



CANCER PREVENTION & RESEARCH
INSTITUTE OF TEXAS

MEMORANDUM

TO: OVERSIGHT COMMITTEE MEMBERS
FROM: KRISTEN P. DOYLE, CHIEF EXECUTIVE OFFICER
SUBJECT: SECTION 102.1062 WAIVER – CARLTON ALLEN FY 2025
DATE: AUGUST 12, 2024

Waiver Request and Recommendation

I request that the Oversight Committee approve a FY 2025 conflict of interest waiver for Carlton Allen, CPRIT’s program manager for prevention, pursuant to Health & Safety Code Section 102.1062 “Exceptional Circumstances Requiring Participation.” Mr. Allen’s wife, Kristie Allen, is a lecturer of psychology and counseling at The University of Texas at Tyler (UT Tyler). While it is unlikely that Kristie Allen would be part of team applying for a CPRIT grant, this waiver ensures transparency regarding her employment 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. The Oversight Committee approved the same waiver for Mr. Allen in FY 2024.

Background

Mr. Allen’s wife, Kristie Allen, is an employee and lecturer within the Department of Psychology and Counseling at UT Tyler, an institution that has applied for CPRIT grants in the past. UT Tyler includes the instructional site of The University of Texas Health Science Center at Tyler (UTHSC Tyler), which is a grant recipient with two active prevention awards (PP220034 and PP220035). In total, UTHSC Tyler has received five CPRIT prevention grant awards and one academic research grant award. Cumulatively, UT Tyler and UTHSC Tyler have submitted approximately 49 CPRIT grant applications with some submitted as recently as FY2024.

Mrs. Allen is not involved in current or past CPRIT grant projects or grant applications. However, 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. As his wife, Mrs. Allen falls within the second degree of affinity to Mr. Allen. CPRIT considers the institution as the grant applicant or recipient, in this case UT Tyler and UTHSC Tyler, rather than the individuals who submit a grant application or receive a grant award.

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 recuse himself or 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 himself from an application that comes before the employee for review or other action and not access information regarding the matter.

Exceptional Circumstances Requiring 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. While CPRIT’s enabling statute prohibits CPRIT staff from participating in the grant review process, it is possible that Mr. Allen’s role as prevention program manager would require him to field questions from grant applicants, including UT Tyler and UTHSC Tyler. Mr. Allen is the sole prevention program manager, which is especially important during an open grant review cycle because CPRIT’s administrative rules prohibit the Chief Prevention Officer, who is a member of the Program Integration Committee, from communicating with a grant applicant regarding the substance of a pending grant application. Mr. Allen is the only CPRIT staff member whose job is to communicate with prevention grant applicants in this way.

Day-to-day activities require Mr. Allen to work closely with prevention grantees and to aid in management and compliance of prevention grantees. Mr. Allen works with the Chief Prevention Officer to monitor the progress of each prevention grantee and ensure that grantees submit reports in a timely manner. A large part of the job for each of CPRIT’s program managers is to communicate directly with grantee contacts at the various grantee institutions. Again, Mr. Allen is the only dedicated CPRIT staff to help the Chief Prevention Officer monitor and communicate with prevention grantees.

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 Mr. Allen to perform all duties assigned as prevention program manager subject to the limitations stated below:

1. Mr. Allen may answer questions from grant applicants including applicants from UT Tyler or UTHSC Tyler;
2. Mr. Allen may attend peer review meetings and PIC meetings as an observer, including meetings that include applications from UT Tyler or UTHSC Tyler;
3. Mr. Allen may have access to grant application information, including information related to UT Tyler or UTHSC Tyler, except as noted in item number 5;
4. Mr. Allen will inform the Chief Prevention Officer of any CPRIT grant application that includes his spouse;

5. CPRIT will prevent Mr. Allen from accessing application review data for any applications under review that include his wife as part of the grantee team;
6. In the event that an issue arises that this waiver does not address, the Chief Prevention Officer in conjunction with the Chief Executive Officer, Chief Compliance Officer, and General Counsel, may review the circumstances and determine whether Mr. Allen should recuse himself from involvement in these or other regular job duties as appropriate.

Regarding item number 2, Mr. Allen will continue to follow CPRIT's established policy that prohibits CPRIT employees from actively participating in peer review committee meetings. As part of their CPRIT duties, program managers regularly attend peer review committee meetings as observers but do not participate in substantive discussion of any grant application, do not score any application, and do 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.

Important Information Regarding this Waiver and the Waiver Process

- The Oversight Committee may amend, revoke, or revise this waiver, including 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 Mr. Allen has a conflict of interest with an application that is not the conflict identified in Section 102.106(c)(3), then Mr. Allen will follow the required notification and recusal process.