

Policy Name			
RESEARCH CONFLICT OF INTEREST POLICY			
Policy Number	Policy Type	Effective Date	Revision Date
		8/24/2012	8/30/2013
Policy Owner	Policy Reviewer	Review Schedule	Approval
OSPR, HR, CO	OSPR, HR, CO	Annually	Cabinet
Applicable To			
All employees, postgraduate residents, and fellows as they perform their duties or while acting as a representative of the University in any research capacity.			

SECTION I.

PURPOSE

It is in the best interest of University of the Sciences (USciences) to be aware of, and properly manage, all conflicts of interest and appearances of a conflict of interest. This conflict of interest policy is designed to provide guidance to officers, employees, volunteers, student workers, postgraduate residents, fellows, board members and affiliates of University of the Sciences to identify situations that present potential conflicts of interest. Further, the policy outlines a procedure to appropriately manage conflicts in accordance with legal requirements, as well as the goals of accountability and transparency in the University's operations.

POLICY STATEMENT

It is the policy of University of the Sciences that all officers, employees, volunteers, student workers, postgraduate residents, fellows, board members and affiliates of University of the Sciences, and family members thereof (USciences Community) disclose all relationships with organizations or companies that do business with the University, regardless of whether there is a financial component, which could, or could potentially be construed to, affect the judgment, decision making authority, or research outcomes of the member of the USciences Community.

See also: Nepotism Policy

See Also: Consensual Relationships Policy

See Also: Conflict of Interest Policy

DEFINITIONS

1. **Research Conflict of interest (RCOI):** refers to a situation in which a "significant financial interest" (SFI) would reasonably appear to be affected by the outcome of the proposed research/activity/service, regardless of whether that entity is sponsoring the research. SFIs may include, but are not limited to:
 - a. Salary or other payments for services (e.g. consulting fees or honoraria) expected to exceed \$5,000 in the next 12 months from a single entity. This does not include salary, or other remuneration from USciences or, as applicable, other non-profit academic institutions.
 - b. Equity interests (e.g. stocks, stock options, or other ownership interests) that exceed \$5,000 in value as determined through reference to public prices or other reasonable measures of fair market value or represent more than a 5% ownership interest in any single entity. This does not include interest in mutual funds where the individual has no control over the selection of holdings.
 - c. Intellectual property rights (e.g. patents, patents in which the researcher has a financial interest, copyrights, and royalties from such rights).
 - d. Payments or entitlements paid by the vendor/sponsor in connection with the research, including bonus or milestone payments that are not directly related to the reasonable costs of the research/activity/service.
 - e. Service as an officer, director, or fiduciary for a financially interested company.
 - f. Travel paid by a sponsor other than federal, state, or local government agency, an institution of higher education and academic teaching hospital, a medical center or a research institute that is affiliated with a non-profit academic institution.
2. **Interested Person:** any person serving as an officer, employee, and/or member of the Board of Trustees or an affiliate of USciences or any other category of individual whose actions or decisions could have a material impact on the University or who has a personal interest that is or could reasonably be perceived as in conflict with the interests of USciences.

3. **Family Member:** a spouse, partner, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of an Interested Person.
4. **Material Financial Interest:** a financial interest of any type, amount or arrangement in an entity, which, in view of all the circumstances, said financial interest is substantial enough that it would, or reasonably could, affect an Interested Person's or Family Member's judgment with respect to transactions to which the entity is a party.
5. **Contract, Transaction or Business Relationship:** any agreement or relationship involving the sale or purchase of goods or services, the providing or receipt of a loan or grant, the establishment of any other type of financial relationship, or the exercise of control over another organization. *A gift to University of the Sciences is not a Contract, Transaction or Business Relationship, and no donor should expect any goods, services or other quid pro quo associated herewith. See also: Gift Acceptance Policies.*
6. **OSPR** -- Office of Sponsored Projects and Research at USciences.
7. **ORA** -- Office of Research Administration at USciences.
8. **HR** -- Human Resources at USciences.
9. **Appendix A** -- Examples of conflict (Conflicts of interest are not limited to these examples. Disclosures may uncover other potential conflicts)

Disclosures

Disclosure is required at the time a grant application and/or contract is submitted to OSPR; during the previous twelve-month period and if there is an ongoing relationship during the grant/contract award; of the sponsored researcher or a member of their family has financial interest in the enterprise of \$5,000 or 5% or more.

Procedure

Research Conflicts of Interest Certification - All grant and contract applications submitted through OSPR, including research funded by or through USciences (including externally sponsored funding), research conducted at USciences (regardless of funding), and non-sponsored research conducted off campus by USciences employees must be accompanied by a completed Research Conflicts of Interest Certification (available from OSPR). Completion of the *Research Conflicts of Interest Certification form* (RCOIC) (Appendix C) will determine if personnel listed on the grant have SF Is that may cause or have the appearance of causing research or other activity-related conflicts of interests. If all of sections A

and B are answered in the negative ("no"), then the completed RCOIC must be submitted with the grant/contract application and no further action is necessary. If any of section A is answered in the affirmative ("yes"), then the *Research Conflicts of Interest Disclosure Involving For-Profits* (Appendix D, available from OSPR) must also be completed and submitted. If any of section B is answered in the affirmative ("yes"), then the *Research Conflicts of Interest Disclosure Involving Non-Profits* (Appendix E, available from OSPR) form must also be completed and submitted.

- a. Travel - Disclose the occurrence of any reimbursed travel of \$5,000 or more, or sponsored travel related to institutional responsibilities (including purpose of trip, sponsor/organizer, destination, and duration). *Individuals are NOT required to disclose travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.*
- b. Exclusions from reporting include: Income from seminars, lectures, or teaching engagements sponsored by, or service on, advisory or review panels for a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001 (a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

Review

OSPR is responsible for the initial review of the RCOIC. OSPR will refer all RCOIC forms that indicate a possible conflict of interest to the Director of Research Administration. In addition, if the research involves human or animal subjects, or if the research is funded by a formal award from internal USciences sources based on submission of a proposal, OSPR will send copies of the RCOIC form to the human or animal subject research review committee, as appropriate. If the RCOIC form was submitted by an individual other than the principal investigator, OSPR will notify the principal investigator of the general nature of the referral without divulging the particulars of the disclosed information. Where there is a perceived conflict of interest, the Director of Research will report said conflict to the Provost, whom will report it to the President. The President or his/her designee will appoint a RCOI committee to develop a management plan. If the Director of Research, Provost and/or President has a perceived conflict of interest, the Board of Trustees will appoint a committee to develop a management plan. All RCOI plans will be developed within 120 days of the initial report. If the sponsor is a federal agency, the Director of Research will report the RCOI within 60 days and report the plan within 120 days

In developing such a plan, the overriding consideration will be:

- a. the best interest of USciences;
- b. that of the investigator and then,
- c. that of the project.

This management plan will be provided in writing to the investigator and her/his department chair and dean. Management plans undertaken to mitigate a research conflict of interest and allow the investigator to comply with current applicable university, state, and federal policies and guidelines will be particular for each case and may include but are not limited to: public disclosure of the conflict; monitoring of the research by independent reviewers; modification of the research plan; divestiture of the conflicting financial interests or placement thereof in a blind trust; placement of an equity interest in escrow until certain triggering conditions are met; prohibition on the investigator's involvement in contract negotiations for the research; severance of the relationships that create the conflict; and disqualification of the investigator from participation in part of the research.

All conflicts of interest must be managed to the satisfaction of the Provost before the proposed research may proceed. This applies to all USciences research, regardless of whether and/or how the research is funded; no conflicts may be waived but will be managed. If a conflict cannot be reasonably managed, the investigator will be required to withdraw from the research and/or USciences may decline the award or terminate the sponsored agreement.

Appeals

If an investigator disagrees with any RCOI decision made by the appointed committee, that investigator must appeal the decision in writing to the President within ten (10) working days of receiving notification of the disputed decision. The appeal must describe the basis for the disagreement and request a hearing before an appointed special committee. The committee is convened at the sole discretion of the President and charged with reviewing the decision, the grounds for appeal, and making a final recommendation to the President.

The President will select a designee to chair the special committee and that individual may be a disinterested faculty member or an outside non-affiliated person. Once the special committee is fully staffed, the President will provide written notification of the names, titles and affiliations of the committee members to the involved investigator; within five (5) working days of this notification, the investigator may appeal the appointment of any of the committee members to the President. The President may or may not, at her/his sole discretion, change the composition of the committee in response to the appeal.

The special committee must be provided with such documents as it may reasonably request of USciences and the investigator. The committee will review

the documentation and interview appropriate individuals, including the investigator, and then report its findings and recommendation(s) directly to the President. The President will make a determination concerning the perceived research conflict of interest; his/her decision shall be final. Under certain circumstances, the committee may be asked by the President to monitor and manage the specific conflict of interest. If the perceived research conflict of interest involves the President, a Board appointed special committee will fulfill the obligations of the President or the committee in reviewing the appeal. Appeal decisions will be provided to the investigator within 60 days.

Ongoing Disclosures

Investigators must report any changes in the status (i.e. a "no" answer becoming a "yes" answer, or vice versa) of their original RCOIC within ten (10) working days of the change using Appendix C or D where appropriate. Investigators must file a new RCOIC, as part of each new grant/contact submissions, or at the request of ORA.

Training - Researchers with Federal Grants

Investigators must participate in University training before the receipt of any federal funding and every four years thereafter. Failure to complete this requirement will be reported to the investigator's Chair, Academic Dean, Director of Research and Human Resources. Penalties for non-compliance may include, but are not necessarily limited to, disbarment from performing research and/or suspension with or without pay.

Confidentiality

All information and records supplied in accordance with this policy will be deemed confidential, except where public disclosure is specifically required by law or to resolve a conflict. ORA will maintain copies of all RCOIC for a period of 3 years after the termination of the project or the separation of the employee. Access to the records and information maintained by the ORA pursuant to this policy requires approval from the President. The investigator will be notified in writing if access to her/his records is granted to a party other than the RCOI Committee, Director of Research Administration or the President. Access to annual conflict of interest statements requires the approval of the President. Any person appointed to review or monitor a conflict must sign a statement acknowledging her/his obligation to maintain the confidentiality of employees' personnel records, proprietary information, and data, including all conflict disclosure forms.

Disclaimer

Federal regulations were considered when developing this policy, however this policy is in no way a substitute for legal or regulatory requirements. It is USciences expectation that Officers, employees, volunteers, student workers, postgraduate residents, fellows, board members and affiliates

adhere to all policies relating to Financial and Research Conflicts of Interest and use every effort to avoid such conflicts.