Dear Labby,

I am a professor and am having an issue with my administration about what I have to disclose about the consulting work I do for a company. I am certainly willing to disclose this arrangement and how much I get paid to my university officials, but they are saying I also have to disclose the relationship (but not the money) in any talks and publications. I hear some journals require such disclosure, but really, do I have to start off my seminar talks with a similar statement? It makes me feel creepy. My institution says I have no choice. It’s not like I am getting so much money that I am going to perform fraudulent work.

—Not Tempted

Dear Not Tempted,

What your institution is requiring may seem draconian, but let’s consider some parameters that your query did not address. First, if you are conducting a clinical trial that is related to a drug, device, or other product being developed by this company for which you consult, there is an array of red flags, like an mCherry-tagged CRISPR lying on a repeated DNA sequence. Your financial relationship must be disclosed on the consent form given to subjects in the study (as a general statement, not necessarily with the details of your consulting agreement).

But if you are not involved in a clinical study for the company, the need to disclose your financial conflict of interest may be less compelling. For nonclinical work, the key issue is whether the magnitude and/or the qualitative nature of your consulting relationship with the company could imperil your objectivity as you pursue your overall research. Here are some questions to ponder in defining the extent of your conflict of interest:

• Does your institution have a sponsored research agreement (SRA) with the company to fund a project in your lab?
• Is there intellectual property of your institution on which you are a named inventor?
• If so, is there a pending or issued patent and is this company a licensee or potential licensee?
• If the company has licensed the intellectual property, has there been an up-front payment by the licensee to your institution in which you have shared via your institution’s standard allocation policy to inventors?
• Will this licensee be bringing to market a product of some kind based on your consulting work and/or an SRA that funds work in your lab, and might your research affect the marketability of this product from which you would receive royalty income?

These are the layers of the financial conflict of interest that you may have. Labby recognizes that this is a long list but encourages you to position your situation amidst them. Depending on where you think you lie, your institution’s requirement that you disclose your consulting relationship in seminars or other talks may be too draconian. Again, the needle swings far to the side of full disclosure and all due caution if your case involves clinical research. If it does not, there is room for a more liberal stance.

In legal doctrine there is something called a “bright line standard” that is designed to eliminate ambiguity in decision-making processes such as the one you are facing. (The most oft-cited example is the statutory limitation in sentencing judges have in certain cases.) In these areas of conflicts of interest there is not yet such a bright line standard, but reasonable guidelines are evolving.

—Labby

Got Questions?

Labby has answers. ASCB’s popular columnist will select career-related questions for publication and thoughtful response in the ASCB Newsletter. Confidentiality guaranteed if requested. Write us at labby@ascb.org.