

Wittenberg University Policy

Conflict of Interest – Sponsored Projects

It is the policy of Wittenberg University to abide by the National Science Foundation (NSF), the Department of Health and Human Services, Office of Public Health Services (PHS), and other federal funding agencies with regards to the Financial Conflict of Interest Policy. The Policy is designed to comply with federal regulations (42 CFR 50 and 45 CFR 94). Specifically, this policy applies to sponsored-research (defined below) projects for which Wittenberg University submits a proposal to, or receives research funding from the NSF, PHS, or other agencies. The purpose of this policy is to protect the credibility and integrity of the University's faculty and staff so that public trust and confidence in the University's sponsored projects activities is ensured.

This policy applies to all Investigators (defined below) of the University who are involved with funded research. The Provost is responsible for ensuring implementation of this policy and may suspend all relevant activities until any financial conflicts of interest are resolved or other action deemed appropriate by the Provost is implemented. Violation of any part of these policies may constitute cause for disciplinary or other administrative action pursuant to University policy.

A. Disclosure of Significant Financial Interests.

All Investigators are required to disclose to the Provost's Office all "Significant Financial Interests" of the Investigator and/or the Investigator's spouse, partner, and dependent children in sponsored-research activities.

B. Definitions

- a. Sponsored-research
Research means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge and encompasses basic and applied methodologies and product development funded by an external entity (e.g., US Public Health Service and the National Science Foundation, etc.).
- b. Investigator
"Investigator" means the project director or principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of grant-funded research, or proposals for such funding. This definition may include collaborators and consultants as appropriate.
- c. Significant Financial Interest (as cited in 42 CFR 50 and 45 CFR 94)
 - i. Any interest of the Investigator that reasonably appears to be related to the Investigator's institutional responsibilities, including all research, teaching and/or service to the University
 - ii. With regard to any publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure *and* the value of any equity interest in the entity as of the date of the disclosure, when aggregated, exceeds \$5,000. Remuneration includes any salary and any payment for services not otherwise identified as salary (e.g., consulting fees, paid authorship, and honoraria); equity interest

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

- iii. With regard to any non-publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, *or* when the Investigator (or the Investigator's spouse, partner, or dependent children) owns *any* equity interest, regardless of dollar value.
 - iv. With regard to intellectual property rights and interests (e.g., patents and copyrights), a Significant Financial Interest exists upon receipt of income related to such rights and interests.
 - v. Any occurrence of sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) or any reimbursed travel related to the Investigator's institutional responsibilities must also be disclosed, with the exception of any travel reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. The Investigator must disclose the purpose of the trip, the identity of the sponsor and/or organizer, the destination and its duration. Additional information, including the estimated cost of travel, may be required.
- d. Exclusions. The term "Significant Financial Interest" does not include:
- i. Salary, royalties, or other remuneration from Wittenberg University;
 - ii. income from investment vehicles such as mutual funds or retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
 - iii. income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or
 - iv. income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

C. Timing of Required Disclosures.

Investigators must provide all required financial disclosures at the time a proposal is submitted. Investigators involved with sponsored-research must provide all required financial disclosures within 30 days of their initial appointment or employment. Investigators must also update their financial disclosures within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) any new Significant Financial Interest. Additionally, Investigators, who are participating in PHS-funded research, must submit an updated disclosure of significant financial interest at least annually during the period of the award.

D. Review of Financial Disclosures.

The following process shall apply to financial disclosures submitted by Investigators:

- a. Determination of Financial Conflict of Interest. The Provost (or Provost-designee) shall review each disclosure form to determine whether the disclosure relates to the funded research, and, if so related, determine whether a Financial Conflict of Interest potentially exists.
- b. Significant Financial Conflict of Interest. A “Financial 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 federally-funded research or educational activities.

E. Management of Financial Conflicts of Interest.

If it is determined that a Significant Financial Interest constitutes a Financial Conflict of Interest, the Provost will make the final determination as to which financial conflicts can be managed in a way that protects the integrity of the funded research and of the University, and which cannot. He or she will ultimately be responsible for approving all plans for the elimination or mitigation of a possible conflict, including specification of the conditions under which the award can be accepted. The Provost will charge the Investigator with submitting a plan for elimination or mitigation of the apparent conflict.

The Management Plan may include conditions or restrictions to manage, reduce, or eliminate the Financial Conflict of Interest, which may include (but are not limited to): a) monitoring of research by independent reviewers; b) modification of the research plan; c) disqualification from participation in the portion of the federally-funded research that would be affected by Significant Financial Interests; d) divestiture of Significant Financial Interests; e) severance of relationships that create conflicts; or f) public disclosure of Financial Conflicts of Interest. The Investigator will be consulted as to the implementation of the Management Plan; the Investigator must agree to the plan before the research can proceed. If the Provost and Investigator cannot agree upon a management plan, the relevant regulatory authorities and funding agencies will be notified.

To address complex situations, oversight committees may be established by the Provost to periodically review the ongoing activity, to monitor the conduct of the activity, to ensure open and timely dissemination of the research results, and otherwise oversee compliance with the management plan.

F. Enforcement.

An Investigator who fails to disclose a Significant Financial Interest or to comply with the conditions or restrictions imposed by the University is subject to discipline up to and including termination or dismissal. The Provost (or Provost-designee) is responsible for keeping the NSF’s Office of the General Counsel, the Public Health Service, and other relevant public and private entities appropriately informed if the University finds that it is unable to satisfactorily manage a conflict of interest and any implemented disciplinary sanctions.

The University shall maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least seven years beyond the termination or completion of the grant to which they relate, or until the resolution of any administrative or legal action involving those records, whichever is longer (per Wittenberg University’s Document Retention and Destruction Policy). As required by PHS federal regulations for PHS-funded research, the College will also conduct a retrospective review of any

failure to comply with this policy to determine whether the research conducted during the period of non-compliance was biased in the design, conduct, or reporting of research.

The University shall strive to maintain the confidentiality of all financial disclosures; however, such disclosures may be subject to government audit, court subpoena, or other legally required disclosure.

G. Records. The Provost (or Provost-designee) shall maintain records of all financial disclosures and of all actions taken to resolve Financial Conflicts of Interest for at least seven years beyond the termination or completion of the grant to which they relate, or until the resolution of any federal action involving those records, whichever is longer (per Wittenberg University's Document Retention and Destruction Policy).

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