

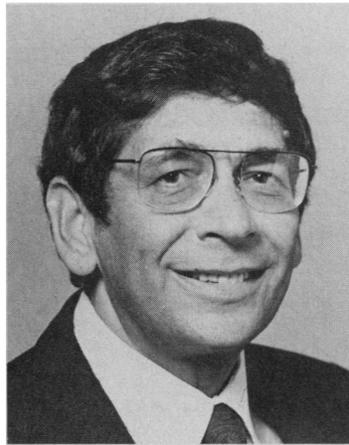
going. The profits would be shared between the school and NMRI.

This rescue may succeed, but it makes Levy uncomfortable because, "Here am I, sitting in the middle," trying to negotiate between NMRI and the university. Levy's position is troublesome because he has a direct personal financial stake in the outcome. "I don't like it," he says.

Syracuse has been kept informed at every stage of NMRI's creation and development, says Levy, and he is very much in favor of disclosing the necessary details of academic-industry deals like this.

The university has no formal conflict-of-interest guidelines to cover such situations, according to spokesperson Sandi Mulchonry. "The departments handle it on a case-by-case basis," she says. But Levy says that neither the rescue of his lab nor the creation of NMRI in the first place would have been permissible under NIH's aborted conflict rules. Nor is it likely that the rescue would be allowed under stringent rules being adopted voluntarily today by Harvard and several other universities.

Indeed, even a brief survey of major schools reveals, as Carol Scheman of the



Uniform rules. Representative Weiss argues for "strong minimum standards for all research institutions."

Association of American Universities says, that "there are a huge number of ways in which institutions approach these issues." Some institutions are taking a laissez faire approach. Caltech, for example, relies on its strong honor code to keep the faculty out of conflict situations, according to vice provost David Goodstein. "There are no requirements for disclosure as far as I know," he says. The only "really explicit rule" is that

faculty may not take operational responsibilities outside the school. "We have not had any problems," Goodstein says. In contrast, the Massachusetts Institute of Technology requires everyone, staff and faculty alike, to file full outside interest reports every year.

The latest to adopt strong measures is Harvard University, and many observers believe its rules could be a model for others. Harvard was stung last year by news coverage of a researcher named Scheffer C. G. Tseng at a Harvard-affiliated eye clinic who had a financial stake in an experimental eye medicine he was testing on patients. Before releasing data showing that the medication was ineffective, Tseng cashed in most of his 530,000 shares in a company established to promote the drug. Two other scientists who advised Tseng, one at Harvard and another at Johns Hopkins, also had a financial stake in the company.

Medical school dean Daniel C. Tosteson appointed a committee in 1989 to review conflict-of-interest policies and suggest changes. Tosteson did this, he says, not because of any scandal but because Harvard has encouraged its faculty to spread new ideas to the world through commercial agreements, and many gray areas that were vaguely discussed in the old (1983) rules have now become important.

Barbara J. McNeil, chair of the department of health care policy, headed the rule-drafting group. Their recommended changes were unveiled before a full faculty meeting in February, where they met a noisy and hostile reception. Opponents, who had bused in scores of doctors from the Massachusetts General Hospital, dominated the podium. Many felt, as one professor said, that Harvard was "using a cannon to kill a fly." But a month later, McNeil and the reformers won a quiet victory in the select faculty council, which backed the dean with a lop-sided vote of more than 30 to 1. Says council member Leon Eisenberg, "We sensed the world was watching."

The new rules require all faculty members to make a full disclosure of their potential conflicts of interest to university administrators at least once a year, and they require researchers to get explicit approval before embarking on studies funded by companies in which they or their families have a financial interest. They also put strictures on faculty involvement in the operations of profit-making companies (see box). The rules will go into effect in May and faculty members will be allowed 6 months to adjust, either by divesting financial holdings or bringing their research into compliance.

Tosteson notes that Harvard's approach is "more explicit" than most. Other institutions that are revising their own conflict-of-



Harvard's Tough New Rules

Over the objections of some faculty members enraged by invasion of their privacy, Harvard Medical School adopted new conflict-of-interest guidelines last month. They are among the toughest yet adopted by a U.S. university. Among the provisions:

- The rules define two problem areas: conflict of commitment and conflict of interest. Commitment issues are simpler, requiring faculty to give "their primary professional loyalty" to the university and to devote no more than 20% (one working day per week) to outside activities.

- Faculty members must now disclose all potential conflicts at least once a year on a new form, which must be updated whenever a new conflict arises. The forms will be collected by the appropriate hospital or dean's office and be kept "strictly confidential." Questionable cases are to be reviewed and settled by a standing committee of the faculty.

- Unless they receive explicit approval, faculty members and their families may not hold stock in or receive consulting fees from a company whose technology they are investigating in clinical trials.

- Without prior approval, faculty members may not do sponsored research at a university facility for a business in which they or their families have an interest.

- Without approval, faculty members may not sit on a review committee (such as a Food and Drug Administration panel) judging a technology in which they or their families have an interest.

- Without approval, faculty members may not serve as a managing executive for a profit-making biomedical company, nor may they have a financial interest in a business that competes with services provided by the university or its hospitals.

- Without approval, faculty may not make clinical referrals to a business in which they or their families have an interest.

- Faculty members must disclose to the public (not just to an administrator) their financial interest in a subject which they discuss in a research publication, a formal presentation, or an expert commentary, and they must do so "simultaneously" as they speak or publish.

■ E.M.

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