

ELON UNIVERSITY CONFLICTS OF INTEREST FOR EXTERNALLY FUNDED RESEARCH POLICY

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 federal certifications required from those seeking external 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 an Investigator. Thus, the university requires that Investigators disclose any actual or potential conflict of interest in relationship with a sponsored project.

A. Definitions

Conflict of Interest means a situation in which an Investigator's financial or other personal interest or that of the Investigator's family impairs or has the appearance of impairing the Investigators unbiased judgment in the discharge of their responsibilities to the University; it includes any situation in which the Investigator or Investigator's Family possesses a Significant Financial Interest in an entity that involves the Investigator's University responsibility.

Family means the spouse, domestic partner, and/or dependent children of the Investigator.

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 Conflict of 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 and those of the Investigator's spouse and dependent children 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 and those of the Investigator's spouse and dependent children 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 and those of the Investigator's spouse and dependent children 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. Procedures and Guidelines

1. Investigators will strive to identify and avoid Conflicts of Interest.
2. When they cannot be avoided, Investigators must disclose Conflicts of Interest as follows:
 - Investigators will submit a Disclosure Form (Attachment A) describing any actual or potential Conflicts of Interest as defined above. The Disclosure Form will initially be reviewed by the Director of Sponsored Programs and referred to the Provost and/or Conflict of Interest Committee (CIRC) if it is determined that there may be a potential for conflict of interest.

- In addition, Investigators must immediately disclose to the Director of Sponsored Programs new potential conflicts of interest within 30 days of the Investigator's awareness of such actual or potential conflicts.
3. Investigators must work with Conflict of Interest Committee (CIRC) to manage or resolve identified conflicts.
 4. Investigators involved in research funded by a Public Health Service (PHS) Agency must comply as follows:
 - 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.)
 - Such training must be completed:
 - i. Prior to engaging in PHS Funded Research;
 - ii. At least every four (4) years;
 - iii. Whenever Elon revises this Policy in a manner that affects the requirements of Investigators; and/or
 - iv. When so directed as a result of an Investigator's non-compliance with this Policy or any Management Plan.
 - 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.

Regardless of the above requirements, an Investigator, 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 the Disclosure Form (Attachment A) and, where appropriate, attach all required supporting documentation. The completed Disclosure Form must be submitted with the supporting documentation to the Office of Sponsored Programs. Supporting documentation that may identify a potential financial conflict of interest and identifies a 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.

C. Conflicts of Interest Review Committee (CIRC)

The Director of Sponsored Programs shall conduct an initial review of all disclosures. A conflict of interest exists when the review reasonably determines that a significant financial or other personal interest or that of the Investigator's family 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 Provost and/or 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.

D. 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 the completion of the period covered by the management plan, 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 conflicts of interest disclosure and that their portion of the project is in compliance with their institutional policies.

ATTACHMENT A

Disclosure Form & Questionnaire

The following Disclosure Form must be completed and returned to the Office of Sponsored Programs at 2620 Campus Box. During the year, appropriate information must also be submitted within 30 days of an Investigator's awareness of a new actual or potential Conflicts of Interest. By completing and filing this form, you confirm that you have read and understand the University's Conflict of Interest for Externally Funded Research Policy. Note that answering "yes" to any question does not automatically indicate that the situation poses a conflict.

Name (Print): _____

Title: _____

Department: _____ Campus Phone: _____ Date: _____

PLEASE ANSWER ALL QUESTIONS after reading the University Policy on Financial Conflict of Interest.

1. Do you have, or does a member of your family (spouse or dependent children) have, a consulting relationship, executive position, or a Significant Financial Interest in (check all applicable):
 - a) _____ an entity that does or seeks to do business with the University and for which business you are in a position or may be perceived to be in position of influence?
 - b) _____ an entity that markets, produces, or has in pre-market testing a product or service that you in your University work would either evaluate or further develop, or with which the University would compete?
 - c) _____ an entity that supports your teaching and/or research activities (e.g., by providing grant or gift funds, in-kind gifts, or other means)?
 - d) _____ none of the above.

If you have checked a), b), or c), please describe. Include all relevant information such as the amount and/or percentage of equity interest, if applicable.

2. Do you have, or does a member of your family have, any financial or fiduciary interests, relationships, commitments, or activities that present a potential or apparent Financial Conflict of Interest that should be evaluated within the context of the University Policy on Financial Conflicts of Interest? Yes No If you checked "yes," please describe:

- 3. Do you have, or does a member of your family have, non-University professional or income-producing activities involving University Members (e.g., students, staff, etc.) or other University resources (e.g., facilities, equipment, etc.)? Yes No
If you checked "yes," please describe:

- 4. Within the last three years, have you, or has any member of your family, accepted any gift, favor, or hospitality from any individual or entity doing or seeking to do business with the University that presents or may appear to present a Financial Conflict of Interest? Yes No If you checked "yes," please describe. Include information such as the nature and amount of the gift, favor, or hospitality.

- 5. Are there any other potential Conflicts of Interest or relationships of which you need to make the University aware, based on the University Conflicts of Interest for Externally Funded Research Policy? Yes No If you check "yes," please describe:

If you need to supplement your answers or to report a new potential conflict, please submit the information to the

Office of Sponsored Programs, 2620 Campus Box or bbruno2@elon.ed

In submitting this form, I acknowledge that I have read the University's Conflict of Interest for Externally Funded Research Policy, and have answered all questions to the best of my knowledge.

Name (Signature): _____ Date: _____

Office of Sponsored Programs

I have reviewed this Disclosure Form and believe that:

_____ no Conflict of Interest exists.

_____ a potential or actual Conflict of Interest exists, the Disclosure Form has been sent to the Provost or his designee for further review.

Name: _____ Bonnie S. Bruno _____ Date: _____

Name (signature): _____

Title: _____ Director of Sponsored Programs _____

Conflict of Interest Review Committee (only to be completed if OSP and/or Provost determine there is a potential or actual Conflict)

The CIRC has reviewed the Disclosure Form and believes that:

_____ no Conflict of Interest exists.

_____ a potential or actual Conflict of Interest exists and steps have been taken to resolve the potential or actual Conflict, as outlined in the attached conflict management plan.

Name (Print): _____ Date: _____

Name (signature): _____

Title: _____

Member (only to be completed upon determination that a Conflict exists)

I acknowledge receiving and I accept the current Conflict Management Plan determined by the CIRC (or if appealed, by the President as appropriate), and dated _____.

Name (Signature): _____

**Conflicts of Interest Disclosure Form for Senior Personnel
Conducting Research Funded by an External Grant at Elon University
Annual Disclosure**

Investigator Name:

Project Name:

Funding Agency:

Role in Project (PI, Co-PI, Senior Personnel):

In making the following certification and representations, please remember that all the following must be included as a Conflict of Interest:

- All personal interests that impairs or has the appearance of impairing your unbiased judgment;
- All financial interests pertaining to you personally;
- All pertaining to your spouse or registered domestic partner;
- All pertaining to a dependent child.

The following types of financial interests are excluded and should not be reported on this form as significant financial interests:

- Salary, royalties, or other remuneration from Elon University;
- Income from investment vehicles such as mutual funds or retirement accounts, as long as you do not directly control the investment decisions made in these vehicles;
- Income from seminars, lectures, or teaching engagements sponsored by, or service on advisory committees or review panels for, or travel sponsored or reimbursed by any or all of the following (U.S.-based entities only):
 - Federal, State, or local government agencies
 - Institutions of higher education
 - Academic teaching hospitals
 - Medical centers
 - Research institutes affiliated with institutions of higher education

Check one of the following statements:

___ *I hereby certify that I have reviewed my previous disclosures and that neither I nor my spouse, partner, or dependents have any new or changed conflict of interest to report at this time.*

___ I do have new or changed conflicts of interest to report at this time. I have completed and attached the Disclosure Form and Questionnaire.

Signature

Date