

Memorandum of Administrative Policy

Conflicts of Interest for Investigators

Area: Academic Affairs

Section: Faculty Research

Number: 06.A.05 AP

Purpose

The Conflict of Interest policy applies to individual(s) applying for or receiving funds that are to be managed through the University. In accordance with Federal regulations, the University has a responsibility to manage, reduce, or eliminate any actual or potential conflicts of interest that may be presented by a financial interest of an investigator. Thus, the University requires that investigators disclose any significant financial interest that may present an actual or potential conflict of interest with a sponsored project. Violations of conflict of interest may result in fines and/or penalties against the university. The goal of the Conflict of Interest policy is to facilitate maintaining objectivity in the production of research results.

Definitions

1. To be in compliance with Federal regulations governing sponsored projects, we have adopted the following definitions:
 - 1.1. Investigator means the principal investigator/project director, co-principal investigators, and any other person at the university who is responsible for the design, conduct, or reporting of research, educational, or service activities funded, or proposed

for funding, by an external sponsor providing funds that are to be managed through the university. In this context, the term “Investigator” includes the investigator’s spouse and dependent children.

1.2. Significant Financial Interest means anything of monetary value, including, but not limited to:

1.2.1. salary or other payments for services (e.g., consulting fees or honoraria)

1.2.2. equity interests (e.g., stocks, stock options or other ownership interests)

1.2.3. intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

1.3. The term does not include:

1.3.1. salary, royalties, or other remuneration from the university;

1.3.2. income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

1.3.3. income from service on advisory or review panels for public or nonprofit entities;

1.3.4. an equity interest that when aggregated for the Investigator and the Investigator’s spouse and dependent children, meets both of the following tests:
does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, or constitute more than a five percent ownership interest in any single entity, or

1.3.5. salary, royalties, or other payments that when aggregated for the Investigator

and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000. Provided, however, that the exclusions in items (1), (4), and (5) shall not apply if the compensation or transfer of an equity interest is conditioned upon a particular outcome in a sponsored research project.

- 1.4. A Potential Conflict of Interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the situation and not on the character or actions of the individual.
- 1.5. Conflict of Interest - The following list illustrates some of the most common conflicts of interest that occur with sponsored programs:
 - 1.5.1. Altering the focus of a research program for the benefit of one's outside interests or for financial gain;
 - 1.5.2. Obtaining personal gain by influencing purchases of equipment, instruments, etc.;
 - 1.5.3. Influencing the negotiation of contracts for inappropriate personal or third party benefit;
 - 1.5.4. Using or releasing privileged information for personal or third party gain;
 - 1.5.5. Accepting gratuities or special favors in return for influencing the conduct of research.

Procedure

1. Prior to the University entering into any of the arrangements listed below, the involved Investigator must have submitted to the dean of his/her College or to the executive unit head a complete written disclosure. This disclosure should include 1) his or her current or pending relationship with the outside enterprise or entity in which the Investigator has a significant financial interest, 2) the relationship of the proposed University activity to the enterprise or entity, and 3) the means by which the Investigator proposes to address actual or potential conflicts of interest which arise from his or her, including immediate family members, dual University and enterprise or entity roles.
2. Project proposals where any of the involved Investigators (or immediate family members) have employment or consulting arrangements or significant financial interests in an enterprise or entity whose interests might be affected by the outcome of the proposed project.
3. Project proposals in which any of the involved Investigators (or immediate family members) have employment or consulting arrangements or significant financial interests in the proposed sponsor, subcontractor, vendor, or collaborator with the proposed project.
4. Gifts, including cash or property, which will be under the control, or will directly support the teaching or research activities of an Investigator from an enterprise or entity in which that Investigator (or immediate family members) has an employment or consulting arrangement or significant financial interests.
5. University technology licensing arrangements with an enterprise or entity for which the inventor (or immediate family members) has employment or consulting arrangement or significant financial interests. Common sense must prevail in the interpretation of these

provisions. That is, if a reasonable, disinterested person would question the relationship, it should be disclosed and approval sought for the proposed arrangement.

Certification of Compliance

1. On an annual basis, all Investigators engaging in sponsored projects must certify to their dean or executive unit head their knowledge of and compliance with the financial disclosure policy of the University as outlined herein. (See Appendix I, sample certification form, at the end of this document.) The certification form also requires the same information about members of the Investigator's immediate family. Investigators must supply this information for confidential review by the University. At minimum, disclosures must include the information found on the sample certification form at the end of this document.
2. In addition, Investigators engaging in sponsored projects must disclose to their Dean or executive unit head on an ad hoc basis new situation in which significant financial interests are obtained and which may raise questions of conflict of interest as soon as such situations become known to the Investigator.
3. The dean or executive unit head will review the financial disclosure, determine whether an actual or potential conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce or eliminate such conflict of interest. An actual or potential conflict of interest exists when the reviewer(s) reasonably determines that a significant financial interest could affect the design, conduct, or reporting of the research or educational activities in question.
4. Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate actual or potential conflicts of interest include:

- 4.1. Public disclosure of significant financial interests;
 - 4.2. Monitoring of projects by independent reviewers;
 - 4.3. Modification of the research plan;
 - 4.4. Disqualification from participation in that portion of the project that would be affected by the significant financial interests;
 - 4.5. Divestiture of the significant financial interests; or
 - 4.6. Severance of relationships that create actual or potential conflicts.
5. If the dean or executive unit head determines that imposing 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, then the dean or executive unit head may recommend that the project go forward without imposing such conditions or restrictions. Such a recommendation will be forwarded through the Executive Director, Office of Sponsored Programs, to the Associate Vice President for Information Resources, who shall provide his or her approval and/or disapproval as delegated by the Provost. Restrictions similar to those listed in Number 4 of this section may be imposed by the Associate Vice President for Information Resources.

Appeals of Decisions

Should an Investigator wish to appeal a decision made by the Associate Vice President for Information Resources, he or she may present the appeal to the Provost who then forms the adhoc appeals committee. The adhoc appeals committee is to be made up of one faculty from each college selected by the dean of that college, one member from A&F and one non-

academic position appointed by the Provost. The adhoc appeals committee will make a recommendation to the Provost who has final authority.

Retention of Records

Records of all financial disclosures and of all actions taken to resolve actual or potential conflicts of interest will be maintained in the Office of Sponsored Programs until at least 3 years beyond the termination or completion of the sponsored project award to which they relate, or the resolution of any government action involving those records. Failure of any Investigator to comply with this policy shall constitute grounds for disciplinary action.

Revision Log

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