



Conflict of Interest and Commitment for Research and Sponsored Programs

Christopher Newport University

Date: Revised 7/12/12

Responsible Office: Office of Sponsored Programs

A. PURPOSE

The purpose of this policy is to set guidelines and procedures for officers, faculty, staff, and other employees at Christopher Newport University in reviewing and managing the disclosure and resolution of conflicts of interest and/or commitment, whether real, apparent, or potential. This policy is compliant with the National Institute of Health Financial Conflict of Interest Policy required to be implemented by August 24, 2012.

B. INCLUDED POPULATIONS

This policy pertains to all full-time and part-time faculty and staff members who are in any way associated with sponsored projects, programs, services, or contracts.

C. CONFLICT OF INTEREST & COMMITMENT

Conflicts of interest are defined as situations in which faculty or staff members may have the opportunity to influence the CNU's business decisions in ways that could lead to personal gain or give improper advantage to members of their families, dependents, or associates.

A conflict of interest exists when a faculty member's responsibility for teaching, research, or service is threatened or harmed because of an external relationship which directly or indirectly affects the significant financial interest (SFI) of the faculty member, a family member, or associate. For the purposes of this policy, "family" includes but is not necessarily limited to spouse, domestic partner, children, parents, parents-in-law, siblings, and other relatives. Similarly, "associate" includes but is not necessarily limited to both business and domestic associates. In addition, a conflict of interest exists when a family member makes more than a de minimus use of university academic, administrative, or other resources, or influences CNU decisions in such a way that could or does lead to personal gain or improper personal advantage or advantage to a family member or associate.

D. Conflicts of commitment are defined as situations in which external activities of faculty members or staff members interfere or appear to interfere with their paramount obligations to their students, colleagues, and CNU. Use of institutional resources for the purposes of

consulting or other external activities without remuneration to the institution constitutes a conflict of commitment. **VIRGINIA STATE AND LOCAL GOVERNMENT CONFLICT OF INTEREST ACT**

No information in this policy may supersede Virginia's State and Local Government Conflict of Interest Act. The current Act states that a potential conflict of interest exists whenever a faculty, administrative, or professional staff member has a significant personal (or family) financial interest in a business enterprise that could bias the design, conduct, or reporting of research or educational activities of CNU. A financial interest is defined as anything of monetary value or benefit (other than salary paid by CNU), including ownership, equity, intellectual property rights, and salary or other compensation. A significant personal or family financial interest is defined as more than three-percent ownership, equity, or intellectual property rights in a business enterprise, or income from other compensations, or benefits that exceed, or may be expected to exceed \$5,000 annually when aggregated for the staff member and any other person residing in the household.

In addition and in compliance with the NIH's Financial Conflict of Interest Policy (FCOI), CNU provides that included population members must "disclose the occurrence of any reimbursed sponsor travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available.), related to their institutional responsibilities; provided, however, that this disclosure requirement does not apply to 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." The included population member will specify details of this disclosure, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. CNU officials will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes an FCOI.

E. DISCLOSURE AND REVIEW PROCESS

Each faculty or staff member participating in a sponsored project, program, service, or contract covered by this policy must disclose whether he or she has external affiliations that may constitute a conflict according to sections "C" or "D" of CNU's policy on Conflict of Interest and Commitment for Research and Sponsored Programs. A request will be made annually to all externally funded faculty for disclosure of Financial Conflicts of Interest by the College Deans.

When to Disclose

Disclosures should be made prior to the submission of a proposal from CNU and must be completed prior to CNU's acceptance of the sponsored project or issuance of a purchase order or subcontract for the acquisition of goods and services. During the period of an award, updating

financial disclosures will take place annually and **within 30 days of acquisition or discovery of new significant financial interests (SFI)**. It is the responsibility of the lead Project Director/Principal Investigator to make sure each member of the project team has read the Conflict of Interest and Commitment for Research and Sponsored Programs policy, receives training in the CNU FCOI Policy, understands this policy, and has disclosed any real or potential conflicts of interest. Training all included populations on FCOI will be undertaken every four years or if CNU revises its FCOI policy, the included population member is new to CNU or CNU finds that the included population member is in violation of this policy.

Positive disclosures will be reviewed by a Conflict of Interest (COI) Review Committee. The Committee will be established by the Provost on an as needed basis. It will be chaired by the Associate Provost, with other committee members consisting of the Dean of Social Sciences, Dean of Arts and Humanities, Dean of Natural and Behavioral Sciences, one faculty member, appointed by the Provost.

In reviewing the positive disclosures, the COI Review Committee will be guided by the following practices and apply them as may be appropriate.

1. Assure adherence to relevant CNU and Commonwealth policies such as the University Handbook, Virginia Conflict of Interest Policy, Intellectual Property Policy, and other CNU policies as the Committee deems appropriate.
2. Consider the nature and extent of the financial interest in the relationship of the faculty or staff member and the external organization.
3. Give special consideration to the terms and conditions of sponsored project agreements that may mitigate or complicate the given situation.
4. Consult with and obtain additional information from the faculty and staff member as either the Conflict Review Committee or the faculty or staff member feel may be helpful in resolving actual or potential conflicts.
5. Act in a timely manner so as not to delay unduly the conduct of the sponsored project.
6. Conclude that CNU may take one of the following actions:
 - Accept the sponsored project award.
 - Not accept the sponsored project award.
 - Accept the sponsored project subject to suitable modifications in either the sponsored project award document or the external organizational affiliation with faculty or staff.

If a disclosure is made in an untimely manner or CNU has not reviewed a previously existing SFI during an ongoing NIH-funded project, CNU's Conflict of Interest (COI) Review Committee shall within 60 days:

Review the SFI; determine whether it is related to the NIH-funded research; and determine whether an FCOI exists. IF an FCOI exists, CNU must implement, at least on an interim basis, a management plan that shall specify the actions that have been or will be taken to

manage such FCOI going forward and submit FCOI report to the NIH. In addition to the FCOI report, CNU must, within 120 days of its determination of noncompliance, complete a retrospective review of the Investigator's activities and the NIH-funded research project to determine whether any NIH-funded research, or portion thereof, conducted during the period of noncompliance, was biased in the design, conduct, or reporting of such research. Based on the results of the retrospective review, if appropriate, the Conflict of Interest (COI) Review Committee updates the previously submitted FCOI report, specifying the actions that will be taken to manage the FCOI going forward.

Bias identified in any reporting, design, or conduct of NIH-funded research must be reported to NIH along with the submission of a mitigation report if bias is found during the retrospective review. The mitigation report must include the key elements documented in the retrospective review and a description of the impact of the bias on the research project and CNU's plan of action or actions taken to eliminate or mitigate the effects of the bias. Thereafter, CNU must submit FCOI reports annually.

FCOI's previously reported to the NIH require annual FCOI reports from CNU's Conflict of Interest (COI) Review Committee stating the status of the FCOI and any changes to the management plan. The report will state whether the FCOI is still being managed or explain why the FCOI no longer exists. FCOI annual reporting will be maintained by CNU to NIH through the termination of the NIH project period.

F. APPEAL PROCESS

A faculty or staff member dissatisfied with the Conflict Review Committee's conclusion may appeal to the Provost in consultation with the University Counsel and with reliance on the advice provided by legal counsel. The Provost may also consult with the faculty or staff member, the COI Committee, the Director of Sponsored Programs, and any others as deemed appropriate to the particular situation. The decision of the Provost shall be final, unless the University Counsel determines that a conflict exists with the Provost in which case, legal advice provided to the President and the Board, based on the law will take precedence over a decision by the Provost.

G. NON-COMPLIANCE

Non-compliance with the conflict of interest policy or these procedures may result in the suspension or termination of a sponsored project. Non-compliance could also result in restrictions on faculty, staff, or other employees with respect to future proposal submissions as well as other sanctions in accordance with CNU policies or other State or Federal laws and regulations.

H. REPORTING

Upon completion, copies of all conflict of interest forms submitted in connection with research and development relationships that are approved shall be filed with CNU's Office of Sponsored Programs. CNU will develop and maintain a file, available for public review, which will contain all approved relationships with applicable conflict of interest forms. For all disclosures of Significant Financial Interest (SFI) involving NIH funded research, the following information will be available publicly via the OSP website: the included population member's name; title and role with respect to the research project; name of the entity in which the SFI is held; nature of the SFI; and approximate dollar value of the SFI.

I. AUTHORITY

CNU reserves the right to revise, change, or eliminate these regulations as necessary without notice.

J. APPENDIX

The following list of examples serves as a set of guidelines for identifying potential conflicts of interest and commitment. It is not intended as a comprehensive list of all potential situations that could present faculty or staff members and CNU with difficulty.

1. ACTIVITIES INVOLVING SPONSORED PROJECTS THAT ARE CLEARLY PERMISSIBLE.

- a. Acceptance of royalties for published works and patents, or of honoraria for commissioned papers and lectures.
- b. Service as a consultant to outside organizations, provided that the time commitment does not exceed the then existing CNU policy, and that the arrangement in no way alters the faculty or staff member's commitments incurred in CNU's execution of a sponsored agreement on the faculty or staff member's behalf or uses institutional resources without institutional remuneration.
- c. Service on boards and committees of organizations, public or private, that does not distract unduly from the faculty or staff member's obligations to CNU or that does not interfere or appear to interfere with a faculty or staff member's ability to conduct work under sponsored agreements objectively.

2. ACTIVITIES INVOLVING SPONSORED PROJECTS THAT PRESENT A POTENTIAL FOR CONFLICT.

- a. Relationships that might enable a faculty or staff member to influence CNU's dealing with an outside organization in ways leading to personal gain or improper advantage for the faculty or staff member, or his or her associates or family members. For example, a faculty or staff member or family member could have a financial interest in an organization with which CNU does business and could be in a position to influence relevant business decisions. Ordinarily, making full disclosure of such

relationships and making appropriate arrangements to mitigate potential conflicts would resolve such problems.

- b. Situations in which the time or creative energy a faculty or staff member may devote to external activities appear substantial enough to compromise the amount or quality of his or her participation in the instructional, scholarly, or administrative work CNU.
 - c. Situations in which a faculty or staff member directs students into research area from which the faculty or staff member may realize a financial gain. In such situations, the ability of a faculty or staff member to render objective, independent judgment about the students' scholarly best interests may be diminished.
3. ACTIVITIES INVOLVING SPONSORED PROJECTS THAT ARE LIKELY TO PRESENT UNACCEPTABLE CONFLICTS.
- a. Situations in which a faculty or staff member assumes executive responsibilities for an outside organization that might seriously divert his or her attention from CNU duties. Faculty or staff members should consult with the appropriate dean or supervisor before accepting any outside management position. Use for personal profit of unpublished information emanating from sponsored agreements or confidential CNU sources, or assisting an outside organization by giving it exclusive access to such information; or consulting with outside organizations that impose obligations upon the faculty or staff member of CNU that conflict with the faculty or staff members or CNU's Intellectual Property Policy or with the CNU's obligations under sponsored projects.
 - b. Circumstances in which a substantial body of research that could and ordinarily would be carried on within CNU is conducted elsewhere to the detriment of CNU and its legitimate interests.
 - c. Any activity that a faculty or staff member may wish to undertake on an individual basis that: (a) involves or appears to involve CNU significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, (b) involves the use of CNU's name or implied endorsement, or (c) giving any outside organization the right to censor or prohibit publication rights for research, any part of which is performed under CNU domain.