

4-26-1996

SR-95-96-45 (FPC)(RC)

Marshall University

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FACULTY PERSONNEL & RESEARCH COMMITTEE
JOINT RECOMMENDATION

SR-95-96-45 (FPC)(RC)

Recommends adoption of Interim Executive Policy Bulletin No. 10 - Conflict of Interest.

RATIONALE:

FACULTY SENATE PRESIDENT:

APPROVED BY SENATE: Elaine Baker DATE: 4-26-96

DISAPPROVED BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: [Signature] DATE: 4-30-96

DISAPPROVED: _____ DATE: _____

COMMENTS:

Conflict of Interest Policy

I. Policy

The policy of Marshall University requires that any University employee who is responsible for the design, conduct, or reporting of a sponsored research project must disclose financial or other interests that are, or may be perceived to be, related to the project.

II. Purpose and Scope of the Policy

The purpose of this policy is to avoid both actual and apparent conflicts of interest between investigators' sponsored research obligations and private financial interests. This policy applies to all research that is conducted, sponsored, or administered by Marshall University and the Marshall University Research Corporation.

Federal regulations require institutions to have policies and procedures that ensure that investigators disclose any significant financial interests that may present an actual or potential conflict of interest in relationship to sponsored research projects. Such disclosure must be made prior to the submission of a proposal for funding, or at the time a potential conflict develops during the conduct of a funded project.

Marshall University's Conflict of Interest Policy is consistent with the Public Health Service Regulations, "Objectivity in Research," and the National Science Foundation regulations, "Investigator Financial Disclosure Policy," effective October 1, 1995.

III. Definitions

Designated University Official

A University official designated by the President to complete the first level review of investigators' Disclosure of Interests and to determine if any reported interests reasonably appear to be directly and significantly affected by the project. These officials will be individuals with first-line supervisory responsibility for the person submitting the Disclosure. In most cases, the designated university officials will be Department Chairs, Deans, or other designated administrators.

Significant Financial Interest

The term "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); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

Significant Financial Interest Disclosure Form

Form to be completed by the investigator, listing financial and other interests related to a research project.

A. Inclusions:

a. Income (including salary, consulting payments, honoraria, reimbursement of expenses, dividends, or any other payments or considerations) from a single business entity exceeding \$10,000 during the prior twelve months.

b. Equity (in the form of stock, stock options, real estate, or any other investment of ownership interest) in any enterprise. (This does not apply in the case of stock holdings such as diversified or mutual funds where the investigator is unaware of specific stocks held).

c. A position as director, officer, partner, trustee, or member of board of directors of any business entity.

d. Intellectual property interest on a patent filed or to be filed by a party other than the University.

B. Exclusions

a. Salary, royalties, or other remuneration from the institution; or any ownership interests in the institution, if the institution is an applicant under the SBIR Program.

b. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities.

c. Income from service on advisory committees or review panels for public or nonprofit entities.

d. Financial interests in business enterprises or entities if value of such interests do not exceed \$10,000 per annum in salary, fees or other continuing payments or represent more than a five percent ownership interest for any one enterprise or entity when aggregated for the investigator and the investigator's spouse and dependent children.

Investigator

Any Marshall University or Marshall University Research Corporation employee responsible for the design, conduct, or reporting of the funded activity. This includes the Principal Investigator, Co-investigators, and key scientific personnel.

Independent Substantive Review Committee

A committee appointed by the President to provide a second level review of investigators' Disclosures of Interests and to recommend whether funding for the research project should be accepted and, if so, whether any modifications or conditions are needed. The Independent Substantive Review Committee will include the Executive Director of the Research and Economic Development Center, the Executive Director of the Marshall University Research Corporation, three faculty members that are actively engaged in sponsored research, and the University General Counsel.

Related Financial Interest

Investigators' financial interests are related to a research project if the work to be performed under the project, or the results of such work, can be expected to have an impact on the investigator's financial interests. Such relationships include project subcontracts, leases, and purchases.

IV. Disclosure Requirements

The principal investigator must fully disclose all related and significant financial interests for each sponsored research proposal prior to the time a proposal is submitted. The principal investigator must insure that all investigators on the proposal disclose related financial interests. Likewise, the principal investigator and all investigators must provide updates of related financial interests on an annual basis and/or whenever they acquire new financial interests related to active projects.

V. Review and Appeal Process

For initial review, the Disclosure of Interest Form should be submitted to an appropriate institutional officer who has first line supervisory responsibility for the faculty member submitting the disclosure form, i.e. the Dean or Chair/Supervisor. If a potential conflict of interest is identified by the initial reviewer, the Disclosure materials will be referred to the Independent Substantive Review Committee (ISRC) for a second level review. The Committee will make recommendations for compliance to the Principal Investigator with a copy to the Executive Director of the Research and Economic Development Center and the initial reviewer. The Principal Investigator may appeal the decision of the ISRC to the President of the University if he/she believes that the ISRC recommendations are not justified.

VI. Management of Conflicts of Interest

When an Investigator has significant financial interests that would reasonably appear to be directly or significantly affected by the sponsored project, the ISRC may rule that the project may not proceed. In situations where reasonable doubt exists about the Conflict of Interest, certain conditions or restrictions may be imposed. These may include, but are not limited to:

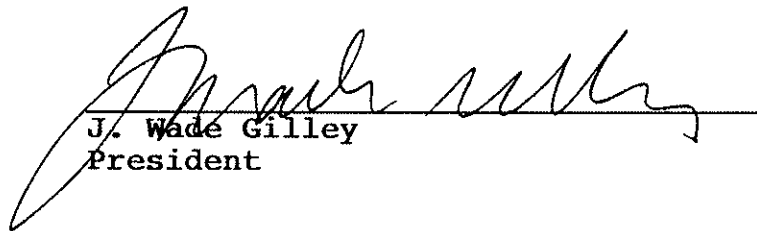
- a. Public disclosure of significant financial interests;
- b. Monitoring of the project by independent reviewers;
- c. Modification of the research or project plan;
- d. Disqualification from participation in all or a portion of the project;
- e. Divestiture of significant financial interests;
- f. Severance of relationships, i.e. Board of Directors, etc. that create actual or potential conflicts.

VII. Sanctions

Failure to file a complete Disclosure of Financial Interests in a Sponsored Project will be grounds for disciplinary action under the conditions outlined in "The Greenbook". In addition, sponsors may terminate current awards and/or contracts and may rule an investigator ineligible to receive future awards if the investigator fails to comply with requirements to file a complete disclosure.

VIII. Responsibilities and Administration

Final responsibility for the implementation of the Disclosure of Financial Interests in a Sponsored Research Project Policy rests with the President, the Provost and the Executive Director of the Research and Economic Development Center. In addition, they are authorized to issue additional guidelines, implementing procedures and supplementary local policies and forms consistent with the Policy. Any such changes should be communicated to the Executive Director of the Marshall University Research Corporation and the Deans of each college and school.



J. Wade Gilley
President

September 29, 1995
Date

Marshall University Research Corporation

Significant Financial Interest Disclosure

Faculty/Staff Name
Department/Unit
College/Unit
Proposal Submitted to or Project Funded by:
Please check one: <input type="checkbox"/> I do not have any significant or other interests related to this project. <input type="checkbox"/> I am disclosing the following significant financial interests (check one) and attaching supporting documentation (in an envelope marked confidential) that identifies the business enterprise or entity involved and the nature and amount of interest. <i>Significant financial interests are defined as interests of greater value than \$10,000 or an equity ownership of more than 5% held by an investigator and the investigator's spouse or dependent children. See Conflict of Interest Policy for exempt interests.</i> <input type="checkbox"/> Salary or other payment for services (e.g., consulting fees or honoraria). <input type="checkbox"/> Equity interests (e.g., stocks, stock options, or other ownership interests). <input type="checkbox"/> Intellectual property rights (e.g., patents, copyrights, and royalties from such rights). <input type="checkbox"/> Other significant financial interest of the investigator that possibly could affect or be perceived to affect the results of the research or educational activities funded or proposed for funding.
Further, I agree: To update this disclosure during the term of the award, either on an annual basis, or as new reportable significant interests are obtained. To cooperate in the development of a conflict of interest resolution plan. To comply with any conditions or restrictions imposed by the University to manage, reduce, or eliminate actual or potential conflicts of interest or forfeit the award.
Signed _____ Date _____ (Principal Investigator)
Signed _____ Date _____ (Designated University Official)
Signed _____ Date _____ (Executive Director, Research and Economic Development Center/ Chair, ISRC)
<u>Endorsements (If there is a conflict at the time of submission):</u> I have reviewed the significant financial interest disclosure and believe that it will be possible to develop and execute, prior to award, a resolution plan to manage, reduce, or eliminate an actual or potential conflict of interest, and, therefore, I recommend that the proposal be submitted to the agency at this time. Signed _____ Date _____ (Designated University Official)