

ELON UNIVERSITY
FINANCIAL CONFLICT OF INTEREST FOR EXTERNALLY FUNDED RESEARCH POLICY

The following policy applies only to external grant funding and is an addendum to existing Elon Conflict of Interest policies outlined in the faculty and staff handbooks.

This document describes Elon University's policies and procedures regarding conflicts of interest in relationship to sponsored projects involving research, teaching, education, and public service. The purpose of this policy is to protect the credibility and integrity of the university's faculty and staff so that public trust and confidence in the university's sponsored activities are ensured. This policy is also the basis for specific certifications the National Science Foundation (NSF), the Public Health Service (PHS) and other governmental agencies require from those seeking grant support.

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 in relationship with a sponsored project.

Financial Conflict of Interest

*A **significant financial conflict of interest** exists when the university, through procedures described herein, reasonably determines that it could directly and significantly affect the design, conduct or reporting of externally sponsored projects.* A conflict of interest depends on the situation and not on the character or actions of the individual.

A. Definitions

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. The Investigator is also responsible for reporting personal financial interests for any member of the Investigator's immediate family, specifically, any dependent children, spouse, or domestic partner.

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

- Salary or other payments for services (e.g., consulting fees or honoraria) received by the investigator exceeding \$5,000 in the prior or next 12-month period.
- Equity interests (e.g., stocks, stock options or other ownership interests) of the investigator exceeding \$5,000 in fair market value or a 5% ownership interest
- Intellectual property rights (e.g., patents, copyrights and royalties from such rights) assigned to the investigator in excess of \$5,000 during a 12-month period.

The term **does not** include:

- Salary, royalties, or other remuneration from the applicant institution;
- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- Income from service on advisory committees or review panels for public or nonprofit entities;
- Any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research (SBIR) program or the Small Business Technology Transfer (STTR) program, however, a University employee may not conduct research or administrative activities in conjunction with an STTR project *on behalf of both* the University and the grantee or sub grantee company;

- An equity interest that when aggregated for the investigator and the investigator's spouse and dependent children does not exceed \$5,000 in value as determined through reference to public prices or other reasonable measures of fair market value, or, constitute more than a 5% ownership interest in any one enterprise of entity; or
- 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 \$5,000.

Note: If any compensation is conditioned upon a particular outcome in a sponsored research project then it may be considered a conflict of interest and should be disclosed.

B. Training

1. Each Investigator who is planning to participate in, or is participating in, PHS Funded Research must complete training related to financial conflicts of interest (regardless of whether or not a Financial Conflict of Interest exists.)
2. Such training must be completed:
 - a. Prior to engaging in PHS Funded Research;
 - b. At least every four (4) years;
 - c. Whenever Elon revises this Policy in a manner that affects the requirements of Investigators; and/or
 - d. When so directed as a result of an Investigator's non-compliance with this Policy or any Management Plan.
3. Training, or access to training, shall be provided by the Collaborative Institutional Training Initiative (CITI) and shall include information regarding this Policy, PHS regulations, and the Investigator's responsibilities under this Policy and the PHS Regulations to disclose Significant Financial Interests of the Investigator (and of the Investigator's spouse and dependent children.) To access training go to <https://www.citiprogram.org/>. You must create a new account or log in to your current profile, select *Elon University Courses*, select *Add a Course*, then select *Conflicts of Interest* course and complete modules.

C. Pre-Award Procedures and Guidelines

Prior to the time a proposal is submitted, each investigator is required to disclose the following significant financial interests, as required by Federal regulation:

- (i) Any significant financial interest of the investigator that would reasonably appear to be directly and significantly affected by the research or educational activities funded, or proposed for funding, by an external sponsor; or
- (ii) Any significant financial interest of the investigator in an entity whose financial interest would reasonably appear to be directly and significantly affected by the research or educational activities funded, or proposed for funding, by an external sponsor.

Regardless of the above minimum requirements, a faculty or staff member, in his or her own best interest, may choose to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest. Disclosure is a key factor in protecting one's reputation and career from potentially embarrassing or harmful allegations of misconduct.

Each investigator who, by Federal Regulation, requires disclosure shall complete a **Financial Interest Disclosure** form and, where appropriate, attach all required supporting documentation. The completed Disclosure Form must be submitted with the proposal to the Office of Sponsored Programs. Supporting documentation that identifies the business enterprise or entity involved and the nature and amount of the interest should be submitted in a sealed envelope marked "Confidential" and accompany the Disclosure Form.

Subgrantees, contractors, or collaborators from other academic or not-for profit institutions must also either comply with this policy or provide, from their institutions, a certification of compliance with Federal policies regarding investigator

significant financial interest disclosure and that their portion of the project is in compliance with their institutional policies. Subcontractors from commercial firms need not make a certification except when the prime award is from the PHS. The PHS requires a certification from any subcontractor, including commercial firms stating that it is in compliance with Federal policies regarding investigator significant financial interest disclosure and that its portion of the project is in compliance with company policies.

All financial disclosures must be updated and submitted to the Director of Sponsored Programs by Investigators during the period of the award, whether on an annual basis or as new reportable significant financial interests are obtained.

D. Conflict of Interest Review

The Director of Sponsored Programs shall conduct an initial review of all financial disclosures. A conflict of interest exists when the review reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the proposed sponsored project. If the initial determination is made that there may be a potential for conflict of interest covered by this policy, then the disclosure will be referred to the Conflict of Interest Review Committee (CIRC) for further evaluation.

If a review committee is deemed necessary, the CIRC members will be appointed by the Provost. The CIRC members shall consist of a minimum of three faculty members representing a cross-section of academic disciplines, an academic dean, and the Director of Sponsored Programs. The CIRC shall determine what steps should be taken to resolve the potential or actual Conflict, as outlined in a conflict management plan.

E. Right to Appeal

Investigators may appeal the CIRC's decision. A written statement of the grounds for appeal must be submitted to the Provost within 15 days of written notification from the CIRC's determination. Upon receipt of a written appeal, the Provost will evaluate the CIRC's conflict management plan and will forward his conclusions and recommendations to the President. The President makes the final determination of whether a conflict exists and determines the management plan.

F. Maintenance of Financial Disclosure Records

Records of investigator financial disclosures and of actions taken to manage actual or potential conflicts of interest shall be retained by the Office of Sponsored Programs three years from termination or completion of the award to which they relate, or the resolution of any government action involving those records.

G. Collaborative Projects/Subagreements

Collaborators/subrecipients/subcontractors from other organizations must either comply with this policy or provide a certification that their organizations are in compliance with Federal policies regarding investigator significant financial interest disclosure and that their portion of the project is in compliance with their institutional policies.