

Seattle Pacific University
Financial Conflict of Interest Policy for Sponsored Programs

It is the policy of Seattle Pacific University that any employee responsible for the design, conduct, or reporting of sponsored projects funded with U.S. Public Health Services (PHS) or National Science Foundation (NSF) funds must disclose Significant Financial Interests (as defined below). Investigators should also submit updated disclosures to the Faculty Life Office (FLO) annually on October 1. If the University determines that such an interest might reasonably appear to directly and significantly affect the sponsored program, the University will take steps to either manage or eliminate the conflict. The purpose of this policy is to promote objectivity in research, assure compliance with federal regulations, protect the integrity of University faculty and staff, and ensure public trust in the University's sponsored activities. The Provost or designee is responsible for ensuring implementation of this policy.

The policy is intended to comply with the U.S. Department of Health and Human Services regulations (42 CFR Part 50, Subpart F and 45 CFR Part 94) *Responsibility of Applicants for Promoting Objectivity in Research* and the National Science Foundation (NSF) *Investigator Financial Disclosure Policy* (NSF 60 FR 35820).

Investigators applying for or receiving funding from an agency other than PHS or NSF will comply with that agency's policies regarding financial conflicts of interest.

CONFLICT OF INTEREST

A conflict of interest is a situation in which personal considerations have the potential to compromise or bias professional judgment and objectivity. Financial Conflict of Interest may occur when an individual's financial or personal considerations affect or appear to affect his or her SPU obligations related to sponsored program activity. An actual conflict of interest depends on the situation and not on the character or actions of the individual. Investigators should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when these arise. Every Investigator has an obligation to become familiar with and abide by this policy.

DEFINITIONS:

Family means any member of the Investigator's immediate family (spouse or any dependent children).

Financial Conflict of Interest (FCOI) means a Significant Financial Interest that the University reasonably determines could directly and significantly affect the design, conduct, or reporting of research and sponsored projects.

Institutional responsibilities means the Investigator's responsibilities associated with his or her University appointment or position, such as research, teaching, clinical activities, administration, and institutional, internal or external professional committee service.

Investigator means any individual who is responsible for the design, conduct, or reporting of sponsored projects or proposals for external funding. This definition is not limited to those titled or budgeted as principal investigator or co-investigator, and may include postdoctoral associates, senior scientists or graduate students, collaborators or consultants.

Public Health Service or *PHS* means the Public Health Service of the U.S. Department of Health and Human Services, and any components of PHS to which the authority of PHS may be delegated. Components include but are not limited to the **National Institutes of Health (NIH)**.

Significant Financial Interest (SFI) means one or more of the following interests of the Investigator (and those of the Investigator's Family) that reasonably appear to be related to the Investigator's institutional responsibilities:

- a. With regard to any publicly traded entity, an SFI 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 disclosure, when aggregated, exceeds \$5,000 (PHS) or \$10,000 (for NSF). *Remuneration* includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); *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;
- b. With regard to any non-publicly traded entity, an SFI exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000 (PHS) or \$10,000 (NSF), or when the Investigator, or the Investigator's spouse or dependent children, holds *any* equity interest (e.g., stock, stock option, or other ownership interest) regardless of value; and
- c. With regard to Intellectual property rights and interests (e.g., patents and copyrights), an SFI exists upon receipt of income related to such rights and interests.

Travel - PHS funded Investigators must also disclose any reimbursed or sponsored travel that is related to their institutional responsibilities. Sponsored travel is paid on behalf of the Investigator and not reimbursed to the Investigator, so that the exact monetary value may not be readily available.

An Investigator does **not have to disclose** travel reimbursed or sponsored by a federal, state, or local government agency, a U.S. institution of higher education as defined at 20 USC 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education.

Reimbursed travel constitutes an SFI if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated per entity, exceeds \$5,000 per Investigator, subject to the exceptions above. Unreimbursed sponsored travel that exceeds or is reasonably expected to exceed the \$5,000 threshold is subject to further institutional review to determine if it constitutes an FCOI. Disclosure should include the purpose of the trip, identity of the sponsor, destination, duration of travel, and amount of travel (estimated if exact value is not known).

Significant Financial Interest excludes:

- a. salary, royalties, or other remuneration paid by SPU to the Investigator, if the Investigator is currently employed or otherwise appointed by SPU (including royalties from Intellectual Property rights assigned to SPU and agreements to share in such royalties related to such rights); income from seminars, lectures, or teaching engagements sponsored by, or from advisory committees or review panels for, a federal, state, or local governmental agency, a U.S. institution of higher education as defined at 20 USC 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education;
- b. equity interests or income from investment vehicles such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles; and
- c. travel reimbursed by the University, regardless of the source of funds.

DISCLOSURE REQUIREMENTS

Investigators are required to disclose any SFI to SPU on an initial and annual basis, or when acquiring a new SFI.

Initial Disclosures – All Investigators must review this conflict of interest policy and complete an SFI disclosure prior to submitting a proposal for PHS or NSF funding. Investigators added to the project after the grant is awarded must complete an SFI disclosure prior to any participation in that award.

Annual and Revised Disclosures – Investigators must update disclosures annually on October 1 during the term of a grant and also within 30 days of discovering or acquiring a new SFI.

Review

The Provost or designee will review SFI disclosures promptly to determine whether an SFI constitutes a Financial Conflict of Interest (FCOI). If a conflict exists, the Provost or designee will communicate this determination to the Investigator and develop and implement a management plan to manage or eliminate the conflict of interest.

Management Plan

The management plan may include, but is not limited to, these elements:

- 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 federally funded research that would be affected by Significant Financial Interests;
- e. divestiture of SFIs;
- f. severance of relationships that create conflicts.

No expenditures on PHS awards will be permitted until the Investigator has complied with the disclosure and training requirements of this policy and has agreed, in writing, to comply with any plan(s) determined to be necessary for the management of the FCOI.

REPORTING TO SPONSORS

If any reported conflict or non-compliance requires reporting to a Federal agency or other external sponsor, the Provost or designee will report in accordance with that sponsor's regulations. This includes notifying the sponsor if SPU is unable to satisfactorily manage a conflict of interest.

INVESTIGATOR NON-COMPLIANCE

a. Disciplinary Action

In the event of an Investigator's failure to comply with this Policy (including a failure to comply with a management plan), the Provost or designee may suspend all relevant activities or take other disciplinary action, including sanctions, until the matter is resolved. SPU's institutional investigation procedure is outlined in the SPU Misconduct in Research or Creative Activity Policy (found at <https://spu.edu/administration/faculty-life-office-new/scholarship-grants-and-awards/office-of-sponsored-programs/responsible-conduct-of-research>).

b. Retrospective Review

If the Provost or designee determines that a Financial Conflict of Interest was not identified or managed in a timely manner, or if an Investigator has failed to comply with a management plan, the Provost or designee will, within 120 days of SPU's determination of noncompliance, complete a retrospective review of the Investigator's activities and the project to determine whether the activity conducted during the period of non-compliance was biased in the design, conduct, or reporting of the sponsored project.

Documentation will include: the project number, project title, name of PI, name of Investigator with the FCOI, name of the entity with which the Investigator has an FCOI, reason(s) for the retrospective review, detailed methodology used for the retrospective review, and conclusions and findings of the review.

If appropriate, the Provost or designee will update any previously submitted report to the sponsor relating to the project, specifying the actions that will be taken to manage the FCOI in the future.

c. Mitigation Report

If bias is found, SPU will notify the sponsor promptly and submit a mitigation report in accordance with sponsor

regulations, including a description of the impact of the bias and a description of the plan of action to eliminate or mitigate the effect of the bias.

TRAINING

Each Investigator must complete training on this policy prior to engaging in externally sponsored activity or proposals, and at least every four years thereafter. Links to training may be found at <https://www.spu.edu/administration/faculty-life-office-new/scholarship-grants-and-awards/office-of-sponsored-programs/responsible-conduct-of-research>. An Investigator may also be required to repeat this training as part of a management plan.

RECORD RETENTION

The FLO Office of Sponsored Programs will retain all disclosure forms, conflict management plans, and related documents for at least three years from the date the final expenditure report is submitted to PHS for annually renewing awards, or until the resolution of any federal action involving those records, whichever occurs later. Note: For quarterly renewing awards the retention period begins on the day the grantee submits its expenditure report for the last quarter of the federal fiscal year. If the final expenditure report is waived, retention begins on the day it would have been submitted.

SUBAWARDS ISSUED BY SPU UNDER PHS-FUNDED PRIME AWARDS

When SPU issues a subaward to another institution to carry out a portion of PHS-supported research, the subawardee must comply with the PHS conflict of interest regulations. SPU, therefore, will issue subawards under PHS funded awards only to institutions that have conflict of interest policies that comply with PHS regulations.

PUBLIC ACCESSIBILITY and CONFIDENTIALITY

This policy shall be posted on the Seattle Pacific University website, available on the Faculty Life Office (FLO) homepage.

For PHS-supported research, SPU must ensure public accessibility of information concerning the FCOI held by Senior/ Key Personnel pursuant to 42 CFR 50.605(a) before spending PHS funds. SPU will provide information on certain SFIs that the University determines are related to PHS-funded research and constitute a Financial Conflict of Interest to a requestor within five business days of a written request. The information that SPU makes available by written response to such a requestor shall include, at a minimum, the following: the Investigator's name; the Investigator's title and role with respect to the research project; the name of the entity in which the SFI is held; the nature of the SFI; and the approximate dollar value of the SFI (dollar ranges are permissible: \$0-\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the SFI is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value. SPU will note in its written response that the information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of SPU's identification of a new Financial Conflict of Interest, which should be requested subsequently by the requestor.

If the University is requested to provide information related to a certain FCOI to an outside entity, the Investigator will be informed.

Reviewed and approved,
Provost Jeff Van Duzer