

J.6 SECTION VI. CONFLICT OF INTEREST

These guidelines state university policy and procedures regarding financial conflicts of interest in relation to sponsored activities involving research, education, and services. Their purpose is to protect the credibility and integrity of the University of Central Oklahoma's faculty and staff in order that the public trust and confidence in all sponsored activities is ensured. Regulations require that principal investigators disclose to the Office of Research & Sponsored Programs certain significant financial interests that would reasonably appear to be affected by the proposed sponsored activity. These disclosures must be submitted at or before the time of submission of the proposed application for funding. Based on the disclosed information, the university is held responsible for determining whether a conflict of interest exists.

A potential conflict of interest exists when there is a divergence between an individual's private interests and his or her professional obligations to the university, such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the situation and not on the character or actions of the individual. When a conflict is identified, the university is required to develop and implement a plan to manage, reduce, or eliminate the conflict of interest prior to any expenditure of funds on the grant, contract, or cooperative agreement.

The university must also comply with certain reporting requirements to the sponsoring agency related to the existence of conflicts and those conflicts which cannot be resolved and maintain records of financial disclosures and actions taken as part of the project's history in compliance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (located in Title 2 of the Code of Federal Regulations). In addition, the guidelines require that all financial disclosures be updated during the award period, either on an annual basis or as new significant financial interests are discovered. The final component of the required policy is to establish adequate enforcement mechanisms and to provide sanctions where appropriate.

J.6.1 DEFINITIONS

The term investigator means the principal investigator, co-principal investigator, and any other person at the institution who is responsible for the design, conduct, or reporting of a sponsored activity funded or proposed for funding by an external sponsor.

Sponsored activities include research, education, service, and training activities funded by an

external sponsor.

Equity interest means any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.

A significant financial interest is defined under 42 CFR 50 and includes anything of monetary value received directly or indirectly by the investigator or investigator's immediate family (spouse or dependents) in the twelve (12) months preceding the disclosure that, when aggregated, exceeds \$5,000.

The monetary value can include, but is not limited to:

- A. salary, or other payments for services such as consulting fee and honoraria;
- B. with regard to any publicly traded entity, any remuneration received from such entity in the twelve (12) months preceding the disclosure and the value of any equity interest in such entity as of the date of disclosure that, when aggregated, exceeds \$5,000;
- C. with regard to any non-publicly traded entity;
 - a. any remuneration received from such entity in the twelve (12) months preceding the disclosure that, when aggregated, exceeds \$5,000, or
 - b. any equity interest regardless of value;
- D. intellectual property rights such as patents, copyrights, and royalties from such rights upon receipt of income related to such rights and interests.

Significant financial interests do not include:

- A. salaries, royalties, or other compensation paid by the institution where the applicant is employed or otherwise appointed;
- B. remuneration from intellectual property rights assigned to the institution and agreements to share in royalties related to such rights;
- C. income from investment vehicles such as mutual funds and retirement accounts as long as the investor does not directly control the investment decisions made in these vehicles;
- D. income for seminars, lectures, or teaching engagements sponsored by a federal, state, or local governmental 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;
- E. income from service on advisory committees or review panels for 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; or

- F. travel that is reimbursed or sponsored by a Federal, state, or local government agency, including an institution of higher education, or
- G. salary, royalties, or other payments that when aggregated for the investigator and the investigator's spouse and dependent children over the next 12 months are not expected to exceed \$5,000.

J.6.2 POLICY

It is the policy of UCO that the investigator(s) must disclose any significant financial interests that would reasonably appear to directly or indirectly and significantly affect the design, conduct, or reporting of sponsored activities funded or proposed for funding by an external sponsoring agency.

J.6.3 DISCLOSURE REQUIREMENTS

Investigators must file disclosures of significant financial interests and any required documentation to the Office of Research & Sponsored Programs prior to submitting proposals to an external sponsoring agency.

A Disclosure of Potential Conflict of Interest Form (form available by contacting the Office of Research & Sponsored Programs, research@uco.edu) has been developed for this purpose. This disclosure will be treated as confidential information and used only for compliance with federal regulations regarding conflicts of interest.

Records of investigator(s) financial disclosures, any required documentation, and actions taken to manage conflicts of interest shall be retained for three years following the termination or completion of the award to which they relate or the resolution of any government action involving those records, whichever is longer.

J.6.4 DISCLOSURE REVIEW

Disclosures shall be reviewed by the Office of Research & Sponsored Programs prior to submitting the proposal or in cases where the grant or contract has already been awarded prior to initiating expenditures from grants, contracts, or cooperative agreements awarded by the sponsoring agency. The Office of Research & Sponsored Programs, in collaboration with the Provost and VP for

Academic Affairs and General Counsel, will determine whether a conflict of interest exists and how such conflicts may be managed, reduced, or eliminated.

In cases where conflicts of interest are identified, the Office of Research & Sponsored Programs, in collaboration with the Provost and VP for Academic Affairs and General Counsel, will have the responsibility for developing a plan, acceptable to both the investigator and the university, to manage, reduce, or eliminate the conflict of interest. No funds will be expended prior to the development of this plan. For new conflicts that arise during an active grant or contract, an acceptable plan must be developed within 30 days.

J.6.5 RESOLUTION

Examples of conditions or restrictions that may be imposed to manage, reduce or eliminate a potential conflict of interest include but are not limited to:

1. public disclosure of significant financial interests;
2. monitoring of sponsored activities by independent reviewers;
3. modification of the sponsored activity plan;
4. disqualification from participation in all or a portion of the sponsored activity;
5. divestiture of significant financial interests; or
6. severance of relationships that create actual or potential conflicts of interest.

If the Office of Research & Sponsored Programs, in collaboration with the Provost and VP for Academic Affairs and General Counsel, determines that imposing the above referenced conditions or restrictions would either be 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 designated university official may recommend that, to the extent permitted by federal regulations, the sponsoring activity go forward without imposing such conditions or restrictions.

The approved resolution plan shall be documented in writing, detailing the conditions or restrictions imposed upon the investigator(s) in the conduct of the sponsored activity or in the relationship with the business enterprise or entity.

In accordance with specific agency regulations, the Office of Research & Sponsored Programs will notify the agency in writing of all identified conflicts of interest, including those which the university is unable to satisfactorily manage, reduce, or eliminate. Additional reports or information required by the agency involved will be provided.

J.6.6 ENFORCEMENT

The Provost and VP for Academic Affairs, in collaboration with General Counsel, shall be responsible for determining and implementing sanctions on investigators who have violated this policy in terms of a conflict of interest resolution. The investigator shall be notified in writing of the recommended sanctions within 30 days. If the sanctions involve a recommendation of termination of employment, the university academic termination procedures will be invoked. The university must take action appropriate for the seriousness of the violation, including, but not limited to, one or more of the following, subject to existing university policies for institutional disciplinary action:

1. termination;
2. removal from particular activity;
3. special monitoring of future work;
4. letter of reprimand; and
5. probation for specified period with conditions specified.

The university shall follow federal regulations regarding the notification of the sponsoring agency in the event an investigator has failed to comply with this policy. The sponsor may take its own action as it deems appropriate, including the suspension of funding for the investigator until the matter is resolved. Individuals may appeal the judgment and/or the sanction. A written statement of the grounds for the appeal must be submitted to the president within 30 days of written notification of the sanctions. Grounds for appeal include, but are not limited to,

1. previously unconsidered material evidence;
2. sanctions not commensurate with the finding; and
3. failure to follow the prescribed process.

Upon receipt of a written appeal, the president will evaluate the evidence and make a determination. The president will open an investigation if the previously unconsidered material evidence so warrants and may open an investigation if circumstances so dictate. The president's decision will be conveyed to all involved in a timely fashion but must be conveyed within 30 days. In the case of termination, the appropriate university policies on termination for cause shall be followed.

J.6.7 CERTIFICATION

The principal investigator must verify that he or she has disclosed all potential conflicts of

interest and all other pertinent information by signing a certification statement. The statement is as follows:

“I certify that I have read and understand the University of Central Oklahoma’s policy on conflict of interest. I have made all financial disclosures; and I will comply with the policy and any conditions or restrictions imposed by the university to manage, reduce, or eliminate actual or potential conflicts of interest.”

The designated university official must also certify on behalf of the university that the institution has implemented and is enforcing a written policy on conflicts of interest. The statement for the designated university official is as follows:

“The designated university official certifies that all financial disclosures required by the conflict of interest policy were made and that actual or potential conflicts of interest, if any, were or prior to funding the award, satisfactorily managed, reduced or eliminated in accordance with the institution’s conflict of interest policy or disclosed to the agency involved.”

J.6.8 TRAINING

Each investigator must complete training on this Policy prior to engaging in research funded by PHS, and at least every four years thereafter. Investigators are required to complete CITI’s Financial Conflict of Interest Training Module, available at: <https://about.citiprogram.org/>. Instructions and access to the training module are available at: <https://www.uco.edu/academic-affairs/files/oric/citi-training-registration-steps-hsr.pdf>. Investigators are required to confirm that they have completed the training via email to research@uco.edu.

Investigators must also complete training immediately, if: this policy is substantively amended in a manner that affects the requirements of investigators; an investigator is new to the University of Central Oklahoma; or if it is determined that the investigator has not complied with this policy or with a management plan related to their activities.

J.6.9 RECORD RETENTION

The Office of Research & Sponsored Programs will retain all disclosure forms, conflict management plans, and related documents for a period of three years from the date the final expenditure report is submitted to the PHS or to the prime PHS awardee.

J.6.10 CONFIDENTIALITY

To the extent permitted by law, all disclosure forms, conflict management plans, and related information will be confidential. However, the university may make such information available to an agency funding an Investigator's research, to a requestor of information concerning financial conflict of interest related to PHS funding or to the primary entity that made the funding available to the university, if requested or required. If the university provides disclosure forms, conflict management plans, and related information to an outside entity, the Investigator will be informed of this disclosure.

J.6.11 SUBRECIPIENT INVESTIGATORS

If the University of Central Oklahoma carries out research funded through a subrecipient, the agreement between the University of Central Oklahoma and the subrecipient will articulate whether subrecipient investigators will comply with the Financial Conflict of Interest Policies of the subrecipient institution or whether they will be subject to the University of Central Oklahoma's policy. If subrecipient investigators are subject to the policies of the subrecipient institution then the subaward agreement shall include a certification that the subrecipient investigators will comply with the funding agencies regulations governing financial conflicts of interest and shall specify a time period for the subrecipient to report all identified conflicts of interest to the University of Central Oklahoma. If the subrecipient investigators are subject to the University of Central Oklahoma's policy, the subaward agreement shall specify time period(s) for the subrecipient to submit all investigator conflicts of interest disclosures to the University of Central Oklahoma, so that the University of Central Oklahoma has sufficient time to provide timely reports, as necessary, to funding agency.

J.6.12 PUBLIC ACCESSIBILITY

Prior to the expenditure of funds, the university will ensure public accessibility of information about any financial conflict of interest, via response to requestor within five business days of the request, information concerning any Significant Financial Interest that meets the following criteria:

- a) the Significant Financial Interest was disclosed and is still held by the Investigator;

- b) a determination has been made that the Significant Financial Interest is related to the federally-funded research; and
- c) a determination has been made that the Significant Financial Interest is a Financial Conflict of Interest.

The information to be made available shall be consistent with the requirements of the PHS or other federal funding policy.

J.6.13 REGULATORY AUTHORITY

This policy implements the requirements of 42 CFR 50.601 et seq; where there are substantive differences between this policy and the requirements, the requirements shall take precedence.