

Kalamazoo College Financial Conflict of Interest Policy for Researchers Applying to or Holding Grants from the National Institutes of Health or the National Science Foundation

In accordance with Public Health Service (PHS) regulation 42 CFR Part 50, Subpart F and consistent with the provisions of the National Science Foundation (NSF) Proposal & Award Policies & Procedures Guide, Part II, Award & Administration Guide (AAG) Chapter IV.A, Kalamazoo College has developed the following policy on financial conflict of interest (FCOI) for researchers applying for or holding grants from the National Institutes of Health (NIH) or the National Science Foundation (NSF). The PHS and NSF requirements were “designed to promote objectivity in PHS- [and NSF-] funded research by establishing standards to ensure that the design, conduct, and reporting of research [...] is not biased by any conflicting financial interests of an Investigator [...]. The regulation places the responsibility for the identification and management of Investigators’ FCOI with the institution, which oversees the Investigator’s activities.”

Scope. The following statement of policy applies to Kalamazoo College researchers applying to or holding grants from the NIH or the NSF.

Fiduciary responsibility. Members of the Kalamazoo College community serve the public trust and thus have a clear obligation to conduct the business of the College in a manner consistent with those responsibilities. All decisions of the board, officers of the College, faculty, and staff are to be made solely on the basis of a desire to promote the best interests of the College and the public good.

In the spirit of the public trust, faculty or staff proposing to receive funds from the NIH or the NSF for research or educational activities must disclose – before submitting a proposal – any substantive financial conflict of interest that may reasonably affect how the project is carried out. A possible conflict of interest does not preclude acceptance of NIH or NSF funding, but appropriate safeguards may need to be implemented in certain situations.

Institutional official. Kalamazoo College designates the Associate Provost for Curriculum and Faculty Development as the institutional official who reviews financial disclosure statements from each investigator who is proposing or carrying out NIH- or NSF-funded research.

Disclosure. Before submitting a grant proposal to the NIH or the NSF, the investigator must complete the College’s Financial Disclosure Form and turn it in to the Associate Provost for Curriculum and Faculty Development. On the form, the investigator must report all significant financial interests (including those of his or her spouse or domestic partner and dependent children)

- (i) that would reasonably appear to be affected by the research or educational activities; or
- (ii) in entities whose financial interests would reasonably appear to be affected by such activities.

The institutional official will not sign off on the proposal until the Financial Disclosure Form has been completed and turned in.

The term **investigator** means the principal investigator, co-principal investigators/co-project directors, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by the NIH or the NSF.

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

The term does **not** include:

- a. salary, royalties or other remuneration from the applicant institution;
- b. any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
- c. income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
- d. income from service on advisory committees or review panels for public or nonprofit entities;
- e. an equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or
- f. salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$10,000 during the coming twelve-month period.

In addition to disclosing any financial conflict of interest at the time of proposal submission, investigators are required to update their financial disclosures during the period of the award, either on an annual basis or as new significant financial interest are obtained.

If the investigator has no significant financial interests to disclose, he or she is required to certify the lack of such interests.

Guidelines for identifying conflicts of interest. The Associate Provost or his or her designee will review all financial disclosures, determine whether a conflict of interest exists, and decide what conditions or restrictions (if any) should be imposed to manage, reduce, or eliminate any conflict of interest. A conflict of interest exists when the reviewer reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the proposed or funded research or educational activities.

Examples of conditions or restrictions that might be imposed to manage, reduce or eliminate conflicts of interest include, but are not limited to:

- a. public disclosure of significant financial interests;
- b. monitoring of research by independent reviewers;
- c. modification of the research plan;
- d. disqualification from participation in the portion of the NSF-funded research that would be affected by significant financial interests;
- e. divestiture of significant financial interests; or
- f. severance of relationships that create conflicts.

If the Associate Provost determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the Associate Provost may allow the research to go forward without imposing such conditions or restrictions.

Compliance. Investigators are expected to comply fully and promptly with the policy. If the policy is found to have been violated the Associate Provost will make recommendations to the Provost regarding sanctions or disciplinary proceedings.

Reporting. If the Associate Provost determines that the College can not manage a conflict of interest or if the conflict of interest policy is violated, the College will follow federal regulations regarding notification of the sponsoring agency.

Record-keeping. The Associate Provost will maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any PHS or NSF action involving those records, whichever is longer.

NOTE: This policy was drafted based on PHS regulation 42 CFR Part 50, Subpart F and the NSF Proposal & Award Policies & Procedures Guide, Part II, Award & Administration Guide (AAG) Chapter IV.A. Parts of this policy were also adapted from the Conflict of Interest Policies at Allegheny College and Smith College, and from Kalamazoo College's Conflict of Interest Policy for the Board of Trustees and Officers of the College.