

Funder: _____
Grant Program: _____
Date Submitted: _____

INVESTIGATOR FINANCIAL DISCLOSURE/CONFLICT OF INTEREST POLICY
Effective Date: January 1, 1997

1. Introduction

The National Science Foundation (“NSF”) and the Public Health Service (“PHS”) published their final policies governing financial conflicts of interest on July 11, 1995 (see 60 FR 35810, Part III). These policies are intended to ensure objectivity in the design, conduct and reporting of sponsored research or educational activities (NSF only). Such policies require, among other things, disclosure by the time an application is submitted to NSF/PHS of those Significant Financial Interests attributable to the Investigator (defined below) that would reasonably appear to be affected by the research or educational activities (NSF only).

Prior to its expenditure of any funds under an award from NSF/PHS, Gustavus Adolphus College (“the College”) will report to the sponsor the existence of a conflicting interest, if any, found by the College and assure that the interest has been managed, reduced or eliminated in accordance with Federal requirements. For any interest that the College identifies as conflicting subsequent to the College’s initial report under the award, the report will be made and the conflicting interest will be managed, reduced or eliminated, at least on an interim basis, within 60 days of that identification. (Note: communication with NSF/PHS regarding a conflict of interest will not relate to the nature of a conflict, only its existence.)

It is the responsibility of the College, not the Investigator, to determine if the disclosed interest could directly and significantly affect the design, conduct or reporting of the research necessitating the management, reduction, or elimination of the conflict of interest, as defined by NSF/PHS. There are some differences between the federal agencies’ policies regarding conflict of interest and the College’s Conflict of Interest Policy. Wherever the Federal agencies’ policies are more restrictive than the College’s Conflict of Interest Policy, the Federal requirements take precedence with respect to agency-funded projects. Copies of the complete NSF and PHS rules and policies are available from the College’s Office of Corporate and Foundation Relations.

2. Important NSF and PHS Definitions

- a. “Investigator” means the principal investigator(s) and any other person who is responsible for the design, conduct or reporting of educational (NSF only) or research activities proposed for such funding. For disclosures of financial interests, “Investigator” includes the Investigator’s spouse and dependent children.

- b. “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). Federal policies intend that Investigators disclose “significant financial interests that would reasonably appear to be affected by the research” or educational activities (NSF only).

Significant Financial Interest does not include:

- (1) salary, royalties, or other remuneration from the College or any ownership interest in the College;
- (2) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
- (3) income from service on advisory committees or review panels for public or nonprofit entities;
- (4) an equity interest that, when aggregated for the Investigator and the Investigator’s spouse and dependent children, meets both of the following tests:
 - [i] does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and
 - [ii] does not constitute more than a five percent ownership interest in any single entity; or
- (5) 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 \$10,000.

Note: the exclusions in paragraphs (1), (4) and (5) shall not apply if the compensation or transfer of an equity interest is conditioned upon a particular outcome in PHS-funded research.

3. College Responsibility

- a. NSF and PHS require each grantee institution to have a written, enforced institutional conflict of interest policy and to inform each Investigator of:
- (i) the College’s policy for identifying and managing, reducing or eliminating Significant Financial Interest of the Investigator; and
 - (ii) the Investigator’s reporting responsibilities. An Investigator must disclose:
 - (1) all Significant Financial Interests, as defined above, that would reasonably appear to be directly and significantly affected by the proposed research or educational activities; and
 - (2) all Significant Financial Interests in entities whose financial interest would reasonably appear to be directly and significantly affected by the research or educational activities.

- b. Key elements in required College policy include the following, with the person responsible for each action noted in parentheses:
- . Distribute the Investigator Financial Disclosure/Conflict of Interest Policy to faculty and non-faculty academic staff (Provost and Vice President for Academic Affairs [the “Provost”]);
 - . Inform Investigators of Investigator Financial Disclosure/Conflict of Interest Policy (Assistant Vice President for Corporate and Foundation Relations [the “CFR AVP”]);
 - . Inform Investigators of the reporting responsibilities (CFR AVP);
 - . Require disclosure of Significant Financial Interests prior to the submission of the proposal (CFR AVP);
 - . Designate College official(s) to solicit and review disclosure statements (see section 5, paragraph 1);
 - . Update disclosures during the period of award annually or as Significant Financial Interests change (Faculty);
 - . Manage, reduce or eliminate any disclosed Significant Financial Interests (the Provost);
 - . Maintain records of all financial disclosures and all actions taken by the College for at least three years beyond the termination or completion of the grant, or until the resolution of any NSF action involving those records, whichever is longer (CFR AVP);
 - . Establish procedures for resolving alleged violations of College policy, including adequate enforcement mechanisms and providing for sanctions where appropriate (the Provost); and
 - . Make arrangements for access by NSF/PHS to the College’s Investigator Financial Disclosure/Conflict of Interest Policy (CFR AVP).

4. Principal Investigator Responsibilities

- a. The Principal Investigator, and anyone else designated by the Principal Investigator as an “Investigator” as described in b. below, is responsible for disclosing all financial interests that would reasonably appear to be affected by the proposed or funded activities.
- b. For each proposed activity, the Principal Investigator is responsible for determining who meets the definition of “Investigator” described in 2.a. above. It is important to note that the “Investigator,” as defined for these purposes, may not be limited to those individuals titled or budgeted as “Investigators” on the grant proposal. For example, a student, a research

associate, a subcontractor or some other person who bears responsibility for the conduct of the research is an “Investigator” for these Conflict of Interest Policy purposes.

Collaborators at other institutions must either comply with the policies of the College or certify to Gustavus that 1) they have reviewed their portion of the project according to their institutional policies and 2) such policies are in compliance with applicable NSF and PHS regulations. Whenever a Gustavus project involves consultants or subcontractors, those parties must comply with the College’s Investigator Financial Disclosure/Conflict of Interest Policy, where appropriate.

- c. For each such “Investigator” identified above (sections 2.a. and 4.b.), the Principal Investigator is responsible for providing the person’s name and address to the CFR AVP in Appendix I of the Conflict of Interest Policy Assurance of Compliance Form (“Assurance of Compliance Form”) at least 10 working days prior to the proposal submission deadline. The Principal Investigator will also append each such Investigator’s Assurance of Compliance Form to Appendix I or, in the case of a collaborating Investigator, his or her certificate of compliance with the policies of his or her institution, as appropriate.
- d. Regardless of the minimum disclosure requirements set forth above in 2.b. and 3.a.ii, a faculty or staff member, 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.

5. Designated College Official and Examples of Management of Conflicts of Interest

The Provost is the College-designated official who has primary responsibility for the oversight of the management of conflicts of interest. The Vice President for Finance and Treasurer will review all financial disclosures reported by each Investigator(s), as defined in sections 2.a. and 4.b., determine whether a conflict of interest exists, and report these findings to the Provost in a written report. If a determination has been made that a conflict of interest exists, the Provost will determine what actions should be taken by the College to manage, reduce or eliminate such conflict of interest. A conflict of interest exists when the Provost reasonably determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the research or educational activities (NSF only).

Conditions or restrictions that might be imposed by the College to manage, reduce or eliminate actual or potential conflicts of interest include:

- . Public disclosure of Significant Financial Interests;
- . Monitoring of research by independent reviewers;
- . Modification of the research plan;
- . Disqualification from participation in the portion of the NSF- or PHS-funded research that would be affected by the Significant Financial Interests;
- . Divestiture of Significant Financial Interests; or

- . Severance of the relationships that create actual or potential conflicts.

NSF policy permits sponsored research or educational activities to proceed, in spite of disclosed conflicts, if the Provost determines that imposing restrictions or conditions 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. The Provost will notify the NSF's Office of the General Counsel if the College finds that it is unable to satisfactorily manage a conflict of interest.

6. Implementation of College Policy

- a. To assure comprehensive compliance with the College's policy, the Office of the Provost will distribute applicable policies to faculty and non-faculty academic staff. New appointments will also receive similar literature.
- b. Faculty and non-faculty academic staff seeking NSF/PHS support assure compliance with the College policy by signing a "Conflict of Interest Assurance of Compliance Form" and returning the form to the Office of Corporate and Foundation Relations ("CFR") at least 10 working days prior to the proposal submission deadline.
- c. Based on the Investigator's responses to the Assurance of Compliance Form, Appendix I may need to be completed. If so, an Investigator must make all financial disclosure required on Appendix I in accordance with the definition of "Significant Financial Interests," and return the signed form to CFR at least 10 working days prior to the grant proposal submission deadline.
- d. The Provost will make the final determination of what conditions or restriction, if any, should be imposed by the College to manage, reduce or eliminate a Significant Financial Interest where it has been determined that such interest could influence the design, conduct or reporting of the research or educational activities (NSF only).

7. Instructions and Comments for Completing Appendix I of the Conflict of Interest Assurance of Compliance Form

Investigators are required to disclose any Significant Financial Interest information that would reasonably appear to be directly and significantly affected by the research or educational activities (NSF only) proposed to be funded by NSF/PHS. The disclosure also must cover any Significant Financial Interests in an entity whose financial interest would reasonably appear to be directly or significantly affected by the external funding.

If you have any questions regarding this policy or the Conflict of Interest Policy Assurance of Compliance Form, please contact Bob Weisenfeld, Assistant Vice President for Corporate and Foundation Relations, at Ext. 7049, or e-mail at bweis@gustavus.edu.