



CANCER PREVENTION & RESEARCH
INSTITUTE OF TEXAS

MEMORANDUM

TO: OVERSIGHT COMMITTEE MEMBERS
FROM: WAYNE ROBERTS, CHIEF EXECUTIVE OFFICER
SUBJECT: SECTION 102.1062 WAIVER – DR. JAMES WILLSON
DATE: NOVEMBER 13, 2019

Waiver Request and Recommendation

I request that the Oversight Committee approve a conflict of interest waiver for FY 2020 for Chief Scientific Officer and Program Integration Committee (PIC) member Dr. James Willson, pursuant to Health & Safety Code Section 102.1062 “Exceptional Circumstances Requiring Participation.” Dr. Willson’s son is a senior lecturer in the department of computer science at the University of Texas at Dallas (UTD). The waiver is necessary for Dr. Willson to participate in CPRIT’s review process as a PIC member. I recommend approval because together with the waiver’s proposed limitations, adequate protections are in place to mitigate factors other than merit and the established grant criteria affecting the award of grant funds.

Background

Dr. Willson’s son is an employee of UTD, which is an active grant recipient and may apply for additional CPRIT awards in the future. Texas Health & Safety Code § 102.106(c)(3) makes it a professional conflict of interest for a PIC member when a relative of the member is an employee of a grant recipient or grant applicant. Dr. Willson’s son falls within the definition of “relative” because he is related within the second degree of consanguinity to Dr. Willson.

Furthermore, CPRIT’s administrative rule §702.13(c) classifies this type of professional conflict of interest as one that raises the presumption that the existence of the conflict may affect the impartial review of all other grant applications submitted pursuant to the same grant mechanism in the grant review cycle. A person involved in the review process that holds one of the conflicts included in the § 702.13(c) “super conflict” category must be recused from participating in the “review, discussion, scoring, deliberation and vote on all grant applications competing for the same grant mechanism in the entire grant review cycle, unless a waiver has been granted...”

It is reasonable to expect that the same conflict will affect Dr. Willson’s participation in more than one grant review cycle in this fiscal year as well as other grant monitoring activities that Dr. Willson will undertake. CPRIT’s administrative rule § 702.17(3) authorizes the Oversight Committee to approve a waiver that applies for all activities affected by the conflict during the fiscal year.

Exceptional Circumstances Requiring Dr. Willson's Participation

To approve a conflict of interest waiver, the Oversight Committee must find that there are exceptional circumstances justifying the conflicted individual's participation in the review process. In this case, the statute requires the Chief Scientific Officer to participate in the review process as a PIC member. Granting the proposed waiver fulfills legislative intent that Dr. Willson serve a role in recommending grant applications for the Oversight Committee's consideration. In addition, the proposed limitations mitigate any potential for bias.

Dr. Willson's expertise and experience is important not only to address scientific and technical questions raised by the PIC and Oversight Committee, but also when he acts as the Oversight Committee's "eyes and ears" into the peer review process. Peer review committees are primarily responsible for the work necessary to evaluate grant applications and recommend awards. CPRIT employees may attend peer review meetings but cannot participate in the peer review panel's discussion or scoring of grant applications. By attending the peer review committee meetings, Dr. Willson can credibly relay the peer reviewers' impression of the grant applications and effectively address questions the Oversight Committee may have related to a grant recommendation. Without the waiver Dr. Willson will be unable to attend some peer review committee meetings, limiting his ability to successfully perform his job.

Dr. Willson's attendance at peer review meetings is valuable even for those applications that the review panel does not recommend for grant awards. Grant applicants often contact the program officer after receiving the peer reviewers' written comments and overall score for their applications. Dr. Willson can provide meaningful guidance and feedback to the applicant on the proposal's strengths and weaknesses because he attended the peer review committee meeting when the review panel discussed the application.

Proposed Waiver and Limitations

In granting the waiver of the conflict of interest set forth in Section 102.106(c)(3), I recommend that the Oversight Committee permit Dr. Willson to continue to perform the following activities and duties associated with CPRIT's review process subject to the stated limitations:

1. Assign grant applications, including UTD grant applications, to various peer review committees for peer review evaluation;
2. Attend scientific research peer review committee meetings as an observer, including meetings where the review committee discusses UTD applications;
3. Attend and participate fully in the PIC meetings, subject to the limitation set forth under "Limitations on Duties and Activities."
4. Have access to grant application information developed during the grant review process, including information related to UTD applications;
5. Provide information about grant applications recommended for grant awards to the Oversight Committee or CPRIT personnel, including answering questions raised by the Oversight Committee or CPRIT staff about UTD grant applications. To the extent that information is provided by Dr. Willson on his own initiative (e.g. the Chief Scientific Officer's summary of the recommended awards) and not in response to a specific question or request, it should be

general information related to the overall grant application process and not advocate specifically for a UTD grant application at the expense of another recommended application.

6. Following the Oversight Committee's approval of a grant award to UTD, Dr. Willson may review and approve programmatic requests associated with UTD grant contracts and grant monitoring activities.

Regarding item number 2, Dr. Willson will continue to follow CPRIT's established policy that prohibits CPRIT employees from actively participating in peer review committee meetings. Dr. Willson may attend the peer review committee meetings as an observer but may not participate in substantive discussion of any grant application, may not score any application, and may not vote on any application. CPRIT contracts with an independent third-party observer to document that all participants follow CPRIT's observer policy. The independent third-party observer report is available to the Oversight Committee prior to any action taken related to the grant award recommendations. Following Oversight Committee action, the independent third-party observer report is publicly available.

LIMITATION ON DUTIES AND ACTIVITIES

Dr. Willson is a member of the PIC. As a PIC member, Dr. Willson exercises discretion related to recommending to the Oversight Committee which applications proposed for grant awards by the peer review committees should receive final approval. Dr. Willson shall not vote on any award recommendation for a grant to UTD.

CPRIT's Chief Compliance Officer attends PIC meetings to document compliance with CPRIT's rules and processes, including adherence to this limitation. Additionally, CPRIT will maintain records documenting any necessary recusal by Dr. Willson under this waiver.

Important Information Regarding this Waiver and the Waiver Process

- The Oversight Committee may amend, revoke, or revise this waiver, including but not limited to the list of approved activities and duties and the limitations on duties and activities. Approval for any change to the waiver granted shall be by a vote of the Oversight Committee in an open meeting.
- CPRIT limits this waiver to the conflict of interest specified in this request. To the extent that Dr. Willson has a conflict of interest with an application that is not the conflict identified in Section 102.106(c)(3), then Dr. Willson will follow the required notification and recusal process.