



COLLEGE POLICY

Policy Title Sponsored Projects Conflict of Interest

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Responsible office(s)	Academic Affairs
Keywords	Conflict; Significant Financial Interest; Federal Funding; Grants; National Science Foundation; NSF;

Policy purpose

To ensure that employees identify and disclose potential conflicts of interest and conduct themselves in a manner that will not compromise the integrity of the College. Employees who apply for or work on externally funded research or projects of any type are required to comply with this policy.

Scope

This policy applies to all Madison College employees involved with a grant funded project.

Definitions

The following definitions apply solely to the use of the terms in this policy and its guidelines. When a sponsor's definitions differ, they take precedence.

Business entity: Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or legal entity other than an individual or body politic. This term also includes any entity acting as the agent of a business entity (e.g., a contract research organization). Business entities include both nonprofit and for-profit entities.

Conflict of Interest: An actual Conflict of Interest occurs when financial or personal considerations compromise an individual's objectivity, professional judgment, professional integrity and/or ability to perform their responsibilities for the College. A perceived or potential Conflict of Interest can occur when, although there is no actual Conflict of Interest, the circumstances are such that a reasonable person might question whether a decision maker is biased in carrying out their professional responsibilities for the College. Within award terms and conditions or applicable regulations, a sponsor may extend the definition to include conflicts that are non-financial, such as personal reputation or prestige. The procedures include a non-exclusive list with examples of situations that often give rise to an actual or potential Conflict of Interest.

Fiduciary: A person holding the character of a trustee, or a character analogous to that of a trustee, in respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires. A person having duty, created by their undertaking, to act primarily for another's benefit in matters connected with such undertaking.

Financial conflict of interest (FCOI): A significant financial interest that could directly and significantly affect the design, conduct, or reporting of federally funded research or research involving human subjects.

Human subject: A living individual about whom an Investigator (whether professional or student) conducting research obtains data through intervention or interaction with the individual, or identifiable private information. (For definitions of intervention, interaction, and private information, see the Common Rule, 45 CFR 46.102).

Immediate family: For Department of Commerce awards, this includes a person's spouse (or domestic partner or significant other), parents, grandparents, siblings, children and grandchildren, but does not include distant relatives, such as cousins, unless the distant relative lives in the same household as the person.

Institution: Any domestic or foreign, public or private, entity or organization (excluding a Federal agency) that is applying for, or that receives research or educational activity funding.

Interested party: For Department of Commerce awards, this includes but is not limited to any officer, employee or member of the board of directors or other governing board of a non-Federal entity, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the recipient, such as agents, advisors, consultants, attorneys, accountants of shareholders, and their immediate family.

Investigator: The principal investigator or project director and any individual (e.g., faculty or staff member, student, collaborators not employed by Madison College) who is responsible for the design, conduct, or reporting of research involving human subjects, federal funded research, or any federal funding.

Key Person: The individuals engaged in federally funded projects, including research and means the Principal Investigator and any other person identified as senior/key personnel by Madison College in the grant application, progress report, or any other report submitted to an agency by Madison College.

Manage: Take action to address a conflict of interest, which can include reducing or eliminating the conflict of interest, to ensure to the extent possible that the design, conduct, and reporting of research will be free from bias.

Minimal risk: The probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

Research: A systematic investigation designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research (e.g., that which results in a published article, book or book chapter) and product development (e.g., a diagnostic test or a drug).

Significant financial interest (SFI): Any financial interest held by an Investigator (and/or his or her immediate family), or by a business entity controlled or directed by the Investigator or a member of his or her immediate family, that has monetary value, whether the value is readily ascertainable, including:

- Remuneration
- o Publicly traded companies: (e.g., salary, consulting fees, honoraria, paid authorship, etc.) received from a publicly traded entity, including any foreign entities, in the twelve months preceding disclosure, and the value of any equity interest (stock, stock option, or other ownership interest) in the entity at the date of disclosure that, when aggregated, exceed \$5,000.
- o Privately held companies: Remuneration, (e.g., salary, consulting fees, honoraria, paid authorship, etc.) received from a non-publicly traded entity, including any foreign entities, of greater than \$5,000 in the twelve months preceding the disclosure.
- Any equity interest (e.g., stock, stock option, or other ownership interest) in a non-publicly traded entity, including any foreign entities.
- Royalty income from intellectual property rights not arising out of College employment, which are not assigned to organizations created to manage such rights on behalf of Madison College.
- Reimbursed or sponsored travel related to institutional responsibilities that is not reimbursed or sponsored by a U.S. government agency, a U.S. university, or an academic teaching hospital, medical center, or research institute that is affiliated with a U.S. university.

- Service in positions with fiduciary responsibility, including senior managers (e.g., presidents, vice presidents, etc.) and members of boards of directors, whether or not the Investigator receives compensation for such service.

Subrecipient: An entity or individual named on a subcontract from Madison College on a federally funded award.

Technology: Any diagnostic, therapeutic, medical, or surgical procedure and any process, method, compound, drug, or device.

Policy

This Conflict of Interest Policy requires that Investigators, Key Persons, and when required Interested Parties, disclose all significant financial interests (including those of the Investigator's spouse and/or dependent children) to the Provost or the Provost's designee, or as required by the sponsor. This includes:

- Those that would reasonably appear to be affected by the research or educational activities funded or proposed for federal funding; or
- Interest in entities whose financial interests would reasonably appear to be affected by such activities.

Investigators should discuss their individual situations with their supervisors or the Director of Grants and Special Projects to determine if a disclosure is necessary. Disclosures will be kept confidential, except to the extent necessary to review, consider, and resolve any conflicts.

Potential or actual conflicts will be disclosed and managed in accordance with award agreements, terms and conditions, and federal regulations specific to the sponsor agency (NSF, PHS, DOC, etc.) through procedural guidance from Grants and Special Projects.

When SFI is reported, the Provost or the Provost's designee will review financial disclosures, determine if a COI exists, and determine what conditions or restrictions, if any, should be imposed by the organization to manage, reduce, or eliminate the COI. A COI exists when the reviewer(s) determines that a SFI could directly and significantly affect the design, conduct, or reporting of funded research or educational activities.

If the reviewer(s) determines COI exists, but that certain circumstances exist where no conditions or restrictions will be imposed, the reviewer(s) will work with the Director of Grants and Special Projects to comply with COI policy and allow the sponsor to complete a review and determine if the COI policy is compliant with federal guidelines and actions taken are consistent with the policy.

REQUIREMENTS

Training

Training on Conflicts of Interest is recommended and available through the Office of Grants and Special Projects. Investigators, Key Persons, or Interested Parties may be required to complete training before expenditure of funds as specified by the sponsor, management plan, or other applicable circumstances. Training is renewed at least every four years thereafter. Investigators may provide evidence (e.g., certification) of completed training from another institution to satisfy a training requirement, subject to Grants and Special Projects' review and approval.

Disclosure

Investigators engaging in or proposing to engage in externally federally funded projects or research (federal or non-federal) are required to report all significant financial interests held by themselves or their immediate families that reasonably appear to be related to the Investigator's institutional responsibilities.

Investigators with awards must disclose significant financial interests:

- Annually while the award is active,

- No later than the time of application for any federal award, or for privately (foundation) funded research,
- When required to comply with COI policy by sponsors, and
- Within 30 days of acquiring or discovering a new significant financial interest.

Investigators conducting externally funded research involving human subjects must submit information to IRBs in accordance with the guidelines.

For Public Health Service (PHS), Investigators must also disclose the occurrence of travel reimbursed or sponsored by an outside organization over the previous twelve-month period and within 30 days of the conclusion of such travel, including all foreign entities. This travel disclosure requirement also applies to reimbursed or sponsored travel by members of an Investigator's immediate family. This disclosure requirement does not apply to travel that is reimbursed or sponsored by a U.S. Federal, state, or local government agency, a U.S. institution of higher education, a U.S. academic teaching hospital or a medical center, or a research institute that is affiliated with a U.S. institution of higher education.

In the following situations, collaborators (including subrecipients) from other institutions must disclose their significant financial interest(s) to the Provost/designee for review and management, when:

- The collaborator/their institution opts to follow Madison College's COI policy; and/or
- The collaborating institution is sponsoring the research or education activities, and/or owns or licenses a technology used in the research or educational activities; and/or
- Madison College Institutional Review Board (IRB) is reviewing the research protocol; and/or

The research involves Madison College participants.

Links to state/federal regulations

Code of Federal Regulations: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.318>

NSF Conflict of Interest (COI) regulations are outlined in the Proposal & Award Policies & Procedures Guide (PAPPG) Chapter IX.

[NIH Guide Notices Related to Financial Conflict of Interest.](#)

Public Health Service (PHS) Promoting Objectivity in Research [42 C.F.R. Part 50, Subpart F](#)

Department of Commerce (DOC) regulations are outlined in the Standard Terms & Conditions manual.

Code of Federal Regulations for DOC 13 CFR 302.17: <https://www.ecfr.gov/current/title-13/chapter-III/part-302/section-302.17>

Supporting documents

Not applicable

Related policies

Not applicable