The Board of Trustees of the Medical University of South Carolina convened Friday, October 9, 2009, with the following members present: Dr. Charles B. Thomas, Jr., Chairman; Mr. Thomas L. Stephenson, Esquire, Vice Chairman; Dr. Stanley C. Baker, Jr.; Mr. Melvyn Berinsky; Mr. William H. Bingham, Sr.; Dr. Cotesworth P. Fishburne, Jr.; Dr. Donald R. Johnson II; Dr. E. Conyers O'Bryan, Jr.; Dr. Paula E. Orr; Dr. Thomas C. Rowland, Jr.; Mr. Charles W. Schulze; The Honorable Robin M. Tallon and Dr. James E. Wiseman, Jr.; Emeritus: Mr. Allan E. Stalvey. Absent: Mr. William B. Hewitt

The following administrative officials were present: Dr. Raymond S. Greenberg, President; Dr. John Raymond, Vice President for Academic Affairs and Provost; Dr. Jerry Reves, Vice President for Medical Affairs, and Dean, College of Medicine; Ms. Lisa Montgomery, Vice President for Finance and Administration; Mr. Stuart Smith, Vice President for Clinical Operations and Executive Director, MUHA; and Dr. Frank Clark, Vice President for Information Technology and CIO; Mr. Jim Fisher, Vice President for Development.

The following deans were present: Dr. Jack Sanders, College of Dental Medicine; Dr. Mark Sothmann, College of Health Professions; Dr. Jerry Reves, College of Medicine; Dr. Arnold Karig, College of Pharmacy, Dr. Joseph DiPiro, South Carolina College of Pharmacy; Dr. Gail Stuart, College of Nursing; Dr. Perry Halushka, College of Graduate Studies.

**Item 1. Call to Order-Roll Call.**

There being a quorum present, Chairman Thomas called the meeting to order. Ms. Celeste Jordan called the roll.

**Item 2. Secretary to Report Date of Next Meeting.**

The date of the next regularly scheduled meeting is Friday, December 11, 2009.

**Item 3. Approval of Minutes of the Regular Meeting of the Medical University of South Carolina Board of Trustees of August 14, 2009.**

Board Action: It was moved that the Minutes be approved. The motion was seconded, voted on and unanimously carried.

**RECOMMENDATIONS AND INFORMATIONAL REPORTS OF THE PRESIDENT.**

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**Item 4. General Informational Report of the President.**

Dr. Greenberg asked Dr. Raymond to introduce the guest speaker. Dr. Raymond introduced Dr. Lotta Granholm, Director Center on Aging. She trained at the Karolinska Institute in Stockholm, Sweden, where she received a dental degree as well as her PhD. She came to the United States for training at the University of Colorado where she was on faculty from 1991-1998. She subsequently learned to be a neuropharmacologist. Her area of interest is quite broad and has to do with neuroplasticity of aging. She has assumed major leadership roles at MUSC since coming to the University nine years ago. She is Director of the Aging Center and an active leader in statewide activities including the South Carolina Aging Research
Network. She has 150 full-length publications and is been extraordinarily well-funded through the NIH.

Dr. Granholm talked about the Center on Aging and why the center is needed at MUSC. South Carolina is 47th in the nation for longevity. She would like MUSC to help change that statistic. She reviewed the strategic goals and accomplishments of the Center and also discussed a new initiative – the Carroll Campbell Brain Bank.

Dr. Greenberg distributed a list of his activities and stated that it had been a very busy start to the academic year. Much of his time has been focused on program development and particularly the issue of statewide outreach and telemedicine. Telemedicine technology is beginning to transform the way the tremendous expertise, located on this campus, can reach out to the underserved parts of the state.

Recommendations of Administration: That these reports be received as information.

Board Action: Received as information.

Item 5. Other Business. None

RESEARCH AND INSTITUTIONAL ADVANCEMENT COMMITTEE. CHAIRMAN: DR. COTESWORTH P. FISHBURN, JR. (Detailed committee minutes are attached to these minutes).

OLD BUSINESS: None.

NEW BUSINESS


Statement: Dr. Fishburne reported that Dr. Steve Lanier gave a general report to committee about the amazing gains in research funding in view of the recessionary year.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action: Received as information.


Statement: Dr. Fishburne stated Mr. Jim Fisher reported more than $298M in gifts and pledges forward its $300M goal for the MUSC Capital Campaign.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.
Board Action: Received as information.

Item 8. **General Report of the CEO of the MUSC Foundation.**

**Statement:** Dr. Fishburne stated the investment funds for the Foundation are exceeding the S&P and other benchmark returns.

**Recommendation of Administration:** That the report be received as information.

**Recommendation of Committee:** That the report be received as information.

Board Action: Received as information.


**Statement:** Dr. Fishburne said Mr. Chip Hood reported on the current well being of the Foundation for Research Development.

**Recommendation of Administration:** That the report be received as information.

**Recommendation of Committee:** That the report be received as information.

Board Action: Received as information.

Item 10. **Other Business.** None

EDUCATION, FACULTY AND STUDENT AFFAIRS COMMITTEE. CHAIRMAN: MR. MELVYN BERLINSKY. (Detailed committee minutes are attached to these minutes).

OLD BUSINESS: None.

NEW BUSINESS:

Item 11. **General Report of the Vice President for Academic Affairs and Provost.**

**Statement:** Mr. Berlinsky shared the following reports: Dr. Raymond had spoken briefly to Committee about the status of faculty contracts, the Conflict of Interest survey process and success of this year’s Convocations with Dr. Lisa Saladin as keynote speaker. Dr. Raymond also commented on the new program track in the DHA program that will focus on interprofessional studies and leadership.

Dr. Jerry Reves introduced Dr. Harry Clarke, Associate Dean for GME, who gave a brief summation of the GME Annual Review, as well a request for approval of institutional commitment to Graduate Medical Education, an accreditation requirement.

Dr. Darlene Shaw briefly updated the Committee on the status of seasonal flu and H1N1 Swine flu vaccinations for students. She praised Dr. Larry Blumenthal and
Library personnel for their efforts in providing information to the MUSC community regarding the H1N1 Swine flu.

Mr. Sheldon Bates updated the Committee on changes to the honor code, student concerns regarding “smoking” sheds, and upcoming student events.

Dr. David Garr reported that studies on nursing and clinician workforces are in the beginning stages, which are components of the Duke Endowment Building Coalitions grant that promotes community-based advocacy to support the implementation and success of the Health Careers Program.

**Recommendation of Administration:** That the report be received as information.

**Recommendation of Committee:** That the report be received as information.

**Board Action:** Report received as information.

**Item 12. Revisions to the Faculty Handbook – Conflict of Interest Policy.**

**Statement:** Mr. Berlinsky asked for approval of the revisions to the MUSC Faculty Handbook, Section 9.08 Conflict of Interest Policy and Appendices 9.08 A-E effective October 9, 2009.

**Recommendation of Administration:** That the revisions be approved.

**Recommendation of Committee:** That the revisions be approved.

**Board Action:** A motion was made, seconded and unanimously voted to approve the revisions to the MUSC Faculty Handbook, Section 9.08 Conflict of Interest Policy and Appendices 9.08 A-E effective October 9, 2009.

**Item 13. Other Committee Business.**

**Institutional Commitment to Graduate Medical Education**

**Statement:** At the request of the ACGME Designated Institutional Official for GME, administration presented for approval, institutional commitment to Graduate Medical Education, effective October 9, 2009.

**Recommendation of Administration:** That this request be approved.

**Recommendation of Committee:** That this request be approved.

**Board Action:** A motion was made, seconded and unanimously voted to approve the Institutional Commitment to Graduate Medical Education.

**DHA Program Track – Leadership in Interprofessional Studies**

**Statement:** At the request of the Dean of the College of Health Professions, administration presented, as information, a new track in the Doctor of Health Administration focusing on interprofessional studies and leadership.
Recommendation of Administration: That this be received as information.

Recommendation of Committee: That this be received as information.

Board Action: Received as information.

**Item 14. Faculty Appointments (Consent Item).**

**Statement:** At the request of the Deans of the Colleges of Dental Medicine and Medicine, and their respective AP&T Committees, administration presented the following faculty appointments:

**College of Dental Medicine**

- **W. Scott Argraves, Ph.D.**, (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Argraves’ primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.
- **Marion Boyd Gillespie, M.D.**, (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Gillespie’s primary appointment rests in the Department of Otolaryngology – Head and Neck Surgery, College of Medicine.
- **Terrence A. Day, M.D.**, (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Day’s primary appointment rests in the Department of Otolaryngology – Head and Neck Surgery, College of Medicine.
- **Betsy K. Davis, D.M.D.**, (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Davis’ primary appointment rests in the Department of Otolaryngology – Head and Neck Surgery, College of Medicine.
- **Maurizio Del Poeta, M.D.**, (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Del Poeta’s primary appointment rests in the Department of Biochemistry and Molecular Biology, College of Medicine.
- **Perry V. Halushka, Ph.D., M.D.**, (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Halushka’s primary appointment rests in the Department of Cell and Molecular Pharmacology and Experimental Therapeutics, College of Medicine.
- **Thomas C. Hulsey, Ph.D.**, (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Hulsey’s primary appointment rests in the Department of Pediatrics, Division of Pediatric Epidemiology, College of Medicine.
- **Michael J. Kern, Ph.D.**, (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Kern’s primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.
- **Peter M. Miller, Ph.D.**, (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Miller’s primary appointment rests in the Department of Psychiatry and Behavioral Sciences, College of Medicine.
- **Robin C. Muise-Helmericks, Ph.D.**, (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Muise-Helmericks’ primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.
Michael I. Nishimura, Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Nishimura’s primary appointment rests in the Department of Surgery, College of Medicine.

Besim Ogretman, Ph.D., (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Ogretman’s primary appointment rests in the Department of Biochemistry and Molecular Biology, College of Medicine.

Sakamuri V. Reddy, Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Reddy’s primary appointment rests in the Department of Pediatrics, College of Medicine.

Steven A. Rosenzweig, Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Rosenzweig’s primary appointment rests in the Department of Cell and Molecular Pharmacology and Experimental Therapeutics, College of Medicine.

Michael G. Schmidt, Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Schmidt’s primary appointment rests in the Department of Microbiology and Immunology, College of Medicine.

Richard E. Swaja, Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Swaja’s primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.

Hon Yuen, Ph.D., (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Yuen’s primary appointment rests in the Department of Health Professions, College of Health Professions.

College of Medicine

Milton B. Armstrong, M.D., as Professor with Tenure, on the Clinician Educator track, in the Department of Surgery, Division of Plastic Surgery, effective September 1, 2009.

Nigel S. Courtney-Luck, Ph.D., as Adjunct Professor in the Department of Biochemistry and Molecular Biology, effective May 1, 2009.

Recommendation of Administration: That these faculty appointments be approved.

Recommendation of Committee: That these faculty appointments be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the faculty appointments.

Item 15. Changes in Faculty Status (Consent Item).

Statement: At the request of the Dean of the College of Pharmacy, administration presented the following change in faculty status:

Marc Lapointe, Pharm.D., from Associate Professor in the Department of Neurosciences, College of Medicine to Associate Professor in the Department of Clinical Pharmacy and Outcomes Sciences, South Carolina College of Pharmacy, with secondary joint appointment as Associate Professor in the College of Medicine, Department of Neurosciences, Division of Neuroscience Research, effective October 9, 2009.

Recommendation of Administration: That the change in faculty status be approved.
Recommendation of Committee: That the change in faculty status be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the change in faculty status.

Item 16. Sabbatical Leave for Dr. Andrew Kraft (Consent Item).

Statement: At the request of the Dean of the College of Medicine, administration presented for approval a six-month sabbatical for Andrew S. Kraft, M.D., beginning July 1, 2010 through December 31, 2010.

Recommendation of Administration: That this request for sabbatical leave be approved.

Recommendation of Committee: That this request for sabbatical leave be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the sabbatical leave for Dr. Andrew Kraft.

FINANCE AND ADMINISTRATION COMMITTEE. CHAIRMAN: MR. CHARLES W. SCHULZE. (Detailed committee minutes are attached to these minutes).

OLD BUSINESS: None.

NEW BUSINESS:

Item 17. Major Purchases.

Statement: Mr. Schulze asked for approval of the following major purchases:

- Replace two analogue radiographic rooms for Main Hospital and Rutledge Towers with digital radiographic rooms; replace one portable radiographic unit with a digital portable radiographic unit; replace one AGFA digitizer. Estimated cost: $1,000,000.
- Bundled Beckman-Coulter MoFlo XDP Cell Sorter and Cyan Analyzer. Estimated cost: $700,000.
- Bruker 850 MHz Nuclear Magnetic Resonance Instrument. Estimated Cost: $2,931,000.
- CODM lab furniture case work for Simulation Support Lab extension and wet lab renovation. Estimated cost: $319,096.

Recommendation of Administration: That the purchases be approved.

Recommendation of Committee: That the purchases be approved.

Board Action: A motion was made, seconded and unanimously voted to approve the major purchases.
Item 18. Financial Status Report of the Medical University of South Carolina.

Statement: Mr. Schulze said a positive report had been presented to the committee on the finances of the University.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action: Received as information.


Statement: Mr. Schulze said a positive report had been presented to the committee on the finances of University Medical Associates.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action: Received as information.


Statement: Mr. Schulze said a positive report was given to the committee on the MUSC Foundation for Research Development.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action: Received as information.

Item 21. Other Committee Business. None

UNIVERSITY PHYSICAL FACILITIES COMMITTEE. CHAIRMAN: MR. WILLIAM H. BINGHAM, SR. (Detailed committee minutes are attached to these minutes).

OLD BUSINESS: None.

NEW BUSINESS:

Item 22. Facilities Procurements/Contracts.

Statement: Mr. Bingham presented the following for approval:

- CODM Teaching Lab Expansion project. Estimated budget: $480,000.
- Clinical Science building Electric to Hot Water Reheat Conversion project. Estimated budget: $1,941,305.
- Thurmond/Gazes Research Building Electrical Bus Duct Replacement Project. Estimated Budget $500,000.
**Recommendation of Administration**: That the procurements/contracts be approved.

**Recommendation of Committee**: That the procurements/contracts be approved.

**Board Action**: A motion was made, seconded and unanimously voted to approve the procurements/contracts.

**Item 23. Naming of the James E. Clyburn Research Center.**

**Statement**: Mr. Bingham presented for approval the naming of the James E. Clyburn Research Center. The Center consists of the new Bioengineering Building, Drug Discovery Building and the shared space between them.

**Recommendation of Administration**: That the naming of the James E. Clyburn Research Center be approved.

**Recommendation of Committee**: That the naming of the James E. Clyburn Research Center be approved.

**Board Action**: A motion was made, seconded and unanimously voted to approve the naming of the James E. Clyburn Research Center.

**Item 24. Update on Projects.**

**Statement**: Mr. Bingham stated that Mr. Malmrose had given an update to Committee on various University projects.

**Recommendation of Administration**: That this be received as information.

**Recommendation of Committee**: That this report be received as information.

**Board Action**: The report was received as information.

**Item 25. Other Committee Business.**

**Statement**: Mr. Bingham reported that a selection committee had met to select Indefinite Delivery Mechanical Engineering design Consultants for the University. The firms selected:

- MECA, Inc.
- RMF Engineering, Inc.

**Recommendation of Committee**: That the report be received as information.

**Board Action**: Received as information.

**Item 26. Facilities Contracts Awarded.**

**Statement**: The facilities contracts awarded since the last meeting were presented for information.
Recommendation of Administration: That the report be received as information.

Recommendation of Committee: That the report be received as information.

Board Action: Received as information.

MEDICAL UNIVERSITY OF SOUTH CAROLINA AUDIT COMMITTEE. CHAIRMAN: THOMAS L. STEPHENSON, ESQUIRE (Detailed committee minutes are attached to these minutes).

OLD BUSINESS: None

NEW BUSINESS:

**Item 27. MUSC Annual Compliance Update.**

**Statement:** Mr. Stephenson stated an annual MUSC Compliance report had been presented to committee.

**Recommendation of Administration:** That this be received as information.

**Recommendation of Committee:** That this report be received as information.

**Board Action:** The report was received as information.

**Item 28. UMA Annual Compliance Update.**

**Statement:** Mr. Stephenson stated UMA had provided an Annual Compliance report to committee.

**Recommendation of Administration:** That this be received as information.

**Recommendation of Committee:** That this report be received as information.

**Board Action:** The report was received as information.

**Item 29. Report of Internal Auditor.**

**Statement:** Mr. Stephenson stated Ms. Barnhart, Director of Internal Audit, had presented a report on the activities of the office of Internal Audit.

**Recommendation of Administration:** That this report be received as information.

**Recommendation of Committee:** That this report be received as information.

**Board Action:** Received as information.

**Item 30. Other Committee Business.** None
OTHER BUSINESS FOR THE BOARD OF TRUSTEES:

Item 31. Approval of Consent Agenda.

Statement: Approval of the University Consent Agenda was requested.

Recommendation of Administration: That the consent agenda be approved.

Board Action: It was moved, seconded and unanimously voted that the consent agenda be approved.

Item 32. New Business for the Board of Trustees. None

Item 33. Report from the Chairman. None

There being no further business, the meeting of the University Board of Trustees was adjourned.

Respectfully submitted,

[Signature]
Hugh B. Faulkner III
Secretary

/wcj
Attachments
Medical University of South Carolina

RESEARCH AND INSTITUTIONAL ADVANCEMENT COMMITTEE

MINUTES

October 8, 2009

Committee Members Present: Mr. William H. Bingham, Sr., Dr. Cotesworth P. Fishburne, Jr., (Chair), Dr. Paula E. Orr, Dr. Thomas C. Rowland, Jr., Thomas L. Stephenson, Esq., The Honorable Robin Tallon, Dr. James E. Wiseman, Jr.

Other Trustees Present: Dr. Stanley C. Baker, Jr., Mr. Melvyn Berlinksy, Dr. E. Conyers O’Bryan, Jr., Mr. Charles W. Schulze, Mr. Allan Stalvey, Dr. Charles B. Thomas, Jr.

Others in Attendance: Mr. Jim Fisher, Dr. Raymond S. Greenberg, Mr. William C. Hood, Dr. Stephen M. Lanier, Mr. R. Darren McCants, Dr. John R. Raymond, Dr. J.G. Reves, Ms. Margaret P. Schachte

Regular Agenda

Item 6. General Report of the Associate Provost for Research
Dr. Lanier presented the Annual Research Funding Report for FY 2008-09. MUSC achieved a new record with a total exceeding $217 million in total extramural research funding and more than $103 million from the National Institutes of Health. Dr. Lanier provided an update on American Recovery and Reinvestment Act (ARRA) outcomes. Thus far, MUSC faculty members have submitted 300 proposals to the National Institutes of Health requesting $115M in ARRA funds. To date, MUSC has received 77 awards exceeding at $20M total first-year costs (~$28.7M in multi-year costs). The National Institutes of Health maintains a very user-friendly web site for identifying ARRA awards nationally, regionally and locally at http://report.nih.gov/recovery/. Awards received by MUSC to date are in four major categories: (1) Supplements to existing competitive grants – 44 awards; (2) Challenge grants – 4 awards; (3) Faculty recruitment initiatives – 3 awards; and (4) Previously reviewed meritorious competitive grants – numerous awards totaling more than $11M. Approximately $44M in infrastructure grant proposals (renovation, instrumentation) remain pending. Dr. Lanier recognized the special efforts of the leaders of the four Challenge Grants (Drs. Howard, Becker, Dee Ford and Samir Fakhry, Michael Saladin, and Michael Sweat), noting the global and regional impact of the work to be accomplished. He cited the achievements of Drs. Andrew Kraft and Peter Kalivas in obtaining important faculty recruitment packages via ARRA funding. Dr. Lanier also recognized the special efforts of the Office of Research Development, directed by Ms. Peggy Schachte, and the Office of Research and Sponsored Programs, directed by Mr. Darren McCants, in coordinating and managing the exceptional workload involved in preparing and submitting an extraordinary number of grant proposals in a compressed time period. Three special research achievements were noted: (1) The National Institutes of Health Center for Scientific Review recently announced that Dr. John Raymond is the recipient of the 2009 Marcy Speer Outstanding Reviewer Award. This award, which is NIH's highest honor for peer review service, has been awarded only two times previously. It singles out 1 of ~50,000 peer reviewers nationwide for outstanding service well above and beyond the expected. (2) MUSC achieved full accreditation from the Association for Accreditation of Human Research Protection Programs in September. AHRPP accreditation is the “gold standard” for human subjects protection in biomedical research. Dr. Lynn Veatch in the Office of the Associate Provost for Research coordinated a 2-year effort to achieve accreditation on the first try, (3) This month the South Carolina Clinical and Translational Research Institute (SCTR) is launching MUSC HERO, an innovative outreach initiative to increase
community participation and diversity in clinical and translational research studies led by MUSC investigators. The MUSC HERO web site contains personal stories and testimonials about the importance of participating in research, and is also linked to the SCTR Clinical Trials Registry (https://sctrweb2.musc.edu/clinical_trials).

Recommendation of Administration: That the report be received as information.

Recommendation of Committee: That the report be received as information.

Board Action:

Item 7.

General Report of the Vice President for Development
Mr. Fisher presented the institutional advancement activities report. He reported that though October 6, 2009, MUSC’s Capital Campaign received more than $298M in gifts and pledges toward its $300M goal. From a fiscal year-to-date perspective, $10.8M has been received, which reflects a 24% lag behind last year’s October 6th total of $14.3M. Mr. Fisher highlighted a few of the numerous contributions to MUSC in recent months, including contributions to the College of Dental Medicine comprising state-of-the-art equipment and technology from corporate entities; a gift of property from Dr. and Mrs. Richard DeChamplain to initiate an endowed Scholarship Fund in the College of Dental Medicine; an anonymous gift of $1.5M to endow a chair in child psychiatry; a legacy gift from Mr. James A. Fisher to create the Dorothy R. Fisher Distinguished Endowed Chair in Hematological Malignancies Research; a gift of $1M to establish the Margaret and David Clare Endowed Chair in Nursing, the College of Nursing second endowed chair; an additional $500K from the estate of Dolores Keating to enhance the recently established James A. Keating, Jr., Endowed Chair in Diabetes; and a $500K planned gift from a former Storm Eye Institute board member. Mr. Fisher noted that the university has received positive feedback on a recent decision to forego this year’s annual gala for the Society of 1824. He summarized the planned agenda for the next Board of Visitors meeting, which will coincide with the December Board of Trustees meeting. Mr. Fisher also reported that the Capital Campaign Cabinet decided unanimously at its meeting on September 29 to continue to operate the Campaign through June 30, 2010, at which time successful completion will be celebrated and planning will commence for the next campaign, to start in 2012-13. As a closing highlight, Mr. Fisher announced that the Council for Advancement and Support of Education (CASE) recently selected MUSC as a winner of the 2009 CASE-Wealth Engine Awards for Educational Fundraising. The unsolicited award is based on judges’ analysis of fundraising data submitted annually through the Voluntary Support of Education survey. The award recognizes superior fundraising programs across the country. MUSC received an Overall Improvement Award.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action:

Item 8.

General Report of the CEO of the MUSC Foundation
Mr. Fisher provided a brief report on behalf of Mr. Anderson, who was called to a meeting with City of Charleston and SC Research Authority officials. MUSC Foundation highlights include excellent investment performance. The MUSC Endowment’s YTD return is at 15.8%, outpacing the S&P and other benchmark returns. Total assets of $311 million were reported for FY09 versus $315 million at the end of FY2008. The MUSC Foundation recently renegotiated a lease on a 200-space surface parking lot with
the South Carolina Research Authority (SCRA) with a sublease to MUSC. In addition, the MUSC Foundation recently completed a tax increment financing (TIF) financial feasibility study on the proposed Horizon Project in conjunction with the City of Charleston and the SC Research Authority.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action:

Item 9.

General Report of the MUSC Foundation for Research Development
Mr. Hood reported that two deals with international companies are in process. Reorganizations within several existing industry partners and prospective partners have delayed several other deals that hopefully should close soon. FRD is in the process of evaluating more than 10 new medtech discoveries (devices) from primarily clinical faculty. FRD is also in discussions with several service providers for deferred fee patent and commercialization services in the medtech space. The medtech space is attractive in large part because of significantly shorter time-to-market compared to pharmaceuticals. International partners and markets are attractive for the same reason. Mr. Hood also mentioned the importance of the recently completed revisions to the MUSC Conflict of Interest Policy statements in facilitating business startups and public-private relationships. Last year was a record year for business startups based on MUSC technologies and discoveries, and many of the startups have proved adept at competing for federal small business grant funding. Dr. Greenberg commented on the importance of collaboration between bioengineers and biomedical scientists. In addition, Dr. Lanier confirmed that the research incubator being developed on King Street has two MUSC-based startups signed up as tenants. The incubator space should be ready for occupancy by the end of calendar 2009.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action:
REGULAR AGENDA

Item 11. General Report of the Vice President for Academic Affairs

Statement: Dr. Raymond spoke briefly about the status of faculty contract negotiations, the Conflict of Interest survey process, and success of this year’s Convocation with Dr. Lisa Saladin as keynote speaker. Dr. Raymond also commented on the new program track in the DHA program that will focus on interprofessional studies and leadership.

Dr. Jerry Reves introduced Dr. Harry Clarke, Associate Dean for GME, who gave a brief summation of the GME Annual Review, as well a request for approval of institutional commitment to Graduate Medical Education, an accreditation requirement.

Dr. Darlene Shaw briefly updated the Committee on the status of seasonal flu and H1N1 Swine flu vaccinations for students. She praised Dr. Larry Blumenthal and Library personnel for their efforts in providing information to the MUSC community regarding the H1N1 Swine flu.

Mr. Sheldon Bates updated the Committee on changes to the honor code, student concerns regarding “smoking” sheds, and upcoming student events.

Dr. Garr reported that studies are being initiated to examine the present supply and future demand for nurses and physicians in South Carolina. These studies are being directed by Ms. Linda Lacey, the Director for the Office of Healthcare Workforce Analysis and Planning, a new program funded by a four year, $2.1 million grant from The Duke Endowment. These are the first two of what is anticipated to be a number of important studies that will help guide future health workforce planning in South Carolina.

Recommendation of Administration: That this report be received as information.

Recommendation of Committee: That this report be received as information.

Board Action:

Item 12. Revisions to the Faculty Handbook, Section 9.08 Conflict of Interest

Statement: Administration presented for approval modifications to the MUSC Faculty Handbook, Section 9.08 Conflict of Interest Policy and Appendices 9.08 A-E, effective October 9, 2009.

Recommendation of Administration: That these modifications to Section 9.08 of the MUSC Faculty Handbook be approved.

Recommendation of Committee: That these modifications to Section 9.08 of the MUSC Faculty Handbook be approved.

Board Action:
Item 13. Other Committee Business

A. Institutional Commitment to Graduate Medical Education

Statement: At the request of the ACGME Designated Institutional Official for GME, administration presented for approval, institutional commitment to Graduate Medical Education, effective October 9, 2009.

Recommendation of Administration: That this request be approved.

Recommendation of Committee: That this request be approved.

Board Action:

Informational Item

B. DHA Program Track – Leadership in Interprofessional Studies

Statement: At the request of the Dean of the College of Health Professions, administration presented, as information, a new track in the Doctor of Health Administration focusing on interprofessional studies and leadership.

Recommendation of Administration: That this be received as information.

Recommendation of Committee: That this be received as information.

Board Action:
Statement: At the request of the Deans of the Colleges of Dental Medicine and Medicine, and their respective AP&T Committees, administration presented the following faculty appointments:

**College of Dental Medicine**

**W. Scott Argraves, Ph.D.,** (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Argraves’ primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.

**Marion Boyd Gillespie, M.D.,** (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Gillespie’s primary appointment rests in the Department of Otolaryngology – Head and Neck Surgery, College of Medicine.

**Terrence A. Day, M.D.,** (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Day’s primary appointment rests in the Department of Otolaryngology – Head and Neck Surgery, College of Medicine.

**Betsy K. Davis, D.M.D.,** (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Davis’ primary appointment rests in the Department of Otolaryngology – Head and Neck Surgery, College of Medicine.

**Maurizio Del Poeta, M.D.,** (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Del Poeta’s primary appointment rests in the Department of Biochemistry and Molecular Biology, College of Medicine.

**Perry V. Halushka, Ph.D., M.D.,** (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Halushka’s primary appointment rests in the Department of Cell and Molecular Pharmacology and Experimental Therapeutics, College of Medicine.

**Thomas C. Hulsey, Ph.D.,** (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Hulsey’s primary appointment rests in the Department of Pediatrics, Division of Pediatric Epidemiology, College of Medicine.

**Michael J. Kern, Ph.D.,** (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Kern’s primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.

**Peter M. Miller, Ph.D.,** (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Miller’s primary appointment rests in the Department of Psychiatry and Behavioral Sciences, College of Medicine.

**Robin C. Muise-Helmericks, Ph.D.,** (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Muise-Helmericks’ primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.

**Michael I. Nishimura, Ph.D.,** (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Nishimura’s primary appointment rests in the Department of Surgery, College of Medicine.

**Besim Ogretman, Ph.D.,** (joint appointment) as Associate Professor in the
Department of Craniofacial Biology, effective July 1, 2009. Dr. Ogretman’s primary appointment rests in the Department of Biochemistry and Molecular Biology, College of Medicine.

**Sakamuri V. Reddy,** Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Reddy’s primary appointment rests in the Department of Pediatrics, College of Medicine.

**Steven A. Rosenzweig,** Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Rosenzweig’s primary appointment rests in the Department of Cell and Molecular Pharmacology and Experimental Therapeutics, College of Medicine.

**Michael G. Schmidt,** Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Schmidt’s primary appointment rests in the Department of Microbiology and Immunology, College of Medicine.

**Richard E. Swaja,** Ph.D., (joint appointment) as Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Swaja’s primary appointment rests in the Department of Cell Biology and Anatomy, College of Medicine.

**Hon Yuen,** Ph.D., (joint appointment) as Associate Professor in the Department of Craniofacial Biology, effective July 1, 2009. Dr. Yuen’s primary appointment rests in the Department of Health Professions, College of Health Professions.

**College of Medicine**

**Milton B. Armstrong,** M.D., as Professor with Tenure, on the Clinician Educator track, in the Department of Surgery, Division of Plastic Surgery, effective September 1, 2009.

**Nigel S. Courtney-Luck,** Ph.D., as Adjunct Professor in the Department of Biochemistry and Molecular Biology, effective May 1, 2009.

**Recommendation of Administration:** That these faculty appointments be approved.

**Recommendation of Committee:** That these faculty appointments be approved.

**Board Action:**

**Item 15. Changes in Faculty Status**

**Statement:** At the request of the Dean of the College of Pharmacy, administration presented the following change in faculty status:

**Marc Lapointe,** Pharm.D., from Associate Professor in the Department of Neurosciences, College of Medicine to Associate Professor in the Department of Clinical Pharmacy and Outcomes Sciences, South Carolina College of Pharmacy, with secondary joint appointment as Associate Professor in the College of Medicine, Department of Neurosciences, Division of Neuroscience Research, effective October 9, 2009.

**Recommendation of Administration:** That this change in faculty status be approved.

**Recommendation of Committee:** That this change in faculty status be approved.

**Board Action:**

**Item 16. Sabbatical Leave**
Statement: At the request of the Dean of the College of Medicine, administration presented for approval a six-month sabbatical for Andrew S. Kraft, M.D., beginning July 1, 2010 through December 31, 2010.

Recommendation of Administration: That this request for sabbatical leave be approved.

Recommendation of Committee: That this request for sabbatical leave be approved.

Board Action:
Mr. Schulze called the meeting to order.

REGULAR Items

Item 17. Major Purchases.

Ms. Montgomery presented the following major purchases for approval:

- Replace two analogue radiographic rooms for Main Hospital and Rutledge Towers with digital radiographic rooms; replace one portable radiographic unit with a digital portable radiographic unit; replace one AGFA digitizer. Estimated cost: $1,000,000.
- Bundled Beckman-Coulter MoFlo XDP Cell Sorter and Cyan Analyzer. Estimated cost: $700,000.
- Bruker 850 MHz Nuclear Magnetic Resonance Instrument. Estimated Cost: $2,931,000.
- CODM lab furniture case work for Simulation Support Lab extension and wet lab renovation. Estimated cost: $319,096.

Recommendation of Committee: That the purchases be approved.
Item 18. **Financial Status Report of the Medical University of South Carolina**

Mr. Wamsley reported that as of August 31, the University had an operating cash balance of $76.1M with 60 days of operating cash. There was a negative $1.4M bottom line for the SRECNA and a negative $4.9M for the operating budget. It was noted that, at this time, the negative balances are due to timing issues.

**Recommendation of Committee:** That the report be received as information.

Item 19. **Financial Status Report of University Medical Associates**

Ms. Gina Ramsey reported as of August 2009, UMA had a total of $148.1M in charges up 27% over the same period last year. Collections were up 18%; days in accounts receivable decreased to 41; the operating margin was $7.6M with a margin of 9.4%; debt service coverage was at 7.56% with 228 days cash on hand. The first two months of the year have been strong for UMA.

**Recommendation of Committee:** That this report be received as information.

Item 20. **Financial Status Report of the MUSC Foundation for Research Development**

Mr. Chip Hood reported that the new CFO, Ms. Michelle Garbiras, would provide the financial data at the next meeting. She has been working on updating some accounting procedures to improve efficiencies for the Foundation. He again thanked the Board and Administration for forgiving the outstanding money owed the University which was reflected in the Foundation’s positive net asset balance of $264k.

**Recommendation of Committee:** That this report be received as information.

Item 21. **Other Committee Business**

None.

**CONSENT AGENDA**

None.

There being no further business, the meeting was adjourned.
Attendees:

Mr. William H. Bingham, Sr., Chair  Ms. Susie Edwards
Dr. Stanley C. Baker, Jr.            Mr. Jim Fisher
Mr. Melvyn Berlinsky               Mr. Dennis Frazier
Dr. Cotesworth P. Fishburne, Jr.   Mr. Joe Good
Dr. E. Conyers O’Bryan, Jr.        Mr. Mike Keels
Dr. Paula E. Orr                   Mr. John Malmrose
Dr. Thomas C. Rowland, Jr.         Ms. Lisa Montgomery
Mr. Charles W. Schulze              Ms. Jody O’Donnell
Thomas L. Stephenson, Esquire      Ms. Gina Ramsey
The Honorable Robin M. Tallon      Dr. Jerry Reves
Dr. Charles B. Thomas, Jr.         Ms. Peggy Schachte
Dr. James E. Wiseman, Jr.          Dr. Darlene Shaw
Dr. Raymond S. Greenberg           Mr. Stuart Smith
Ms. Susan H. Barnhart              Mr. Maurice Snook
Dr. Phil Costello                  Mr. Steve Valerio
Ms. Annette Drachman               Mr. Patrick Wamsley

Mr. Bingham called the meeting to order.

REGULAR Items

Item 22. Facilities Procurements/Contracts.

Mr. John Malmrose presented the following for approval:

- CODM Teaching Lab Expansion project. Estimated budget: $480,000.
- Clinical Science building Electric to Hot Water Reheat Conversion project. Estimated budget: $1,941,305.
- Thurmond/Gazes Research Building Electrical Bus Duct Replacement Project. Estimated Budget $500,000.

Recommendation of Committee: That the projects be approved.

Item 23. Naming of the James E. Clyburn Research Center.

Dr. Greenberg presented for approval of the naming of the James E. Clyburn Research Center. The Center consists of the new Bioengineering Building, Drug Discovery Building and the shared space between them.

Recommendation of Committee: That the naming of the James E. Clyburn Research Center be approved.
Item 24.       Update on Projects

Mr. John Malmrose presented an update on various University projects including the Drug Discover Building, Bioengineering Building and the Energy Performance Contract.

Recommendation of Committee: That the report be received as information.

Item 25.       Other Committee Business.

Mr. Malmrose reported that a selection committee – Mr. Bingham, Chair; Dr. Rowland and Dr. Wiseman had met to select Indefinite Delivery Mechanical Engineering design Consultants for the University. The firms selected:

- MECA, Inc.
- RMF Engineering, Inc.

Recommendation of Committee: That the report be received as information.

CONSENT Items for Information:

Item 26.       Facilities Contracts Awarded

The facilities contracts since the last board meeting were presented for information.

Recommendation of Committee: That this report be received as information.

With no further business, the meeting was adjourned.

Respectfully submitted,

Celeste Jordan
Attendees:

Thomas L. Stephenson, Esquire, Chair
Dr. Stanley C. Baker, Jr.
Mr. Melvyn Berlinsky
Mr. William H. Bingham, Sr.
Dr. Cotesworth P. Fishburne, Jr.
Dr. E. Conyers O’Bryan, Jr.
Dr. Paula E. Orr
Dr. Thomas C. Rowland, Jr.
Mr. Charles W. Schulze
The Honorable Robin M. Tallon
Dr. Charles B. Thomas, Jr.
Dr. James E. Wiseman, Jr.
Dr. Raymond S. Greenberg
Ms. Julie Acker
Ms. Susan H. Barnhart
Dr. Phil Costello
Ms. Annette Drachman
Ms. Susie Edwards
Mr. Jim Fisher
Mr. Dennis Frazier
Ms. Michelle Garbiras
Mr. Joe Good
Mr. Mike Keels
Mr. John Malmrose
Ms. Lisa Montgomery
Ms. Jody O’Donnell
Ms. Gina Ramsey
Dr. Jerry Reves
Ms. Peggy Schachte
Dr. Darlene Shaw
Mr. Stuart Smith
Mr. Maurice Snook
Ms. Cindy Teeter
Mr. Steve Valerio
Mr. Patrick Wamsley

Mr. Stephenson called the meeting to order.

REGULAR Items

Item 27.  MUSC Annual Compliance Update.

Ms. Cindy Teeter, University Compliance Officer, provided the MUSC Annual Compliance Update. Her report included an overview of Compliance training; the rollout of the Conflict of Interest policy; overview of the audits performed. She also stated her office received and responded to allegations and questions on University related issues.

Recommendation of Committee: That the report be received as information.

Item 28.  UMA Annual Compliance Update.

Ms. Julie Acker provided a UMA Annual Compliance Update. She discussed UMA compliance initiatives including preparing for RACS and response to allegations and questions usually regarding billing, confidentiality and HR issues.

Recommendation of Committee: That the report be received as information.


Mr. Stephenson reported Ms. Susan Barnhart had provided audit information to the Board and if they had any questions, she was available to respond.
Recommendation of Committee: That the report be received as information.

Item 29. **Other Committee Business.** None

Respectfully Submitted,

Celeste Jordan
Description of Purchase: Replacement Capital Equipment in Radiology
Replace Two (2) circa 1992 Analogue Radiographic Rooms for Main Hospital and Rutledge Towers
with Digital Radiographic Rooms; Replace Two (2) circa 1998 Portable Radiographic Units with Two
(2) Digital Portable Radiographic Units; Upgrade Three (3) GE Sequoia Ultrasound units to Logic e9
software and probes; Replace One (1) AGFA Digitizer.

Estimated Cost of Purchase: $1,663,279

Requisition Number: To be Determined

Department Name(s) and UDAK numbers(s): MUUP 4010000 09674 2472

Department Contact Person: Anita Harrison; Raymond Manigault

Name of Procurement Specialist: Jerry Redmon

Method of Purchase: Sole Source – This type of purchase is necessary when needs demand an
item(s) be supplied through a sole offeror and written justification is submitted from the
requestor to that effect. The goal is to have the same equipment and technology across facilities.
This will provide better flexibility and cohesiveness with regard to equipment operation.

Vendor Name (If Sole Source): Siemens, AGFA

New Purchase  X  Yes  ___No

New Contract for Existing Services?  ___Yes  X  No

Extension of Existing Contract?  ___Yes  X  No

Replacement of Existing Item(s)  X  Yes  ___No

Name and Value of Equipment the Requested Purchase Will Be Used In Conjunction
With: Not applicable to this purchase.

Value:

How will this purchase benefit MUSC?
This replacement equipment will allow us to continue to offer comprehensive, efficient, and high quality
imaging services for our patients.

Why and How This Purchase Will Benefit MUSC By Having a Vendor Provide This
Service Vs. MUSC Staff Providing the Service: Not applicable to this purchase.
Item to be approved for purchase: Replace Two (2) circa 1992 Analogue Radiographic Rooms for Main Hospital and Rutledge Towers with Digital Radiographic Rooms; Replace Two (2) circa 1998 Portable Radiographic Units with Two (2) Digital Portable Radiographic Units; Upgrade Three (3) GE Sequoia Ultrasound units to Logic e9 software and probes; Replace One (1) AGFA Digitizer.

1. Source of Revenue/Savings: Hollings Cancer Center Grant Funding

2. Amount of Revenue/Savings to be generated: Patient Revenue of $10,700,000

3. Initial cost:
   a. Item: $1,663,279
   b. Physical Plant Requirements (renovations): No physical plant renovations required for this purchase.

4. Annual cost (Maintenance, supplies, etc.): $331,000

5. Personnel Cost (to include base salary, fringes, training, etc.): No additional personnel required for this purchase.

6. Financial Analysis: This replacement equipment will allow us to continue to offer comprehensive, efficient, and high quality imaging services for our patients.
Description of Purchase: Bundled Beckman-Coulter MoFlo XDP Cell Sorter and Cyan Analyzer

Estimated Cost of Purchase: $700,000

Requisition Number: RQ372685

Department Name(s) and UDAK numbers(s): Regenerative Medicine & Cell Biology -MUCU 2204000 26309 8823 – State Fiscal Stabilization Fund(SFSF) – American Recovery and Reinvestment Act of 2009(ARRA)

Department Contact Person: Maria Fitzharris

Name of Procurement Specialist: Sylvia Kelly

Method of Purchase: Sole Source – This type of purchase is necessary when needs demand an item(s) be supplied through a sole offeror and written justification is submitted from the requestor to that effect.

Vendor Name (If Sole Source): Beckman Coulter

New Purchase _X__ Yes _No

New Contract for Existing Services? ____Yes _X__ No

Extension of Existing Contract? ____Yes _X__ No

Replacement of Existing Item(s) ____ Yes _X__ No

Name and Value of Equipment the Requested Purchase Will Be Used In Conjunction With: Not applicable to this purchase.

Name of Equipment: Value:

How Will This Purchase Benefit MUSC: For research purposes. Purchase of the bundled Beckman-Coulter/Dako MoFlo XDP sorter and Cyan analyzer will be of benefit to MUSC as these new generation devices are capable of the extremely accurate sorting and analysis of rare population events like post-natal stem cells as well as aggressively tumorigenic cancer cell subpopulations. The sorter has a small enough footprint to be housed in a BSL2 safety hood, permitting safe sorting of virally-transduced cells. This ability does not currently exist on campus. In contrast to other vendors’ cytometers, the Beckman Coulter platform allows manual instrument alignment and drop delay determination, permitting optimal speed and efficiency of sorting and analysis of rare events in mixed cell populations and extremely accurate clonal cell deposition. Finally, both machines will be run on the same operating system, permitting broader access to and simultaneous analyses of collected data.

Why and How This Purchase Will Benefit MUSC By Having a Vendor Provide This Service Vs. MUSC Staff Providing the Service: Not Applicable to this purchase.
Item to be approved for purchase: Bundled Beckman-Coulter MoFlo XDP Cell Sorter and Cyan Analyzer

1. **Source of Revenue/Savings:** There is no revenue or savings.

2. **Amount of Revenue/Savings to be generated:** There is no revenue or savings.

3. **Initial cost:**
   a. **Item:** $700,000  
   b. **Physical Plant Requirements (renovations):** No physical plant renovations required.

4. **Annual cost (Maintenance, supplies, etc.):**  
   Supply costs are estimated at $15,000 per year.

5. **Personnel Cost (to include base salary, fringes, training, etc.):** No additional personnel costs will be required.

6. **Financial Analysis:**  
   Not Applicable
Description of Purchase: Bruker 850MHz Nuclear Magnetic Resonance (NMR) Instrument

Estimated Cost of Purchase: $2,931,000

Requisition Number: RQ372662

Department Name(s) and UDAK numbers(s): Division of Basic Sciences. State Fiscal Stabilization Fund(SFSF) American Recovery and Reinvestment Act of 2009(ARRA).

Department Contact Person: Scott Reid

Name of Procurement Specialist: Jerry Redmon

Method of Purchase: Sole Source – This type of purchase is necessary when needs demand an item(s) be supplied through a sole offeror and written justification is submitted from the requestor to that effect. MUSC currently has two other Bruker magnets at their disposal. To introduce another manufacturer would require having personnel trained on two different consoles and associated software. This would be inefficient.

Vendor Name (If Sole Source): Bruker Biospin

New Purchase _X_ Yes _No

New Contract for Existing Services? ___Yes ___X_No

Extension of Existing Contract? ____Yes ___X_No

Replacement of Existing Item(s) ____ Yes ___X_No

Name of Item(s) Being Replaced: Not applicable to this purchase.

Name and Value of Equipment the Requested Purchase Will Be Used In Conjunction With: Other NMR instruments on campus (400MHz and 600MHz)

Name of Equipment: NMR Instrument

Value: $1Million

How Will This Purchase Benefit MUSC: This will further enhance the NMR capabilities of MUSC, and allow for further development of the overall structural biology program.

Why and How This Purchase Will Benefit MUSC By Having a Vendor Provide This Service vs. MUSC Staff Providing the Service: For biomedical research, it is required that the equipment be available on campus. Outsourcing is not a viable option, and would hinder our faculty’s ability to secure extramural funding based on this form of research.
ACADEMIC
FINANCIAL INFORMATION
MAJOR PURCHASES
BOARD OF TRUSTEES' APPROVAL
October 9, 2009

Item to be approved for purchase:  Bruker 850MHz Nuclear Magnetic Resonance (NMR) Instrument


2. Amount of Revenue/Savings to be generated:  Multiple R01’s are likely to be funded based on this equipment being available.

3. Initial cost:
   a. Item: $2,931,000
   b. Physical Plant Requirements (renovations): Accommodated in the design of the Drug Discovery Building.

4. Annual cost (Maintenance, supplies, etc.): $40,000

5. Personnel Cost (to include base salary, fringes, training, etc.): $91,000

6. Financial Analysis:
   It is anticipated that having this equipment available will help secure multiple R01 grant applications for our faculty. This could also help facilitate collaborations for program project grants. The combination of these revenue sources will provide for faculty salary offset, users fees to the NMR facility, F&A revenue to the University and in the case of program projects, administrative and other cores to help offset many costs associated with basic science research. Having this equipment will also help secure desired additional recruitments.
Description of Purchase: Laboratory furniture case work for Simulation Support Lab extension and wet lab renovation.

Estimated Cost of Purchase: $319,096

Requisition Number: To be determined.

Department Name(s) and UDAK numbers(s): College of Dental Medicine Deans Office. State Fiscal Stabilization Fund(SFSF) American Recovery and Reinvestment Act of 2009(ARRA).

Department Contact Person: Michael LaTrace

Name of Procurement Specialist: Jerry Redmon

Method of Purchase: Invitation for Bid. The bid will be awarded to the lowest responsive, responsible vendor.

Vendor Name (If Sole Source): Not applicable to this purchase.

New Purchase _X_ Yes _No

New Contract for Existing Services? ____Yes _X__No

Extension of Existing Contract? ____Yes _X__No

Replacement of Existing Item(s) ____ Yes _X__No

Name of Item(s) Being Replaced: Not applicable to this purchase.

Name and Value of Equipment the Requested Purchase Will Be Used In Conjunction With: Not applicable to this purchase.

How Will This Purchase Benefit MUSC: It will allow the College of Dental Medicine to increase class size from 54 to 70 students. This will increase tuition and fees for both the university and the College of Dental Medicine.

Why and How This Purchase Will Benefit MUSC By Having a Vendor Provide This Service Vs. MUSC Staff Providing the Service: Not applicable to this purchase.
Item to be approved for purchase: Laboratory furniture case work for Simulation Support Lab extension and wet lab renovation.


2. **Amount of Revenue to be generated:** Additional tuition and fees.

3. **Initial cost:** $319,096
   a. **Item:** Laboratory furniture case work for Simulation Support Lab extension and wet lab renovation.
   b. **Physical Plant Requirements (renovations):** To be determined.

4. **Annual cost (Maintenance, supplies, etc.):** No maintenance or supply cost associated with this purchase.

5. **Personnel Cost (to include base salary, fringes, training, etc.):** No additional personnel required for this purchase.

6. **Financial Analysis:** It will allow the College of Dental Medicine to increase class size from 54 to 70 students. This will increase tuition and fees for both the university and the College of Dental Medicine.
FACILITIES

ACADEMIC

ESTABLISH PROJECT

FOR APPROVAL

October 9, 2009

PROJECT TITLE: Dental Medicine Teaching Lab Expansion

PROJECT NUMBER: To Be Determined

TOTAL ESTIMATED BUDGET: $480,000

SOURCE(S) OF FUNDS: MUSC Foundation and American Recovery & Reinvestment Act (ARRA) Stimulus Funds

JUSTIFICATION: This project involves the renovation of approximately 3,000 square feet of College of Dental Medicine teaching lab space located on the 5th floor of the Basic Science Building in preparation for the installation of 22 new simulation stations and additional hands-on support lab space. The scope of work within the expansion area includes relocation of the east wall of the current simulation lab, ceiling and floor replacement, asbestos abatement, painting, plumbing, electrical, and mechanical work.

Dental class sizes must be increased to address the underserved dental care needs of South Carolina. This expansion project will allow class sizes to grow from 54 to 70 students. Once this growth has touched all four class years, the University will receive an additional $2.6 million in annual revenue based on current tuition rates.
FACILITIES

ENERGY SAVINGS PROJECT

FOR APPROVAL

October 9, 2009

PROJECT TITLE: Clinical Science Building Electric to Hot Water Reheat Conversion

PROJECT NUMBER: Scope of Work and Funding Will Be Added to 9787

TOTAL ESTIMATED BUDGET: $1,941,305

SOURCE OF FUNDS: American Recovery and Reinvestment Act (ARRA)
Stimulus Funds (Energy)

JUSTIFICATION: $2.2 million in State Energy Program stimulus funding was recently targeted for the Medical University, provided projects submitted for approval have a return on investment, (ROI), of 2.5 or better. We have submitted three projects for approval totaling the full $2.2M. Two of the projects are below the $250,000 Board approval threshold. This third project will convert the reheat in the Clinical Sciences Building from electric to hot water. The project has a ROI of 2.68. This project is estimated to save over 3.8 million KWH annually, and the estimated savings over the life of the equipment is estimated to be just less than $5.2 million.

We are requesting approval of this project contingent upon receipt of the ARRA funds requested.

ARRA funds for this project must be spent by December 2010. In order to meet that deadline, we must receive South Carolina Budget & Control Board approval in December 2009, and we must include this work as a change order to the existing $20,000,000 Energy Performance Contract (9787). Federal guidelines will allow supplementing of an existing contract, but will not allow supplanting funding for an existing contract.
FACILITIES

ACADEMIC/RESEARCH

ESTABLISH PROJECT

FOR APPROVAL

October 9, 2009

PROJECT TITLE: Thurmond/Gazes Research Building Electrical Bus Duct Replacement

PROJECT NUMBER: To Be Determined

TOTAL ESTIMATED BUDGET: $500,000

SOURCE(S) OF FUNDS: American Recovery & Reinvestment Act (ARRA)
Stimulus Funds (Education)

JUSTIFICATION: The electrical power in the Thurmond/Gazes Research Building is provided through a bus duct type of electrical distribution system with four (4) buses that run vertically in the building. The building main transformers and emergency power generators are located at the 9th floor and in the penthouse, and power feeds down the electrical bus system to serve the electrical loads throughout the building. During recent flood events in the building, water infiltrated into the bus ducts resulting in a short in one of the risers causing it to fail. The electrical bus ducts run mostly through concealed spaces, behind walls and in chases, where most of the system is not observable. Until failure of this bus duct occurred, it was not apparent that water had leaked into the bus system.

Once work began to replace sections of the failed bus duct, further investigation and testing of the three bus ducts that remain in service indicates that water has also caused deterioration and damage to them. Failure of the other buses is, therefore, probable. The bus duct that failed provides power to electric reheat that is part of the HVAC system in the building. Loss of electric reheat results in uncomfortable temperatures in areas of the building. Operation of the building is not otherwise affected. However, if the other buses fail, power supply to the electrical systems served will be lost, potentially even including emergency power.

This project would replace the entire electrical bus duct system with a new water resistant (NEMA 3 rated) electrical bus duct system. The new system will fit within the same space as the existing system and would resist damage from any future water leak events in the building.
Revisions to the Faculty Handbook Section 9.08 Conflict of Interest Policy and Appendices 9.08 A-E will be presented for approval at the September 21, 2009 Deans’ Council.

http://www.musc.edu/facsen/coi_ammendments/coi_policy_appendices
Please cut & paste this link going to the Faculty Senate website on COI policies additions to the Faculty Handbook.

This is what you see - the "links" below are active on the webpage above. The same links within the Letter to Faculty are not active.

Faculty Handbook Section 9.08 Conflict of Interest Policy and Appendices 9.08 A-E.
* COI Background - Letter to Faculty
<http://www.musc.edu/facsen/coi_ammendments/coi_faculty_letter.pdf>
* Proposed 9.08 Conflict of Interest Policy
<http://www.musc.edu/facsen/coi_ammendments/replacement_handbook_policy_9_08_final.pdf>
* Appendix 9.08A Research Conflict of Interest Policy
<http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_a_research_coi_2009_8_12_final.doc>
* Appendix 9.08B Research COI Committee Charter
<http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_b_charter_research_coi_2009_8_12_final.doc>
* Appendix 9.08C Faculty Venture Start-up Guidelines
<http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_c_faculty_start_up_2009_08_12.doc>
* Appendix 9.08D UMA/COM/MUHA Clinical COI Policy
<http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_d_e_clinical_coi_charter_2009_8_12_final.doc>
* UMA Professional Relationships
<http://www.musc.edu/facsen/coi_ammendments/uma_professional_relationships_2009_6_1_final.pdf>
* COI Frequently Asked Questions
<http://www.musc.edu/facsen/coi_ammendments/coi_faqs.doc>
COI Frequently Asked Questions discusses tracked changes.
August 27, 2009

All Faculty:

Faculty Senate has passed and recommends Faculty endorse revisions to the Faculty Handbook that include the Board of Trustees' conflict of interest policy. **THIS BALLOT WILL APPEAR DURING FACULTY SENATE ELECTIONS IN SEPTEMBER.**

   VOTE: Approve Faculty Handbook changes to include revised Section 9.08 Conflict of Interest Policy and Appendices 9.08 A-E.

   YES_____  No_____

BACKGROUND:

Faculty Handbook Section 9.08 Conflict of Interest online at


is primarily a Research COI Policy. The proposed revision briefly discusses disclosure, introduces the Board policy, and refers Faculty to the Handbook Appendix for current Research, Faculty Venture Start-up, and Clinical COI policies, guidelines, and committee charters

Proposed 9.08 Conflict of Interest Policy

Appendix 9.08A Research Conflict of Interest Policy revises the current policy to include the disclosure process and edits requested by NIH for compliance with Federal regulations.

   Appendix 9.08A Research Conflict of Interest Policy
[http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_a_research_coi_2009_8_12_final.doc](http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_a_research_coi_2009_8_12_final.doc)

Appendix 9.08B Research COI Committee Charter outlines how the committee will help manage research COI disclosures and review faculty venture start-up.

   Appendix 9.08B Research COI Committee Charter
[http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_b_charter_research_](http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_b_charter_research_)
Appendix 9.08C Faculty Venture Start-up Guidelines describe the process for Faculty to begin entrepreneurial ventures evolving from their university commitments.

Appendix 9.08C Faculty Venture Start-up Guidelines
http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_c_faculty_start_up_2009_08_12.doc

Appendix 9.08D UMA/COM/MUHA Clinical COI Policy includes link to MUHA Clinical Policy A-114 Professional Relationships. This policy embraces the recommendations of the American Association of Medical Colleges regarding the relationships between medical education and industry.

Appendix 9.08D UMA/COM/MUHA Clinical COI Policy
http://www.musc.edu/facsen/coi_ammendments/appendix_9_08_d_e_clinical_coi_charter_2009_8_12_final.doc

Appendix 9.08E Clinical COI Committee Charter only marks where this charter currently being developed will go in the Faculty Handbook upon approval.

Including these policies in the Handbook makes current university policies guidelines easily available for Faculty.

FYI - May Catalyst re COI

http://www.musc.edu/catalyst/archive/2009/co5-22currents.html

UMA Professional Relationships
http://www.musc.edu/facsen/coi_ammendments/uma_professional_relationships_2009_6_1_final.pdf

These policies do not preclude Colleges from developing more College-specific COI policies, as long as they do not conflict with the Board COI policy.

The committee charters include representation of current Faculty Senate members on the Research and Clinical COI committees.

Please review these changes and VOTE during Faculty Senate elections.
Consider being a "change agent" - self-nominate or nominate a friend to run for the Faculty Senate.

Walter Limehouse
Faculty Senate President
Conflict of Interest

Frequently Asked Questions

Question 1:
We understand that COI appendices 9.08 B-E are new. Can we see where deletions & additions occur in the proposed new Section 9.08 Conflict of Interest Policy and Appendix 9.08A Research Conflict of Interest Policy (the revised original section 9.08)?

Answer:
See the online faculty handbook for existing policy 9.08 Conflict of Interest. The first paragraph in the proposed policy 9.08 is the same. The next original paragraph dealt with disclosure – the proposed policy refers to the new disclosure process. Subsequent paragraphs in the proposed policy 9.08 are new, introducing the Board of Trustees’ policy and indicating that research / startup/ clinical COI policies and committee charters are in Appendix 9.08. The Board of Trustees policy then follows.

The content of the original section 9.08 COI, starting with “Introduction”, transfers to the new Appendix 9.08A Research COI Policy.

Appendix 9.08A then adds the new disclosure process then updates balance of this Appendix with NIH-required modifications.

This link <http://www.musc.edu/facsen/coi_ammendments/appendix_9_08a_research_coi.doc> goes to an EARLIER version of Appendix 9.08A sent to Dr Higerd for insertion of the disclosure process revisions (our new online COI disclosure process). After inserting the disclosure process, he “accepted all changes” inadvertently eradicating the all-changes-tracked Appendix 9.08A Research COI Policy document. This EARLIER version should let you see where additions/deletions occurred, if you want to see them.
Replacement: Handbook Policy 9.08 COI

9.08: Conflict of Interest Policy:
The faculty of the Medical University of South Carolina engages in a wide variety of external activities with public and private organizations. The Medical University endorses and subscribes to the principles of the joint statement of the American Council on Education and the American Association of University Professors, "On Preventing Conflicts of Interest in Government-Sponsored Research at Universities." With the acceptance of a full-time appointment to the faculty of the Medical University of South Carolina, the faculty makes a commitment to MUSC that such employment is full-time in the most inclusive sense. Outside obligations, financial interests, and activities in other areas are not to conflict with their commitment to the Medical University of South Carolina.

All faculty and administrative staff shall disclose any conflict of interests using the MUSC web-based disclosure mechanism, see https://www.carc.musc.edu/coi. Such disclosure is made on an annual basis as defined by the MUSC/MUHA conflict of interest policy. Whenever a new conflict of interest arises or when a significant change occurs concerning an existing disclosure, a new disclosure form must be completed and submitted for review either in advance of the anticipated change in situation or within 30 days of the event.

Infraction of the letter or spirit of this policy constitutes a serious offense, which shall be responded to with appropriate action ranging from private reprimands to termination at the discretion Vice President for Academic Affairs and Provost.

The following policy approved by the Board of Trustees on Feb. 13, 2009, governs employee financial conflicts of interest within MUSC, MUHA, and our affiliates. Various parts of institution may have their own sub-policies, consistent with this general policy, but specific to their specific areas of activity. Clinical, research, and research start-up policies and charters appear in Appendix 9.08.

Medical University of South Carolina and Medical University Hospital Authority: Conflict of Interest Policy

Persons covered by this policy

This policy applies to all Trustees, Officers, Faculty, Administrators, and Staff, including all full-time, part-time, temporary, and contract Employees of Medical University of South Carolina (“MUSC”) and Medical University Hospital Authority (“MUHA”). Affiliates (entities which derive their not for profit status from MUSC, such as University Medical Associates, the MUSC Foundation, and the MUSC Foundation for Research Development) shall as a condition
of continued business with MUSC and MUHA adopt a policy substantially similar to this Policy, adapted to accommodate those affiliate employees who are not public employees.

**Preamble**

1. Enhancing the public good through improved health initiatives and superior economic development is the foundation of many government policies. MUSC, as a contemporary, public research university, has a responsibility to actively participate and promote these initiatives even if conflicts of interest are more likely and many times unavoidable. Conflicts of interest, therefore, may arise from ordinary and appropriate activities as a part of assigned employment duties so the existence of a conflict should not imply wrongdoing. When conflicts of interest do arise, however, they must be recognized and disclosed, then eliminated or appropriately managed. The Board of Trustees for MUSC and MUHA has a duty to govern those State entities in a manner such that conflicts are appropriately reviewed and acted on to maintain public confidence in the integrity of our institutions.

2. This policy provides a framework for recognizing and managing employee conflicts of interest, and should minimize even the appearance of conflicts of interest. The primary goal of this policy is to prevent an employee's activities from adversely influencing MUSC or MUHA operations.

3. Particular departments and activities of MUSC or MUHA may have specific conflict of interest policies. It is intended, however, that this policy will apply to the entire MUSC enterprise, providing a framework for those specific additional policies to operate under, such that those specific policies will not supersede this policy unless approved by the Board of Trustees.

4. This policy references South Carolina Code (S.C. Code § 8-13-10 et seq.) (the “Ethics Law”), which makes it unlawful for public officials, public members, and public employees to use their position to obtain an economic interest or to have a financial interest in most any contract or purchase connected with MUSC/MUHA, unless certain exceptions apply. This policy is implemented in addition to all requirements of the Ethics Law and does not supersede it. The South Carolina Ethics Law is at [www.scstatehouse.net/code/t08c013.htm](http://www.scstatehouse.net/code/t08c013.htm).

5. As MUSC conducts research funded by the Public Health Service and other federal agencies, it is required by federal law to maintain an appropriate written, enforced policy on conflict of interest that complies with 42 CFR Part 50 Subpart F – “Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought” ([http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm](http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm)) as well as all other relevant policies of federal funding and oversight agencies.

**A. Statement of general policy**

1. MUSC/MUHA policy is that its employees conduct the affairs of MUSC/MUHA in accordance with the highest legal, ethical and moral standards.

2. MUSC/MUHA policy is that employees of MUSC/MUHA shall disclose perceived and real conflicts of interest.
3. MUSC/MUHA policy is that employees shall not use their position to secure personal financial benefits or economic interest for themselves, any member of their immediate family, any individuals or entity with whom the employee has a business relationship that renders an employee economic benefit. A perceived and/or real conflict of interest arises whenever the employee has the opportunity to influence University or Authority operations or business decisions in ways that could result in a personal financial benefit or economic gain to the employee, a member of an employee's immediate family, or individuals or entities with whom the employee has a business relationship which renders the employee economic benefit. Although certain specific examples of conflicts of interest are provided in this policy, they are meant only as illustrations, and supervisors and employees are expected to use good judgment to identify possible conflicts of interest that may adversely influence MUSC/MUHA operations, and to avoid or manage them as appropriate.

4. This policy is not intended to prohibit approved and appropriately managed economic development activities related to MUSC/MUHA generated intellectual property, including MUSC/MUHA employee involvement with startup companies, Small Business Administration (SBIR/STTR) funded research and Centers of Economic Excellence Activities. However, any such activities by MUSC/MUHA employees that make use of University or Authority property, facilities, equipment or other resources for personal benefit shall be approved as required herein, of benefit to MUSC/MUHA, and for fair value.

5. Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.
B. Definitions

1. Conflicts of interest occur when an employee or immediate family member receives personal financial benefit or an economic interest from the employee's position in a manner that may inappropriately influence the employee's judgment, compromise the employee's ability to carry out MUSC/MUHA responsibilities or, be a detriment to MUSC/MUHA integrity.

2. Immediate family includes the employee's parents, spouse, siblings, children, stepchildren, and grandchildren.

3. Manage and managing means an affirmative action by the University or the Authority to establish parameters or conditions that minimize or eliminate the risk of the perceived or real conflict of interest.

4. Personal financial benefit or economic benefit is defined as anything of monetary value, including salary, commissions, fees, honoraria, gifts of more than nominal value, equity interests, interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, loans, and forgiveness of debt. "Personal financial benefit" does not include:
   a. compensation or payments received from MUSC/MUHA or any of its affiliates or the Ralph H. Johnson Department of Veterans Affairs Medical Center;
   b. payments for participation in seminars, lectures or other educational activities as long as not acting in the employee’s official capacity, or reasonable expenses for the same activities even if acting in official capacity;
   c. payments for participation in seminars, lectures or other educational activities, and reasonable expenses for the same activities as long as acting within the context of an individual’s Faculty Appointment Contract;
   d. any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee or an associated immediate family member does not exercise control; and
   e. investments in publicly traded entities as long as employee owns less than a five percent and/or less than $10,000 stake in said entity.

5. University means Medical University of South Carolina.

6. Authority means the Medical University Hospital Authority.

7. MUSC or MUHA responsibilities are defined as the responsibilities of an employee to perform MUSC or MUHA activities as defined by management or contract.
C. Policy provisions

1. An employee shall disclose any situation in which the employee has, or may have, a real or potential conflict of interest as defined herein. These conflicts of interest must be reported annually to the appropriate Office of Compliance. Modifications to existing disclosures or a new activity will require submittal of an additional disclosure in a timely manner. An authorized group of employees shall review the disclosure and recommend to the appropriate Vice President a suitable action plan to eliminate or manage the conflict of interest so as to ensure that MUSC or MUHA business is not improperly influenced or adversely affected. In the event that there is no reasonable way to manage a conflict of interest, then the employee may be prohibited from participating in related MUSC/MUHA affairs until such a time as the conflict is eliminated. In other words, employees and Officers of MUSC/MUHA have a duty to immediately disclose, manage or eliminate any real or potential conflicts of interest that are not in the best interests of the University or Authority.

   a. An employee shall disclose conflicts of interest in writing on an approved paper or digital Conflicts of Interest Disclosure Form, including a statement describing the nature and extent of the conflict, to their supervisor and to the appropriate Compliance Office. This disclosure must be completed annually, on a form designated for such purposes. A new disclosure form must be completed whenever a new conflict of interest arises or when a significant change occurs concerning an existing disclosure. See the following Web site for this disclosure form: Annual Conflict of Interest Disclosure <https://www.carc.musc.edu/coi>.

   b. If a supervisor becomes aware of a conflict of interest that an employee has not disclosed, the supervisor shall discuss the situation with the employee, require that a written disclosure be made as provided in this policy, and inform the Office of Compliance to anticipate the receipt of a new Disclosure Form.

   c. All conflicts of interest shall be reported to the MUSC or MUHA Office of Compliance. The Board of Trustees or its designee will retain authority to take such action as it deems appropriate regardless of any action or inaction by an Officer of MUSC and/or MUHA.

2. The following are examples of conflicts of interest requiring disclosure. These examples are illustrations only and are not meant to be exclusive.

   a. Employee or immediate family member has a financial interest in a business entity with which the University or Authority does or proposes to do business, and the employee is in a decision-making role or otherwise is in a position to influence the University's or Authority's business decisions regarding the business entity. Business entity examples for which an employee disclosure is required:

      i) finance or accounting services
      ii) equipment services
      iii) marketing services
      iv) construction services
v) consulting
vi) counseling
vii) catering
viii) computer supplies
ix) programming
x) architectural services
xi) legal services
xii) grant preparation
xiii) temporary personnel services
xiv) office or laboratory supplies
xv) painting services
xvi) lawn and grounds services

b. Employee holds or assumes an executive, officer or director position in a for-profit or not-for-profit business or entity engaged in commercial, educational, or research activities similar to those in which the University or Authority engages.

c. Employee participates in consultation activities for a for-profit or not-for-profit business or entity engaged in commercial, educational or research activities similar to those of the University or Authority.

d. Employee holds or assumes an executive, officer or director position in a for-profit or not-for-profit business or entity that does business with the University or Authority.

3. The activities listed below are prohibited unless sanctioned by an Officer of the University or Authority. Sanctioned activities are those activities documented within an individual’s Faculty Appointment Contract, contained within an employee’s job description or expectations, appropriately authorized agreements, Memoranda of Understanding, or otherwise approved by the employee’s Vice President.

   a. Significant use of University or Authority property, facilities, equipment or other resources in any manner other than as part of the employee's responsibilities, that results in personal financial benefit or economic interest to an employee, a member of an employee's immediate family or business with which the employee has a business relationship.

   b. Using significant University or Authority property, facilities, equipment or other resources in any manner to support an entity not associated with the University or Authority unless special permission is provided in writing by an authorized Officer of MUSC or MUHA.

   c. Using University or Authority stationery, letterhead, logo, or trademark in connection with outside activities, other than activities having a legitimate relationship to the performance of University or Authority business.
d. Using University or Authority facilities, resources, or the employee's position at the University for the purpose of advocating, endorsing, or marketing the sale of any goods or services, other than as part of the employee's responsibilities, without the prior approval in writing by an authorized Officer of MUSC or MUHA.

e. Using the University or Authority name, trademark or trade name for personal business or economic gain to the employee, a member of the employee's immediate family or a business with which the employee has a business relationship.

f. Using any University or Authority intellectual property data or information that is not in the public domain for personal financial benefit or economic gain to the employee or a member of the employee's immediate family, or a business which the employee has a business relationship.

g. Using any University or Authority employee for any outside activity during normal work time for which he or she is receiving compensation from the University or Authority (not applicable when employees are on a paid or unpaid leave).

h. Participating in the selection or awarding of a contract between the University or Authority and any entity with which an employee is dually employed, is seeking employment or has been offered employment.

i. Other activities may be prohibited if there is no reasonable way to manage an associated conflict of interest.

D. Employee responsibilities

1. Employees shall not engage in the prohibited activities listed above unless sanctioned in advance or in any other activity that has been prohibited following a completed review of an employee's conflict of interest disclosure.

2. Employees shall disclose a real or perceived conflict of interest as described above:

   a. As soon as the employee knows of the conflict, and then annually thereafter for as long as the conflict continues to exist;

   b. In writing on the approved Conflict of Interest Disclosure Form;

   c. To the appropriate MUSC or MUHA Office of Compliance;

3. Employees shall avoid any involvement with all related University or Authority activities and decisions until such time as the conflict of interest has been evaluated and the disclosed activity been approved.

4. If there is any question whatsoever about an activity representing a conflict of interest, then the employee should consult with an MUSC or MUHA Office of Compliance or an MUSC or MUHA Office of Legal Counsel for direction.
E. MUSC/MUHA responsibilities

1. Supervisors shall ensure that all new employees are informed of this policy.

2. Supervisors and administrators of MUSC and MUHA shall ensure that all current employees are reminded of this policy on a periodic basis.

3. The University and Authority shall develop a peer process to evaluate conflict of interest disclosures, and to review the conduct of approved Management Plans.

4. In the event that a reported conflict of interest is approved, the corresponding Office of Compliance shall ensure there is an appropriate Management Plan in place to monitor and manage the situation so that resources are used in an appropriate manner and that there is no improper influence on University or Authority decisions.

5. The Offices of Compliance shall ensure that Conflicts of Interest Disclosure forms are retained for future reference. Upon an employee's transfer from the unit or termination from the University or Authority, associated Conflict of Interest Forms shall be retained by the Offices of Compliance for a minimum of three years.

6. Supervisors shall establish and maintain a work environment that encourages employees to ask questions about real or potential conflicts of interest.

7. If supervisors have any question whatsoever about an external activity representing a conflict of interest, they should consult with an Office of Compliance or an Office of Legal Counsel.

F. Sanctions for violation

1. Violations of University or Authority policies, including the failure to avoid a prohibited activity or disclose a conflict of interest in a timely manner, will be dealt with in accordance with applicable policies and procedures that may include disciplinary actions up to and including termination of employment.

2. The Board of Trustees, as the ultimate governing body, or its designee retains authority to make a final determination of any matter covered by this Policy.

G. South Carolina state law

1. The South Carolina Ethics Government Accountability and Campaign Reform Act (herein the “Ethics Law”) S.C. Code § 8-13-100, among other things, makes it unlawful for a public official, public member or public employee to knowingly use his official office, membership or employment to obtain economic interest for himself, a member of his immediate family, an individual with whom he is associated* or a business with whom he is associated**. This policy is implemented in addition to any requirements of the Ethics Law. Certain persons associated with the Authority or University are required to make filings with the South Carolina Ethics Commission and completion of the form attached to this policy will not satisfy that requirement.
* Defined in the Act as: "Individual with whom he is associated" means an individual with whom the person or a member of his immediate family mutually has an interest in any business of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

** Defined in the Act as: "Business with which he is associated" means a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

Office responsible for this policy

University and Authority Compliance Offices.

Policy Review.

This Policy establishes a set of conditions that may have an unanticipated impact on existing MUSC, MUHA, and affiliate policies and procedures. Given the breadth of this policy, it seems reasonable that not only may some unforeseen consequences surface but that State or federal compliance regulations may require some alterations to this Policy. A periodic review of this Policy by the Vice President for Academic Affairs and Provost, acting on behalf of the Vice Presidents, seems most appropriate. If proposed change(s) is(are) considered necessary and appropriate, a Vice President may ask the Board of Trustees to modify this Policy by approving the change(s).
Definition(s)

Conflict of Interest

A Conflict of Interest arises when an individual's private interests or personal financial gain (such as outside professional or financial relationships) might interfere with his or her professional obligations to University Medical Associates (UMA). Such situations do NOT necessarily imply wrong-doing or inappropriate activities. However, they can compromise, or be perceived as compromising or influencing, patient care and/or UMA operations.

Covered Person

Covered person includes all UMA physician members, UMA clinical staff and all other members of the UMA workforce.

Financial Interest

Financial Interest is defined as anything of monetary value, including salary, commissions, fees, honoraria, gifts of more than nominal value, equity interests, interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, loans, forgiveness of debt, or other payments directly to a Covered Person or a Covered Person’s siblings, independent children, parents, etc. (hereinafter “Related Party”) from any organization that has a business or financial relationship with the MUSC Medical Center.

Financial Interest does not include:

a. compensation received from MUSC/UMA/MUHA or any of its affiliates or the Veterans Affairs Hospital;

b. payments for participation in seminars, lectures or other educational activities as long as not acting in the employee’s official capacity or reasonable expenses for the same activities even if acting in official capacity;

c. any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee or an associated immediate family member does not exercise control;
d. investments in publicly traded entities as long as employee owns less than a five percent (5%) or less than $10,000 stake in said entity.

Related Party

A Related Party is a Covered Person’s parents, spouse, siblings, children, stepchildren, and grandchildren.

Policy:

It is the policy of UMA to limit/prohibit activities that in UMA’s opinion create or appear to create a legitimate conflict of interest and may compromise the operations of UMA or MUSC and its affiliates.

Each Covered Person is responsible for identifying personal and professional relationships or arrangements that create, or appear to create, a Conflict of Interest. If a Conflict of Interest is created, the Covered Person is responsible for managing that relationship in a manner that best protects UMA/MUSC. Each Covered Person is responsible for evaluating a potential Conflict of Interest, considering how it might be perceived by others, and managing, reducing or eliminating the conflict.

Additionally, this policy is implemented in addition to the MUSC/MUHA – Conflict of Interest Policy and does not supersede it. In the event of any inconsistency between this policy and the MUSC/MUHA – Conflict of Interest Policy, the terms of the MUSC/MUHA – Conflict of Interest Policy shall govern and control.

Policies, procedures, and information about the relationship between care, treatment, and services and financial incentives are available upon request.

Procedure:

A. Activities which are Likely to Create a Conflict of Interest. The following activities are likely to create or appear to create a Conflict of Interest and therefore should be closely scrutinized. This list is not exhaustive but is intended to provide guidance on the management of these potential conflicts.

1. Gifts, Meals, Entertainment, and Travel. No Covered Person may solicit or accept gifts where the gift is intended to influence or may appear to influence the Covered Person or employee in the performance of his or her duties unless otherwise indicated herein. Gifts include but are not limited to meals, entertainment, travel, gratuities, payments, favors, etc. More specifically, the following guidelines should be adhered to:

- Sponsored meals provided to members of the healthcare community at large, or a subset thereof (e.g., a professional association), are NOT prohibited under this policy.

- Meals that are sponsored for UMA/MUSC invitees only, including but not limited to journal clubs and holiday parties, are prohibited unless otherwise included in a contract, Request for Proposal (RFP), or other agreement in which these items are referenced. Such meals are prohibited regardless of whether they are provided on the MUSC Campus, UMA outreach and administrative locations or off-site. Meals provided as part of educational sessions are more fully discussed below.

- Vendors shall be prohibited from providing lunch or other meals solely to Covered Persons on the MUSC Campus, UMA outreach and administrative locations or off-site.

- Covered Persons may not accept funds related to travel or attendance at meetings unless such funds are included in a contract, Request for Proposal (RFP), or other agreement in which these items are referenced.

- Training provided off campus for free or at a reduced rate may create a conflict of interest and must be closely scrutinized to determine whether a Conflict of Interest exists with the employee.

- Covered Persons should not accept any gift or other item of value greater than $25.00. Promotional items or other items that are not given for the purpose of influencing the Covered Person or employee in the performance of his or her duties that are of a nominal value may be accepted unless otherwise prohibited herein.
2. **Drug Samples.** Drug samples for purposes of distribution to patients at MUHA ambulatory clinics are governed by MUHA Policy C-26, Medication Samples.

3. **Financial donations.** Individuals or companies wishing to make a financial contribution to the organization should be directed to the MUSC Development Office.

4. **Educational Programs.** Educational presentations sponsored by pharmaceutical companies or other vendors are permitted provided appropriate disclosure statements are made in any pre-meeting announcements and by the speaker prior to beginning the program. Students or trainees may participate in these programs for educational purposes only as long as the programs are structured group settings that are supervised by faculty. Programs offering continuing professional education credit must adhere to appropriate national policies or guidelines which may be established by professional organizations, including the disclosure of any financial relationships with commercial interests. For example, any accredited Continuing Medical Education must comply with the standards for commercial support established by the Accreditation Council for Continuing Medical Education.

Ghostwritten presentations or publications in which Covered Persons lend their name to lectures or medical literature that they did not produce are specifically prohibited.

5. **Site Access.** The MUSC Medical Center recognizes the value of information provided by various industry representatives but intends to limit access to its personnel and facilities to prevent interference with patient care activities. All vendors are expected to adhere to Policy A-15: Account/Vendor Representatives.

   - Industry representatives or agents (including but not limited to device and drug manufacturers) who are on campus or at a UMA clinical or administrative office for purposes of promoting their products may interact with physicians or other personnel in nonpatient care areas only and only by appointment or invitation from UMA personnel.

   - Device manufacturer representatives may be present and, to the extent necessary, may participate in patient interactions and procedures once they have been appropriately credentialed by the MUSC Medical Center and the patient has consented to their involvement.

6. **Speakers' Bureaus.** Because speakers' bureaus often provide marketing services on behalf of a vendor, Covered Persons are strongly discouraged from participating in industry-sponsored speakers' bureaus. Prior to providing speaker services in such an event, the Covered Persons must confirm that i) the content of the lecture is not provided by or subject to approval by the vendor; ii) the content of the lecture is based on the best scientific evidence; and iii) the vendor does not choose who will speak at such event. Any Covered Person participating in speakers' bureaus must disclose their relationship with industry to their audience and payments for such services must be at fair market value. They also must disclose to their audience that they are speaking as individuals and not as representatives of MUSC/UMA.

7. **Participation in Advisory Boards.** UMA recognizes the value of participating in an advisory board or similar industry organization but also recognizes the likelihood that such participation creates the appearance of a Conflict of Interest. Although participation in such activities is not strictly prohibited, Covered Persons must disclose such participation and take appropriate steps to manage this Conflict.

8. **Use of Confidential Information.** No Covered Person may disclose or use information related to UMA/MUSC’s business unless such disclosure is related to business interests of the UMA/MUSC. In addition, no Covered Person may use confidential or privileged information gained through the Covered Person’s relationship to the UMA/ MUSC to their personal advantage (such as using such information for personal gain in connection with the purchase or sale of securities or other investment activities).

9. **Purchasing.** Covered Persons with any Financial Interest in any particular manufacturer of pharmaceuticals, devices, or equipment, or any provider of goods or services, are required to disclose such interests and to recuse themselves from purchasing decisions relevant to the conflicting interests. Any Covered Person whose expertise is necessary to evaluate any product must disclose his/her
financial ties to any manufacturer of that or any related product to those charged with the responsibility for making the purchasing decision.

10. **Personal Financial Gain.** Covered Persons may not knowingly use their appointment or employment with UMA or MUSC to influence UMA operations, profit personally or gain personal advantage for themselves or for Related Parties. For example, Covered Persons may not

   - Personally take advantage of business opportunities offered to UMA without prior approval of the UMA Executive Committee;
   - Refer UMA business to entities with whom the Covered Person or a Related Party has a financial interest;
   - Accept anything of value in return for performing their UMA/MUSC duties or responsibilities;

This Policy is not intended to prohibit organizational business opportunities which may be approved from time to time by the UMA Executive Committee.

B. **Disclosure**

1. All Covered Persons must disclose all Conflicts of Interest or relationships which would appear to create a Conflict of Interest to their supervisor and on an annual basis as described below. Covered Persons are also encouraged to disclose Financial Interests or other relationships which may create or appear to create a conflict of interest for Related Parties when they have knowledge of such Financial Interest.

2. All Covered Persons are required to complete an annual Conflicts of Interest Disclosure Form reporting any actual or potential Conflicts of Interest. This form shall be filed online annually. In addition, it is the Covered Person’s responsibility to disclose new, actual or potential Conflicts of Interest as they occur.

C. **Management of Conflicts**

The UMA Compliance Office will review all Conflict of Interest disclosures and refer them to the UMA CEO as appropriate. (Faculty conflicts will be reviewed by the MUSC Compliance Office.) The CEO will convene a committee to review the disclosure and recommend a suitable action plan to eliminate or manage the Conflict of Interest to ensure that UMA/MUSC business is not improperly influenced or adversely affected. Questions concerning management of Conflicts of Interest may be directed to the UMA Compliance Office. If a suitable action plan cannot be agreed upon, the Covered Person may be prohibited from participating in related UMA/MUSC affairs until such time as the conflict is eliminated.

D. **Records** - Records of all disclosures and actions taken will be kept for a period of six years after the review is complete.

E. **Audit Review** - All mitigation and/or management plans that are adopted are subject to review and audit by the Compliance Office, the Office of Internal Audit, and the appropriate legal office.

F. **Report to the Board of Trustees** - A Conflict of Interest report shall be made by the Compliance Officer at least once annually to the Audit Committee of the Board of Trustees.

G. **Enforcement** - Failure to properly disclose or manage a Conflict of Interest as defined herein, or violation of this policy, may result in disciplinary action up to and including termination of employment.

H. **Effective Date** – June 1, 2009.
Definition(s)

Conflict of Interest

A Conflict of Interest arises when an individual's private interests or personal financial gain (such as outside professional or financial relationships) might interfere with his or her professional obligations to University Medical Associates (UMA). Such situations do NOT necessarily imply wrong-doing or inappropriate activities. However, they can compromise, or be perceived as compromising or influencing, patient care and/or UMA operations.

Covered Person

Covered person includes all UMA physician members, UMA clinical staff and all other members of the UMA workforce.

Financial Interest

Financial Interest is defined as anything of monetary value, including salary, commissions, fees, honoraria, gifts of more than nominal value, equity interests, interests in real or personal property, dividends, royalty, rent, capital gains, intellectual property rights, loans, forgiveness of debt, or other payments directly to a Covered Person or a Covered Person’s siblings, independent children, parents, etc. (hereinafter “Related Party”) from any organization that has a business or financial relationship with the MUSC Medical Center.

Financial Interest does not include:

a. compensation received from MUSC/UMA/MUHA or any of its affiliates or the Veterans Affairs Hospital;

b. payments for participation in seminars, lectures or other educational activities as long as not acting in the employee’s official capacity or reasonable expenses for the same activities even if acting in official capacity;

c. any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee or an associated immediate family member does not exercise control;
d. investments in publicly traded entities as long as employee owns less than a five percent (5%) or less than $10,000 stake in said entity.

Related Party

A Related Party is a Covered Person’s parents, spouse, siblings, children, stepchildren, and grandchildren.

Policy:
It is the policy of UMA to limit/prohibit activities that in UMA’s opinion create or appear to create a legitimate conflict of interest and may compromise the operations of UMA or MUSC and its affiliates.

Each Covered Person is responsible for identifying personal and professional relationships or arrangements that create, or appear to create, a Conflict of Interest. If a Conflict of Interest is created, the Covered Person is responsible for managing that relationship in a manner that best protects UMA/MUSC. Each Covered Person is responsible for evaluating a potential Conflict of Interest, considering how it might be perceived by others, and managing, reducing or eliminating the conflict.

Additionally, this policy is implemented in addition to the MUSC/MUHA – Conflict of Interest Policy and does not supersede it. In the event of any inconsistency between this policy and the MUSC/MUHA – Conflict of Interest Policy, the terms of the MUSC/MUHA – Conflict of Interest Policy shall govern and control.

Policies, procedures, and information about the relationship between care, treatment, and services and financial incentives are available upon request.

Procedure:

A. Activities which are Likely to Create a Conflict of Interest. The following activities are likely to create or appear to create a Conflict of Interest and therefore should be closely scrutinized. This list is not exhaustive but is intended to provide guidance on the management of these potential conflicts.

1. Gifts, Meals, Entertainment, and Travel. No Covered Person may solicit or accept gifts where the gift is intended to influence or may appear to influence the Covered Person or employee in the performance of his or her duties unless otherwise indicated herein. Gifts include but are not limited to meals, entertainment, travel, gratuities, payments, favors, etc. More specifically, the following guidelines should be adhered to:

   • Sponsored meals provided to members of the healthcare community at large, or a subset thereof (e.g., a professional association), are NOT prohibited under this policy.

   • Meals that are sponsored for UMA/MUSC invitees only, including but not limited to journal clubs and holiday parties, are prohibited unless otherwise included in a contract, Request for Proposal (RFP), or other agreement in which these items are referenced. Such meals are prohibited regardless of whether they are provided on the MUSC Campus, UMA outreach and administrative locations or off-site. Meals provided as part of educational sessions are more fully discussed below.

   • Vendors shall be prohibited from providing lunch or other meals solely to Covered Persons on the MUSC Campus, UMA outreach and administrative locations or off-site.

   • Covered Persons may not accept funds related to travel or attendance at meetings unless such funds are included in a contract, Request for Proposal (RFP), or other agreement in which these items are referenced.

   • Training provided off campus for free or at a reduced rate may create a conflict of interest and must be closely scrutinized to determine whether a Conflict of Interest exists with the employee.

   • Covered Persons should not accept any gift or other item of value greater than $25.00. Promotional items or other items that are not given for the purpose of influencing the Covered Person or employee in the performance of his or her duties that are of a nominal value may be accepted unless otherwise prohibited herein.
2. **Drug Samples.** Drug samples for purposes of distribution to patients at MUHA ambulatory clinics are governed by MUHA Policy C-26, Medication Samples.

3. **Financial donations.** Individuals or companies wishing to make a financial contribution to the organization should be directed to the MUSC Development Office.

4. **Educational Programs.** Educational presentations sponsored by pharmaceutical companies or other vendors are permitted provided appropriate disclosure statements are made in any pre-meeting announcements and by the speaker prior to beginning the program. Students or trainees may participate in these programs for educational purposes only as long as the programs are structured group settings that are supervised by faculty. Programs offering continuing professional education credit must adhere to appropriate national policies or guidelines which may be established by professional organizations, including the disclosure of any financial relationships with commercial interests. For example, any accredited Continuing Medical Education must comply with the standards for commercial support established by the Accreditation Council for Continuing Medical Education.

Ghostwritten presentations or publications in which Covered Persons lend their name to lectures or medical literature that they did not produce are specifically prohibited.

5. **Site Access.** The MUSC Medical Center recognizes the value of information provided by various industry representatives but intends to limit access to its personnel and facilities to prevent interference with patient care activities. All vendors are expected to adhere to Policy A-15: Account/Vendor Representatives.

- Industry representatives or agents (including but not limited to device and drug manufacturers) who are on campus or at a UMA clinical or administrative office for purposes of promoting their products may interact with physicians or other personnel in nonpatient care areas only and only by appointment or invitation from UMA personnel.

- Device manufacturer representatives may be present and, to the extent necessary, may participate in patient interactions and procedures once they have been appropriately credentialed by the MUSC Medical Center and the patient has consented to their involvement.

6. **Speakers' Bureaus.** Because speakers' bureaus often provide marketing services on behalf of a vendor, Covered Persons are strongly discouraged from participating in industry-sponsored speakers' bureaus. Prior to providing speaker services in such an event, the Covered Persons must confirm that i) the content of the lecture is not provided by or subject to approval by the vendor; ii) the content of the lecture is based on the best scientific evidence; and iii) the vendor does not choose who will speak at such event. Any Covered Person participating in speakers' bureaus must disclose their relationship with industry to their audience and payments for such services must be at fair market value. They also must disclose to their audience that they are speaking as individuals and not as representatives of MUSC/UMA.

7. **Participation in Advisory Boards.** UMA recognizes the value of participating in an advisory board or similar industry organization but also recognizes the likelihood that such participation creates the appearance of a Conflict of Interest. Although participation in such activities is not strictly prohibited, Covered Persons must disclose such participation and take appropriate steps to manage this Conflict.

8. **Use of Confidential Information.** No Covered Person may disclose or use information related to UMA/MUSC’s business unless such disclosure is related to business interests of the UMA/MUSC. In addition, no Covered Person may use confidential or privileged information gained through the Covered Person’s relationship to the UMA/MUSC to their personal advantage (such as using such information for personal gain in connection with the purchase or sale of securities or other investment activities).

9. **Purchasing.** Covered Persons with any Financial Interest in any particular manufacturer of pharmaceuticals, devices, or equipment, or any provider of goods or services, are required to disclose such interests and to recuse themselves from purchasing decisions relevant to the conflicting interests. Any Covered Person whose expertise is necessary to evaluate any product must disclose his/her
financial ties to any manufacturer of that or any related product to those charged with the responsibility for making the purchasing decision.

10. **Personal Financial Gain.** Covered Persons may not knowingly use their appointment or employment with UMA or MUSC to influence UMA operations, profit personally or gain personal advantage for themselves or for Related Parties. For example, Covered Persons may not

- Personally take advantage of business opportunities offered to UMA without prior approval of the UMA Executive Committee;
- Refer UMA business to entities with whom the Covered Person or a Related Party has a financial interest;
- Accept anything of value in return for performing their UMA/MUSC duties or responsibilities;

This Policy is not intended to prohibit organizational business opportunities which may be approved from time to time by the UMA Executive Committee.

B. **Disclosure**

1. All Covered Persons must disclose all Conflicts of Interest or relationships which would appear to create a Conflict of Interest to their supervisor and on an annual basis as described below. Covered Persons are also encouraged to disclose Financial Interests or other relationships which may create or appear to create a conflict of interest for Related Parties when they have knowledge of such Financial Interest.

2. All Covered Persons are required to complete an annual Conflicts of Interest Disclosure Form reporting any actual or potential Conflicts of Interest. This form shall be filed online annually. In addition, it is the Covered Person's responsibility to disclose new, actual or potential Conflicts of Interest as they occur.

C. **Management of Conflicts**

The UMA Compliance Office will review all Conflict of Interest disclosures and refer them to the UMA CEO as appropriate. (Faculty conflicts will be reviewed by the MUSC Compliance Office.) The CEO will convene a committee to review the disclosure and recommend a suitable action plan to eliminate or manage the Conflict of Interest to ensure that UMA/MUSC business is not improperly influenced or adversely affected. Questions concerning management of Conflicts of Interest may be directed to the UMA Compliance Officer. If a suitable action plan cannot be agreed upon, the Covered Person may be prohibited from participating in related UMA/MUSC affairs until such time as the conflict is eliminated.

D. **Records** - Records of all disclosures and actions taken will be kept for a period of six years after the review is complete.

E. **Audit Review** - All mitigation and/or management plans that are adopted are subject to review and audit by the Compliance Office, the Office of Internal Audit, and the appropriate legal office.

F. **Report to the Board of Trustees** - A Conflict of Interest report shall be made by the Compliance Officer at least once annually to the Audit Committee of the Board of Trustees.

G. **Enforcement** - Failure to properly disclose or manage a Conflict of Interest as defined herein, or violation of this policy, may result in disciplinary action up to and including termination of employment.

H. **Effective Date** – June 1, 2009.

Appendices:
MUSC Research Conflict of Interest Committee
Guidelines (version 7/30/09)

Introduction

An important goal of the Medical University of South Carolina is to make scientific discoveries that will benefit the sick and the suffering. For many years, the faculty and staff have worked hard to achieve this goal. In 1980, the United States Congress explicitly sanctioned and facilitated this process with the passage of legislation designed to stimulate the commercialization of university inventions by permitting academic institutions and scientists to benefit financially if their federally sponsored research led to commercial products. Moreover, during the past decade the rate of growth of biomedical research has outpaced federal funding, compelling universities and hospitals to develop alternative sources of revenue to support the expenses associated with their educational, research and clinical missions.

Effective interaction between universities conducting research and industry is essential to ensure the rapid application of scientific discoveries to the needs of the nation and to maintain the international competitiveness of domestic industry. Nonetheless, prudent stewardship of public funds includes protecting integrity of sponsored research from being compromised by the personal financial interests of an investigator who may be responsible for the design, conduct, or reporting of sponsored research.

These guidelines define general MUSC policy and procedures regarding conflicts of interest in relationship to sponsored projects involving research, education, and university service. Their purpose is to protect the credibility and integrity of the University's faculty and staff so that public trust and confidence in the University's sponsored activities is ensured.

In accordance with Federal regulations as prescribed by 42 CFR Part 50 Subpart F, the University has a responsibility to manage, reduce, or eliminate any conflicts of interest that may be presented by a financial interest of any investigator. Thus, the University requires that investigators disclose any financial interest that would reasonably appear to be affected by sponsored research.

Definitions

The definition of terms used in describing conflicts of interest and referenced in the Annual Conflict of Interest Disclosure as well as in other related documents are as follows:

(1) A **Conflict of Interest** in science refers to situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an investigator's professional judgment in conducting or reporting research. For purposes of this policy, a conflict of interest exists when the University, through procedures described herein, reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of sponsored projects.
Investigator means the principal investigator/project director, co-principal investigator, and any other person who is responsible for the design, conduct, or reporting of research, educational, or service activities funded, or proposed for funding, by an external sponsor. In this context, the term "investigator" includes the investigator's immediate family as defined below.

An Associated Entity of an Investigator means any trust, organization, or enterprise other than the University or any affiliated hospital over which the Investigator alone or together with his/her immediate family exercises a controlling interest.

A Business or company means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes, but excluding the University, any affiliated hospital, any private medical practice, or any other entity controlled by, controlling, or under common control within the MUSC enterprise.

MUSC Enterprise includes the Medical University of South Carolina (MUSC), Medical University Hospital Authority (MUHA), as well as the MUSC Affiliates, e.g., University Medical Associates (UMA).

Immediate Family Members include the employee's parents, spouse, siblings, children, stepchildren, and grandchildren. In responding to conflict of interest survey questions, "you" and "your family" include both you individually and your family as defined here.

Clinical research means any research or procedure involving human subjects in vivo or the use of patient samples for the development of diagnostic tests. It includes early clinical studies, evaluative research and clinical trials. It does not include an Investigator's participation in the design of a clinical study for which he is subsequently neither a participant nor an author.

Financial Interest is defined as anything of monetary value received either directly by you as the employee or by a family member from any business or company. Excluded is any salary, royalties, stipends, honoraria, reimbursement for expenses, or any other remuneration from the MUSC enterprise. Also excluded is interest income, investment income, or other personal income that is not related to your MUSC sanctioned activities.

Guidelines

Disclosures of individual and institutional Conflicts of Interest (COI) are made through a variety of venues, including the Annual Conflict of Interest Survey. The disclosures that are related specifically to research are processed for review through the MUSC Research Conflict of Interest Committee (RCOI). The RCOI may receive disclosures related to research through the Annual COI Disclosure Process, the Institutional Review Board, the Office of Research and Sponsored Programs (ORSP), and/or by a variety of MUSC Officers and administrators who request a review for potential or real conflicts. These requests are initially reviewed by the MUSC/MUHA Triage Group as part of the MUSC-enterprise Conflict of Interest process.
It is the RCOI Committee's responsibility to review these requests in a timely manner, to maintain
confidentiality, and to communicate their recommendations, findings and actions to the requesting unit
and/or impacted unit in either detailed or summary form, as appropriate, and to copy the written
committee deliberations to the responsible University Officer. The RCOI Committee shall include a
current member of the Faculty Senate.

In 2009, an annual conflict of interest disclosure and review process was implemented for all part-
time and full-time faculty and staff of the MUSC enterprise. This process involves the investigator as
well:

1. As an MUSC-enterprise employee, each Investigator is required to complete the Annual COI

   The following four (4) questions refer to any company that does business with the
MUSC Enterprise and in which you or a family member may have a material role or a
financial interest. To the best of an Investigator's knowledge:

   Are you involved in purchasing or procurement decisions that involve this
company?
   Do you prescribe, use or implant products, e.g., drugs or devices, made by this
company?
   Have you received a 2008 IRS Form 1099, W-2 or K-1 from this company?
   Do you have a role in any regulatory activities of the MUSC enterprise that
involve this company?

   The following three (3) questions refer to any company with whom you or a family
member may have a material role or a financial interest. To the best of an Investigator's
knowledge:

   Do you have intellectual property rights, e.g., patents or trademarks, that are
held, licensed or optioned to this company?
   Do you serve as a compensated consultant for this company or in any other way
advise investors with respect to research outcomes of clinical trials involving
drugs or medical devices?
   Does this company sponsor or in any way support research activities in which
you are identified as an investigator?

In addition to the Annual Conflict of Interest Disclosure Survey, each Investigator who has
Significant Financial Interest requiring disclosure shall complete a Significant Financial Interest
Disclosure Form and submit the Form with the proposal and Proposal Data Sheet ("The Blue Sheet")
to the Office of Research and Sponsored Programs.

1. "Significant" Financial Interest is defined by federal regulations as an equity interest that, when
aggregated for the Investigator and the Investigator's immediate family meets both of the
following tests: exceeds $10,000 in value as determined through reference to public prices or
other reasonable measures of fair market value, and represents a five percent or more
ownership interest in any single entity. In completing the IRB Application Form for research
involving human subjects, e.g., clinical trials, this threshold does not apply; any and all conflicts of interest must be reported to the IRB.

2. As required by Federal regulations, all Significant Financial Interests must be disclosed annually and updated as appropriate. Whenever a new conflict of interest arises or when a significant change occurs concerning an existing disclosure, a new disclosure form must be completed and submitted for review either in advance of the anticipated change in situation or within 30 days of the event.

3. A conflict of interest exists when the RCOI reasonably determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the proposed sponsored project. The Committee shall then determine what conditions or restrictions, if any, should be imposed by the institution to manage the perceived or real conflicts.

4. Prior to final consideration by the RCOI, the Investigator, in cooperation with his/her Department Chair shall develop and present to the RCOI a Conflict of Interest Management Plan that details proposed steps that will be taken to manage, reduce, or eliminate any conflict of interest presented by a Significant Financial Interest Statement. The Resolution Plan may address such issues as:

   • Public disclosure of significant financial interests;
   • Review of research protocol by independent reviewers; or,
   • Monitoring of research by independent reviewers.

5. The RCOI shall review and approve the Resolution plan, add conditions or restrictions, including the following:

   • Modifications of the research plan;
   • Disqualification from participation in all or a portion of the research funded;
   • Divestiture of significant financial interests; or,
   • Severance of relationships that create conflicts of interests.

6. If the RCOI determines that imposing the above referenced conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, the RCOI may recommend that, to the extent permitted by Federal regulations, the research go forward without imposing such conditions or restrictions. In these cases, the Vice President for Academic Affairs and Provost shall make the final decision regarding resolution.

7. The approved Resolution Plan shall be incorporated into a Memorandum of Understanding between the Medical University of South Carolina and the faculty member that details the conditions or restrictions imposed upon the Investigator in the conduct of the project or in the relationship with the Business Enterprise or Entity. A Memorandum of Understanding shall be signed by the Investigator and the Vice President for Academic Affairs and Provost. Conflicts of interests will be satisfactorily managed, reduced, or eliminated in accordance with these Guidelines and all required reports regarding the conflict of interest submitted to the sponsor.
prior to expenditure of any funds under an award. The PHS requires the University to make similar reports to the PHS Awarding Component on subsequently identified conflicts found by the University (but not the nature of the interest or other details) and assure that the Interest has been managed, reduced, or eliminated within sixty (60) days of identification. NSF only requires the University to report conflicts which cannot be satisfactorily managed, reduced, or eliminated.

8. Records of investigator financial disclosures and of actions taken to manage conflicts of interest shall be retained by the Office of Research and Sponsored Programs. Records of all financial disclosures and all actions taken by the RCOI will be maintained for at least three years from the date of submission of the final expenditures report (s) for the applicable project (s) or, where applicable, from other dates specified in State law, 45 CFR 50 Subpart F or by other federal funding or oversight agencies.

9. Whenever an Investigator has violated this policy or the terms of the Memorandum of Understanding, the RCOI shall recommend sanctions, which may include disciplinary action ranging from a public letter of reprimand to dismissal and termination of employment. If the violation results in a collateral proceeding under University policies regarding misconduct in science, then the RCOI shall defer a decision on sanctions until the misconduct in science process is completed. The RCOI's recommendations on sanctions shall be presented to the Investigator's appropriate University official who, in consultation with the Vice President for Academic Affairs and Provost, shall enforce any disciplinary action. If the research activity was funded by a PHS awarding component, the University will promptly notify the PHS awarding component of the corrective action taken or to be taken. After consideration of the situation and as necessary, the PHS Awarding Component will take appropriate action. These actions may include referring the matter back to the University for further action, which may include directions to the University on how to maintain appropriate objectivity in the funded project.

10. Collaborators/sub-recipients/subcontractors from other academic or not-for-profit institutions must either comply with this policy or provide a certification from their institutions that they are in compliance with Federal policies regarding investigator significant financial interest disclosure and that their portion of the project is in compliance with institutional policies. Subcontractors from commercial firms need not make a certification, except when the prime award is from PHS. The PHS requires a certification from any subcontractor, including commercial firms, stating that it is in compliance with Federal policies regarding investigator significant financial interest disclosure and that its portion of the project is in compliance with company policies.

Approved: ___________________________ Date: ____________________
Thomas B. Higerd, Ph.D.
Professor and Associate Provost
Chair, MUSC Research COI Committee
Appendix 9.08 B
CHARTER OF MUSC RESEARCH CONFLICT OF INTEREST REVIEW COMMITTEE

BACKGROUND/HISTORY:
In furtherance of the mission of the Medical University of South Carolina, and in compliance with Federal Regulations, a University goal is to advance scientific discoveries that benefit humanity. In 1980, the United States Congress explicitly sanctioned and facilitated by legislation, the commercialization of inventions by permitting academic institutions and scientists to benefit financially if their federally sponsored research leads to commercial products. In addition, interaction between research universities and industry enhances the rapid application of scientific discoveries to the needs of society and maintains international competitiveness of domestic industries.

In 1995, the Board of Trustees of the Medical University of South Carolina approved policies and procedures regarding Conflicts of Interest in relationship to “sponsored projects, research education and University service”. The purpose of this Committee is to protect the credibility and integrity of the University’s faculty and staff so that public trust and confidence in their actions are without interest in personal gains, financial or otherwise. A standing University Conflict of Interest Review Committee was created to assess actual and perceived conflicts of interest. Policies and procedures regarding conflict of interest are provided in the Medical University of South Carolina and Medical University Hospital Authority Policies and Procedures and are referenced in the MUSC Faculty Handbook.

The Medical University of South Carolina, as a State agency, is governed by the Federal and State Ethics acts which prohibit MUSC from acquiring an equity and or ownership in private ventures and further restricts how state/public funds are expended. The governing board of the University remains sensitive in their oversight of all potentially conflicting situations to insure that MUSC is in compliance with all state and federal laws.

As the Medical University of South Carolina conducts research funded by the Public Health Service, it is required by federal law to maintain an appropriate written, enforced policy on conflict of interest that complies with 42 CFR Part 50 Subpart F – “Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought”. http://grants.nih.gov/grants/compliance/42_CFR_50_Subpart_F.htm

In accordance with the Medical University of South Carolina and Medical University Hospital Authority Policies and Procedures, financial conflicts of interest are disclosed on an annual basis and updated as appropriate.

Any new financial conflict of interest will be disclosed to the committee, managed, reduced or eliminated, and reported to the Public Health Service Awarding Agency and/or other federal funding and oversight agencies, at least on an interim basis, within 60 days of its identification.

CLASSIFICATION/TERMS OF APPOINTMENT:
This is a University-level standing committee. The Charter will be reviewed annually by the Vice President for Academic Affairs and Provost for continued need and for revisions, as appropriate.

**FORMAL CHARGES:**
The MUSC Research Conflict of Interest Committee shall establish and maintain oversight of any actual or perceived conflicts arising directly or indirectly from research, albeit sponsored research, non-sponsored research, start-up ventures, or other activities that require research objectivity under circumstances that could be influenced by personal financial gain. Questions of a financial conflict of interest, whether perceived or actual, should be referred to this Committee. Specific charges for the committee are to:

- Conduct an assessment of all Financial Interest Disclosure Forms related to research activities as well as other potential sources of COI disclosure, e.g., Proposal Data Sheets, Outside Professional Activity Related to Faculty Start-up Venture and applications for IRB approval.

- Report to the Office of the Vice President for Academic Affairs and Provost and the Associate Provost for Research the nature of the conflict of interest reported and the action taken by the Committee.

- Approve or disapprove plans to manage apparent or real conflict of interest situations, where appropriate, and recommend any corrective measures to assure that the approved management plan is followed.

- Provide minutes of Committee meetings as well as a summative annual report of the Committee’s activities to the Vice President for Academic Affairs and Provost and the Associate Provost for Research.

**REPORTING CHANNELS/PROCEDURES:**
The Committee shall report to the Vice President for Academic Affairs and Provost and will copy reports of the Committee’s final deliberations to the Associate Provost for Research and the University Compliance Officer.

Violations of University or Authority policies, including the failure to avoid a prohibited activity or disclose a conflict of interest in a timely manner, will be dealt with in accordance with applicable policies and procedures that may include disciplinary actions up to and including termination of employment.

If an investigator has failed to comply with the MUSC conflict of interest policy and this has potentially biased the design, conduct or reporting of the PHS-funded research, the Associate Provost for Research will promptly notify the Awarding Agency of the corrective action implemented.
MEMBERSHIP:
Because of the focus on faculty research, the MUSC Research Conflict of Interest Committee shall be composed of faculty and research support staff. The voting members of the Committee shall be composed of a minimum of five individuals who hold faculty appointments and who represent a reasonable cross section of the academic disciplines that are involved in investigative endeavors. Faculty shall be appointed by the Vice President for Academic Affairs and Provost to serve a staggered three-year term. The RCOI Committee shall include a current member of the Faculty Senate.

In addition, the Committee shall have the following non-voting members who shall serve in an ex officio capacity: Director, Office of Research and Sponsored Programs; MUSC General Counsel; Executive Director, MUSC Foundation for Research Development; Director, Office of Research Integrity; Director, University Compliance; Director, University Risk Management. The Committee must also include a non-voting member from the community. Guests may be invited by the chair to attend Committee meetings, as appropriate.

All committee members must agree and complete statements indicating that all information and deliberations are confidential.

OFFICERS:
A chair shall be appointed by the Vice President for Academic Affairs and Provost and will serve a two-year term. Upon the recommendation of the Committee chair, a vice chair shall also be appointed by the Vice President for Academic Affairs and Provost for an undeclared term and with the authority to conduct any necessary business during the chair’s absence.

SUBCOMMITTEES:
An Executive Committee may be formed to facilitate processing and initial evaluation of disclosures and to determine if full committee review is necessary as defined in the policies and procedures document “MUSC Research Conflict of Interest Committee Disclosure Review Procedures”. There may be ad-hoc, task-oriented subcommittees appointed as needed by the chair.

FREQUENCY OF MEETINGS:
The Committee shall meet monthly. Additional meetings may be called, or regularly scheduled meetings may be canceled, by the chair or two-thirds of the voting members of the Committee. Cancellation of a scheduled meeting should involve the lack of urgent or sufficient items of business, or if too many members will be unable to attend.

NOTICE OF MEETINGS:
An annual schedule of Committee meetings shall be determined at the beginning of each academic year. Notification of Meetings shall be in compliance with South Carolina State Law.
MEETING AGENDA AND SUPPORT MATERIAL:
A formal meeting agenda and appropriate supportive materials shall be available for each Committee member.

COMMITTEE MINUTES:
Summary minutes of each meeting shall be prepared in draft form and approved by the Committee chair. Because of the need to resolve particular issues in a timely manner, it is important that the draft minutes containing all actions or rulings be forwarded to the Vice President for Academic Affairs and Provost with copies to the Associate Provost for Research within 2 weeks of the meeting.

COMMITTEE AND SUBCOMMITTEE REPORTS:
The Committee chair shall make all needed written reports, recommendations, or inquiries on behalf of the Committee to the Vice President for Academic Affairs and Provost. Formal rulings of the Committee will be reflected in the Committee’s annual report. Records of all financial disclosures and all actions taken by the Research Conflict of Interest Committee will be maintained for at least three years from the date of submission of the final expenditures report (s) for the applicable project (s) or, where applicable, from other dates specified in South Carolina State law, 45 CFR 50 Subpart F or by other federal funding or oversight agencies.

STAFF SUPPORT:
Staff assistance to the Committee and its chair shall be provided by the Office of the Vice President for Academic Affairs and Provost.

MEETING QUORUM:
A simple majority of the voting Committee membership will constitute the necessary quorum for conducting official Committee business.

AMENDMENT TO THIS CHARTER:
Should any amendment to this charter be required, the Vice President for Academic Affairs and Provost shall work with the committee chair to derive an amendment suitable to all parties. The amended charter shall be completed, signed, and issued with all possible haste. When the initiative for such amendment comes from the Committee, a written request from the chair to the Vice President for Academic Affairs and Provost shall be provided.
THIS MUSC RESEARCH CONFLICT OF INTEREST COMMITTEE CHARTER IS EFFECTIVE AS OF JANUARY 23, 2009. This Charter hereby replaces and supersedes all prior Charters and Amendments thereof, most notably, the Conflict of Interest Review Committee Charter placed in effect on November 1, 1995, the Conflict of Interest Review Committee Charter placed in effect on November 17, 2005, and the Research Conflict of Interest Review Committee Charter placed in effect on April 1, 2008.

Approved:

___________________________________________ ____________________
John R. Raymond, Sr., M.D. Date
Vice President for Academic Affairs and Provost
DCI Professor of Medicine
Appendix 9.08C
MUSC FACULTY START-UP VENTURES: POLICIES AND GUIDELINES

I. INTRODUCTION

This document establishes guidelines for faculty involvement in Faculty Start-up ventures and/or companies that involve intellectual property developed by faculty or staff employed by or working at the Medical University of South Carolina (MUSC), University Medical Associates (UMA), and Medical University Hospital Authority (MUHA). Questions regarding this policy should be directed to the Office of the Associate Provost for Research.

Faculty Start-up Ventures refer to new companies established from intellectual property licensed from the Foundation of Research Development and the Medical University of South Carolina. These guidelines may also be applicable to newly recruited faculty that developed start-up ventures in their previous employment.

MUSC recognizes that the translation of discoveries made in research laboratories into applications can have significant benefits for society and is an important component of the overall mission of the academic community, as well as the strategic economic plan of the State of South Carolina. Research from our nation’s universities is a major source of discoveries, patents and intellectual property essential for the country’s continuing economic development. Federal and state entities encourage and promote academic and industry relationships through laws such as the federal Bayh–Dole Act and the Life Sciences Act of South Carolina.

The relationships between universities and industry have substantially increased over the last several years and this will likely facilitate the translation of biomedical discoveries into broader benefit for society. Such relationships may introduce risk and potential for conflicts of interest and conflict of commitment. MUSC will manage these issues in an equitable manner with the goal of empowering the development process in accordance with all federal and state guidelines and the MUSC/MUHA Conflict of Interest Policy.

Faculty members considering involvement with Faculty Start-up Venture must review this document and discuss any involvement with the Director of the Foundation for Research Development and the Associate Provost for Research to facilitate the process. In addition, discussions with the Chair of the MUSC’s Research Conflict of Interest Committee (http://academicdepartments.musc.edu/provost/committees/conflict_int.htm) may be worthwhile.
II. PROCESS

Faculty involvement with Faculty Start-up Ventures must be reviewed and approved by the Department Chair, Division Director and College Dean for the faculty member and the Associate Provost for Research. In addition, the MUSC Research Conflict of Interest Committee will review any such involvement to assure compliance with MUSC/MUHA Conflict of Interest Policy. The RCOI Committee shall include a current member of the Faculty Senate.

The process involves completion of the following documents.

REQUEST FOR APPROVAL OF OUTSIDE PROFESSIONAL ACTIVITY RELATED TO FACULTY START-UP VENTURE
(http://frd.musc.edu/assets/files/pdf/Outside%20Professional%20Activity-.pdf)

MUSC FINANCIAL INTEREST DISCLOSURE FORM
(http://research.musc.edu/orsp/findisc.pdf)

Completed documents are submitted to the Office of the Associate Provost for Research along with a cover letter from the faculty member providing background on the Faculty Start-up Venture including management structure, the faculty member’s anticipated involvement in the Faculty Start-up Venture and the relationship of this involvement to their function as a MUSC faculty member.

The submitted material is reviewed by the Associate Provost for Research. Following this initial review the submitted material will be distributed to the Department Chair and College Dean for review and signature and then forwarded to the MUSC Research Conflict of Interest Review Committee.

III. DEFINITIONS

- **Conflicts of interest** occur when an employee or immediate family member receives personal financial benefit or an economic interest from the employee's position in a manner that may inappropriately influence the employee's judgment, compromise the employee's ability to carry out MUSC/MUHA responsibilities or, be a detriment to MUSC/MUHA integrity.

- An **individual** conflict of interest in science refers to situations in which financial or other considerations may compromise, or have the appearance of compromising, judgment of a faculty member or investigator in the design, conduct, analysis or reporting of research.

- An **institutional** conflict of interest may arise when the institution, a department, college or other subunit or affiliated entity, or any of its senior management or trustees, has an external relationship or interest in a company that itself has a financial interest in a research project, and/or is involved with significant commercial transactions with the institution. The potential institutional conflict of interest (real or perceived) may relate to various aspects of the review or conduct of university research as well as financial and/or resource allocation considerations.
III. DEFINITIONS (continued)

- A conflict of commitment arises when a faculty member or investigator undertakes external commitments, i.e., consulting or outside business start-up activities, or outside research activities, which may unduly influence the scope of the member’s primary obligations to the University, and/or give the appearance that University resources are being expended for outside non-sanctioned purposes. Such external commitments require approval of the Division Director, if appropriate, Departmental Chair and Dean of the College holding the primary appointment of the faculty member. A general guideline is that such external commitment should not exceed one day per week. Such external commitment and activities should not involve the facilities or resources of the university as defined by the MUSC/MUHA Conflict of Interest Policy and do not void the university’s right to any intellectual property developed under the aegis of these external activities as defined in INTELLECTUAL PROPERTY: POLICIES AND PROCEDURES (http://frd.musc.edu/assets/files/pdf/FY09%20IP%20Policy.pdf). All such activities must be in accordance with the rules and polices of the State of South Carolina and the Federal Government and the MUSC/MUHA Conflict of Interest Policy. Such external commitment should be defined in the annual MUSC Faculty Appointment Contract.

IV. DISCLOSURE

- Central to any policy regarding Faculty Start-up Ventures is the proper disclosure by individuals involved in such endeavors, which allows the University to effectively manage any perceived or real conflicts of interest.

- All faculty and administrative staff shall disclose any conflict of interests using the MUSC web-based disclosure mechanism. Such disclosure is made on an annual basis as defined by the MUSC/MUHA Conflict of Interest Policy.

- Whenever a new conflict of interest arises or when a significant change occurs concerning an existing disclosure, a new disclosure form must be completed and submitted for review either in advance of the anticipated change in situation or within 30 days of the event.

- Individuals must disclose intellectual property developed at MUSC to the MUSC Foundation for Research Development using the appropriate “Record of Invention” form (http://frd.musc.edu/idf.html) as stated in the MUSC policy on intellectual property,

- Faculty involved in activities associated with a Faculty Start-up Venture must complete the form REQUEST FOR APPROVAL OF OUTSIDE PROFESSIONAL ACTIVITY RELATED TO FACULTY START-UP VENTURE (http://frd.musc.edu/assets/files/pdf/Outside%20Professional%20Activity-.pdf) and a FINANCIAL INTEREST DISCLOSURE FORM (http://research.musc.edu/orsp/findisc.pdf) that includes disclosure of any significant financial interest that might constitute a real or perceived conflict of interest relative to the Faculty Start-up Venture and its operations.
IV. DISCLOSURE (continued)

- The Public Health Service and the Office of Health and Human Services define a significant financial interest as involving financial ties valued at 5% or greater equity, or $10,000 or greater (http://grants2.nih.gov/grants/guide/notice-files/not95-179.html). However, faculty involved with Faculty Start-up Ventures must disclose all financial ties, including rights to receive future financial benefits, federal grants and other financial support to avoid any misinterpretations whenever Faculty Start-up Ventures are being considered.

- Faculty will also disclose any conflict of interest by checking the “Conflict of Interest – Faculty Start-up” block on the electronic Proposal Data Sheet for sponsored research. A research proposal may be submitted prior to having any conflict of interest approved by the MUSC Research Conflict of Interest Review Committee, but this must be approved prior to beginning the research activity.

- Involvement of a faculty member and his/her role in start-up ventures must be disclosed in publications and oral presentations, to sponsors, and to colleagues in joint proposals.

- Failure to fully disclose any issue encompassed by this policy statement may compromise the objectives of the venture based on intellectual property development and will result in review and appropriate disciplinary action as defined in the MUSC/MUHA Conflict of Interest Policy.

V. FACULTY AND TRAINEE INVOLVEMENT

- Faculty may serve on the Board of Directors or Scientific Advisory Board of the Faculty Start-up Venture provided it is understood that the faculty member does not represent MUSC while serving in such a capacity and that the activities should not have any conflict of financial interest with regard to either party.

- Faculty members should not hold a management position in the Faculty Start-Up Venture. It is realized that there may be a period of early development for the start-up venture or a unique corporate operational structure that necessitates such a management structure. However, any operational structure in which faculty hold a management position in the Faculty Start-up Venture must be approved on an individual basis by the Office of the Associate Provost for Research and the MUSC Research Conflict of Interest Committee.

- Faculty may receive compensation to consult for the faculty start-up venture provided that their role has been fully disclosed and approved through completion of the form: REQUEST FOR APPROVAL OF OUTSIDE PROFESSIONAL ACTIVITY RELATED TO FACULTY START-UP VENTURE” (http://frd.musc.edu/assets/files/pdf/Outside%20Professional%20Activity-.pdf).
V. FACULTY AND TRAINEE INVOLVEMENT (continued)

- As a public, educational institution, MUSC engages its students and post-doctoral trainees in research-related activities as part of their educational and training experience. Guidelines for any involvement of student and post-doctoral trainees in research related to Faculty Start-up Ventures are provided at www.musc.edu/grad/students/forms/conflict/index.html?from=student).

- The Faculty member or members of their laboratory may not receive funds for research activities from the Faculty Start-up Venture if the faculty member or their immediate family hold or have a right to receive equity in the company. This requirement may be waived by the Associate Provost for Research for PHASE 1 Small Business Technology Transfer (STTR) or other federal or state awarded funds on a case by case basis.

- Many federal and state agencies have initiatives that support the research development of small businesses (www.sba.gov/SBIR/) through Small Business Innovation Research (SBIR) or STTR grants. Such funding opportunities often present complex conflict of interest issues for faculty. General Guidelines for faculty involved with such federal granting mechanism are as follows:
  - The Principal Investigator and any subcontracted investigators should be different individuals.
  - In general, the Principal Investigator should not hold a management position in the Faculty Start-up Venture.
  - A clear distinction must be defined between the work done in a Faculty Start-up Venture and that work done as a member of the MUSC faculty. All work done using campus resources (personnel, material, facilities) must comply with MUSC policy.
  - The Principal Investigator for the campus portion of any research award or subcontract associated with a Faculty Start-up Venture must submit the entire proposal to the Office of Research and Sponsored Programs for appropriate review before submission of the proposal.
VI. GENERAL GUIDELINES FOR INTERACTION OF UNIVERSITY WITH FACULTY START-UP VENTURES

- Any research activities related to Faculty Start-Up Ventures on University premises requires the approval of the Associate Provost for Research.

- All appropriate constituencies will be made aware of involvement with the Faculty Start-up Venture and all research findings are open to publication in scientific journals.

- If a Faculty Start-up Venture initiates a contract with the University for support of further research related to development of the intellectual property, the Venture will assume the full cost of research personnel and resources associated with this agreement including Facilities & Administrative costs at the current rate with federal agencies. In compliance with the State Ethics Laws, University resources may not be expended for the Venture’s gain, nor may the use of one’s University position be used for personal financial gain.

- A confidential disclosure agreement may be required or strongly advised when working with an outside organization and these agreements must be reviewed and approved by the university’s Legal Counsel.

- It is recognized that there may be a need for committed space during early stages of development of intellectual property and Faculty Start-up Ventures involving NIH, NSF or other federal funding agencies. Recognizing this need in order to successfully compete for external federal funding, requests for limited licensing of MUSC space for this purpose may be considered by the office of the Associate Provost for Research for federal PHASE 1 STTR awards. Such licensing of space for this purpose will be on a time-limited basis with the objective of sustaining such initiatives at early stages of development until dedicated incubator space is identified.

This process involves submission of the form REQUEST TO LICENSE MUSC SPACE AND/OR PHYSICAL ASSETS” to the Associate Provost for Research.
http://frd.musc.edu/assets/files/pdf/Request%20to%20License%20MUSC%20Space.pdf

The submitted material will initially be reviewed by the Associate Provost for Research. Following this initial review the submitted material will be distributed to the Department Chair and College Dean for review and signature and then forwarded to the MUSC Research Conflict of Interest Review Committee. Approved requests will then be implemented through submission of the completed STTR Space License Agreement to the Office of the Associate Provost.
http://frd.musc.edu/assets/files/pdf/STTR%20Space%20License%20Agreement.pdf

- Rights to intellectual property resulting from a company's use of space and interaction with MUSC personnel will be governed by a separate agreement between the company and the MUSC Foundation for Research Development.
VI. GENERAL GUIDELINES FOR INTERACTION OF UNIVERSITY WITH FACULTY START-UP VENTURES (continued)

- Any involvement by the Faculty Start-up Venture and any related intellectual property developed by individual faculty involving clinical trials must be communicated in related IRB protocols and in the informed consent documents, as appropriate. Similar information must be communicated to any collaborators, co-investigators at MUSC and multi-site participants for such studies. When clinical trials involving university technology that has been licensed to a Faculty Start-up Venture involving MUSC faculty, or their immediate family, who hold equity or a right to receive equity, MUSC will contract for an outside IRB and/or independent clinical monitors to have the research conducted at MUSC with any associated expenses paid for by the company. In such cases where there is a significant level of potential or real conflict that cannot be resolved or managed, MUSC will turn over management of the conflict of interest to an outside professional management firm with associated expenses paid for by the Faculty Start-up Venture.

- MUSC, as a public agency, must be reimbursed for administrative expenses related to Faculty Start-Up ventures or outside consulting activities. Assuming outside activities do not interfere with University obligations and reasonably constitute “incidental use of state property”, they may be completed in the faculty member’s office. A clear distinction must be defined between the work done in a Start-up Venture and that work done as a member of the MUSC faculty. All work done using campus resources (personnel, material, facilities) must comply with the MUSC/MUHA Conflict of Interest Policy.

Approved: ______________________ Date: 07/25/09
Stephen M. Lanier, Ph.D.
Associate Provost for Research
APPENDIX 9.08D: MUHA/ COM / UMA Clinical Conflict of Interest Policy

Professional relationships

Covered persons include employees, members of the medical staff, members of the house staff, other members of the workforce, students, and trainees. This policy covers financial relationships affecting our mission in education.


The Clinical COI Committee shall include a current member of the Faculty Senate.

APPENDIX 9.08E: Charter for the Clinical COI Committee

TO BE DEVELOPED