above) with an Outside Entity which may create or be perceived as a Conflict of Interest, such as intellectual property rights, the receipt of trips, gifts, or incentives, or a position as a director, board member, officer, partner, trustee, etc.

None

Source of compensation	Nature of arrangement	Estimated Current value
		\$
		\$
		\$
		\$
		\$

Further description, if necessary, can be provided on a separate page.

I have read the Conflict of Interest Policy of the Southwest Oncology Group, and I am making the above declaration(s) concerning any possible conflict of interest that I or my family members may have with respect to Group research activities.

I represent and warrant that to the best of my knowledge I am, and will continue to be, in compliance with the conflicts of interest and disclosure policies of the institution with which I am affiliated, and there is not now, nor do I know that there will be in the future, any material discrepancy between information disclosed pursuant to those policies and the information disclosed herein. I agree to supplement this document, or provide separate documentation, as reasonably required by the Group to comply with rules and regulations of governmental agencies to which applications for grants or other funding are made by or on behalf of the Group.

Signature

Date

Complete the form online, print, sign and either scan to confidentially email to COI@swog.org or fax to Operations at (210) 614-0006