

## Conflicts of interest

The US Congress, now interested in conflicts of interest, should aim at a few prescriptive principles.

THE dispute that has come to light at the University of Pennsylvania (see page 668), and on whose rights and wrongs it is too soon to form an opinion, will at least provide further justification for the decision earlier this year of Congressman Ted Weiss, chairman of a congressional subcommittee to embark on a formal inquiry into conflicts of interest arising when academic research is supported both by industrial companies and by public funds. The inquiry is not merely proper but important. Yet nobody should jump to the conclusion that Weiss is about to uncover an area of academic life in which scandal is even more plentiful than the cases of outright fraud involving the misrepresentation of data that have been uncovered during this decade.

That commerce and academic research do not mix easily was dramatized by the first wave of excitement about the potential of biotechnology in the late 1970s, and has since been sharpened by the way in which governments have been urging on the academics who look to them for support that industrial interests should be more fully catered for in universities and research institutes. There are several pitfalls into which academics and their institutions may fall, ranging from the possibility that particular industrial companies may benefit unfairly from academic research projects (perhaps securing their advantage by appropriately genteel kickbacks) to the danger that the quality of research may be compromised (or its publication unduly delayed) by commercial interests.

To recite the sources of difficulty is not to argue that commercial interests have no place in academic laboratories. And since the social function of academic institutions is at least partly economic, it may be correctly argued that academic research institutions have a social duty to assist industrial companies in innovation and competitiveness. Striking a balance is naturally difficult, while it is plain that some governments (the British in the past decade, for example) go too far in their utilitarian demands.

These are issues for institutions to argue out with their sponsors. What interests the Weiss committee, properly, is whether commercial interactions affect the behaviour of individuals in research, with consequences that are either unseemly or downright inequitable. It will uncover in the months ahead, a lot of gossip, but its true goal should be to illuminate the general principles on which relationships between universities and industrial or commercial sponsors are regulated.

First, explicitness should be the general norm. If academics, singly or collectively (as a university department, for example), come to an arrangement with outside interests about their programmes of research, its basis should be fully disclosed. In one form or another, most

academic institutions are in a position to claim that this is already done: there are usually formal limits on the amount of time academics can devote to consultancies and rules requiring that at least some official of the university should be kept informed. But rules of this kind are often inadequately policed, and are insufficient.

Disclosure should serve several purposes, of which one is that a researcher's immediate colleagues understand what he is about. It would, for example, be corrosive of trust in research that one member of a research group should not have told his colleagues in the same academic enterprise of an outside connection with some commercial company. Yet there are many universities in which the rules do not require even that degree of disclosure. And there is a general reticence about the sums of money that change hands. People may often satisfy the local regulations by disclosing that they have an outside arrangement, but may not say how much it is worth to them. The consequence is that the abatement of excess that colleagues might informally bring about does not apply. The general rule should be that disclosure should be full, and made public within institutions.

A second principle is that of how the financial rewards of outside commercial interests should be shared. As things are, most academic institutions leave the negotiation of outside arrangements to those concerned and let them keep the proceeds. If a university department takes on a research project for an outside company, it will usually recover the cost involved and an accompanying contribution to its overheads, but some of those carrying out the research may be rewarded separately. The matter of patent rights to important innovations is potentially even more contentious: while some universities, especially in the United States, have worked out arrangements by which they and successful inventors share the rewards of innovations, others have neglected the need to formalize these matters, to the general discontent. Nobody suggests that academics should not be paid, but there are merits in the simple rule that external earnings should be divided three ways, between the individual concerned, his department or research group (to support further research) and the whole institution. If the Weiss committee can win general acceptance of some such rule, it will do a public service.

A third principle concerns academic researchers who may become officers of independent commercial companies. In the past few years, people with a bright idea have sought to exploit it commercially by setting up a company, often appointing themselves as chairman, perhaps even chief executive. That is not merely unwise but also a serious threat to people's academic integrity. When companies run into serious trouble, their managers have a fiduciary duty to shareholders to drop everything else, doing what they can to save the commercial enterprise which is not compatible with academic life. The rule should be that academic researchers may be shareholders or non-executive directors, but never have management responsibility. Weiss should push for such an understanding. □