



CANCER PREVENTION & RESEARCH
INSTITUTE OF TEXAS

MEMORANDUM

TO: OVERSIGHT COMMITTEE CHAIR DAVID CUMMINGS
FROM: WAYNE ROBERTS, CHIEF EXECUTIVE OFFICER
SUBJECT: SECTION 102.1062 WAIVER—DR. LEEUWON FY 2024
DATE: NOVEMBER 8, 2023

Waiver Request and Recommendation

I request that the Oversight Committee approve a conflict of interest waiver for FY 2024 for Dr. W. Michelle Leeuwon, Program Manager for Product Development, pursuant to Health & Safety Code Section 102.1062 “Exceptional Circumstances Requiring Participation.” Dr. Leeuwon’s husband is a professor of chemistry at Texas A&M University and a principal investigator (PI) on two active CPRIT academic research grants.

It is unlikely that Dr. Leeuwon will participate in any activities related to academic research grant applications or grant awards. Although Dr. Leeuwon is not involved in the academic research grant application or reporting process in her capacity as program manager for product development, the waiver ensures transparency regarding her relationship with a PI at a grantee institution. 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 and management of grant funds.

Background

Dr. Leeuwon’s husband, Dr. Wenshe Liu, is a professor of chemistry at Texas A&M University. In that role, he serves as a PI for an active CPRIT academic research grant award, RP230345 (approved February 2023) and for an award, RP230449 (approved August 2023) that is currently in contract negotiation. He previously served as PI for another CPRIT academic research grant (RP170797) that is no longer active.

Texas Health & Safety Code § 102.106(c)(3) finds a professional conflict of interest exists when a relative within the second degree of affinity or consanguinity of the individual involved in the CPRIT review process is an employee of a grant recipient or grant applicant.¹ Texas A&M University is a current grant recipient and frequent grant applicant.

¹ 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 recuse himself/herself 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...”

Texas Health & Safety Code § 102.1061 requires a CPRIT employee with this professional conflict of interest to recuse herself from an application that comes before the employee for review or other action and not access information regarding the matter. In her role as program manager for product development, Dr. Leeuwon neither participates in the review of any CPRIT grant applications nor does she make grant award decisions. As far as decisions related to Dr. Liu's current grant awards, it is highly unlikely that Dr. Leeuwon would be involved with matters related to her husband's grants because other CPRIT programmatic staff, such as the director of research and the program manager for academic research, are responsible for day-to-day management of academic research grants.

Exceptional Circumstances

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. This conflict of interest waiver is different than most waivers I have requested in that Dr. Leeuwon is not involved in the academic research grant application or reporting process in her capacity as program manager for product development. However, in the unlikely event that the academic research program requires Dr. Leeuwon's assistance with the review process and/or grantee reports in the future, this waiver will ensure her ability to do so consistent with the limitations listed below. The waiver consideration and approval process also promotes transparency regarding Dr. Leeuwon's close relationship with a PI at a CPRIT grantee institution.

Proposed Waiver and Limitations

In granting the waiver of the conflict of interest set forth in Health & Safety Code Section 102.106(c)(3), I recommend that the Oversight Committee permit Dr. Leeuwon to perform all duties assigned as program manager for product development subject to the limitations stated below:

1. Dr. Leeuwon will notify the Chief Product Development Officer and/or the Chief Scientific Officer, as appropriate, prior to taking any action that would directly affect a grant award that includes Dr. Wenshe Liu as part of the grantee team;
2. Prevent Dr. Leeuwon from accessing application review data for any applications under review that include Dr. Wenshe Liu as part of the grantee team;
3. The Chief Product Development Officer and/or the Chief Scientific Officer, as appropriate, in conjunction with the Chief Executive Officer, Chief Compliance Officer and Deputy Executive Officer and General Counsel, can review the circumstances and determine whether Dr. Leeuwon should recuse herself from involvement in regular job duties.

Important Information Regarding this Waiver and the Waiver Process

- The Oversight Committee may amend, revoke, or review this waiver, including, but not limited to the list of approved activities and duties and the limitations on duties and activities. Approval of 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. Leeuwon has a conflict of interest not addressed in this waiver, then Dr. Leeuwon will follow the required notification and recusal process.