

Oberlin College
Financial Conflict of Interest Policy for Sponsored Research

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Table of Contents

- I. Introduction
- II. Definitions
- III. Disclosure of Financial Interests / Investigator Obligations
- IV. Subrecipients and Subawards
- V. Training
- VI. Institutional Obligations and Review
- VII. Managing Conflicts of Interest
- VIII. Violations of Conflict of Interest Policy
- IX. Reporting
- X. Record Retention
- XI. Public Accessibility

I. Introduction

This policy on financial conflicts of interest for sponsored research was designed for applicants seeking research funding through the Department of Health and Human Services (HHS), Public Health Service (PHS), National Institutes of Health (NIH), National Science Foundation (NSF), other government agency, or non-governmental funder that follows PHS policies. This policy implements the requirements The Department of Health and Human Services ruling in the Federal Register that amends the Public Health Service (PHS) regulations on Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought (42 C.F.R. Part 50) and Responsible Prospective Contractors (45 C.F.R. Part 94). Where there are substantive differences between this policy and the requirements, the requirements shall take precedence.

This policy applies to all Oberlin College Investigators on research funded by PHS (including NIH), NSF, other governmental agencies, and non-governmental funders that follow PHS policies. The Dean of the College of Arts and Sciences, or his/her designee, is responsible for ensuring implementation of this policy and may suspend all relevant activities until the financial conflict of interest has been resolved or other action deemed appropriate has been implemented. Violation of any part of this policy may also constitute cause for disciplinary or other administrative action pursuant to Oberlin College policy.

Oberlin College is committed to ensuring that sponsored research is free from the bias created by a financial conflict of interest held by an Investigator or subawardee and from the appearance of a bias resulting from a financial conflict of interest held by an Investigator or subawardee. To that end, the College will undertake efforts to identify significant financial interests held by investigators that may relate to research funded by PHS, NIH, NSF, other government agencies, or non-governmental funders that follow PHS policies and to determine whether or not those significant financial interests constitute a financial conflict of interest. The College recognizes that Investigators and members of their family may hold significant financial interests related in some measure to federally sponsored research, and such interests must be disclosed to the College to ensure that the research is not in any form biased by the presence of these interests. Oberlin College will manage financial conflicts of interest that exist by taking action, which may include reducing or eliminating the financial conflict of interest, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

II. Definitions

Family means any member of the Investigator's immediate family, including spouse, domestic partner, and dependent children.

Financial Conflict of Interest means a significant financial interest that could directly and significantly affect the design, conduct, or reporting of sponsored research.

Financial Interest means anything of monetary value received or held by an Investigator or an Investigator's family, whether or not the value is readily ascertainable, including, but not limited to: salary or other payments for services (e.g. consulting fees, honoraria, or paid authorships for other than scholarly works); any equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights), upon receipt of royalties or other income related to such intellectual property rights and interests.

Institutional Official means the Dean of the College of Arts and Sciences or his/her designee.

Institutional Responsibilities means an Investigator's professional responsibilities on behalf of Oberlin College, and as defined by Oberlin College in its financial conflict of interest policy for sponsored research, which may include for example: activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as the Institutional Review Board.

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 sponsored research, or proposed for such funding, which may include, for example, collaborators or consultants.

PI/PD means a principal investigator or project director of research project through PHS, NIH, NSF, other governmental agency, or non-governmental funder that follows PHS policies.

Research means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug).

Significant Financial Interest means anything of monetary value held or received by the Investigator or the Investigator's family that reasonably appears to be related to the Investigator's institutional responsibilities, including but not limited to the following:

- a) if with a publicly traded entity, the aggregate of any salary or other payments for services received during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds \$5,000;
- b) if with a non-publicly traded entity, the aggregate value of any salary or other payments for services received during the 12 month period preceding the disclosure exceeds \$5,000;
- c) if with a non-publicly traded entity, an equity interest of any value during the 12 month period preceding the or as of the date of disclosure;
- d) reimbursed travel or 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
- e) intellectual property rights (e.g., patents, copyrights, and trademarks) and royalties or income from such rights.

Significant Financial Interest does **NOT** include:

- a) salary, royalties, or other remuneration paid by Oberlin College to the Investigator if the Investigator is currently employed or otherwise appointed by the College;
- b) income from seminars, lectures, teaching engagements sponsored by, or service on advisory committees or review panels for, government agencies, institutions of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education;
- c) income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
- d) intellectual property rights assigned to Oberlin College and agreements to share in royalties related to such rights; or
- e) travel that is reimbursed or sponsored by a governmental 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.

III. Investigator Obligations - Disclosure of Financial Interests

All Investigators applying for or holding active awards from PHS, NIH, NSF, other government agencies, or non-governmental agencies that follow PHS policies are required to receive financial conflict of interest training, as detailed in Section V of this policy. Investigators are also required to disclose to Oberlin College all significant financial interests, including those of the Investigator and the Investigator's family, that would reasonably appear to be affected by the research and that are in or from entities whose financial interests would reasonably appear to be affected by the research.

Investigators must complete the Oberlin College Disclosure of Significant Financial Interest and submit it to the Office of Foundation, Government, and Corporate Grants (Grants Office) at least three weeks prior to the submission of an application to PHS, NIH, NSF, other government agency, or non-governmental funder that follows PHS policies. If awarded, Investigators must submit an updated disclosure form before any federal funds are expended and annually on or before January 15 throughout the term of the award. In addition, updated disclosures must be submitted to the Grants Office within 30 days of the Investigator or the members of the Investigator's family discovering or acquiring Significant Financial Interest during the course of the year, such as through inheritance, purchase, marriage or reimbursed or sponsored travel. Investigators new to Oberlin College with active grants, cooperative agreements, or contracts from PHS, NIH, NSF, other government agencies, or non-governmental funders that follow PHS policies must submit an initial disclosure form within 30 days of initial appointment or employment, before the expenditure of any funds, and annually on or before January 15 throughout the period of the award.

In the event of a significant financial conflict of interest, Investigators agree to cooperate in the development of a plan to resolve any conflicts of interest, and to comply with conditions or restrictions imposed by Oberlin to manage, reduce, or eliminate actual or potential conflicts of interest or forfeit the award, as detailed in Sections VII and VIII of this policy.

IV. Subrecipients

Any subaward or subcontract through grant, cooperative agreement, or contract to Oberlin College from PHS, NIH, NSF, other government agency, or non-governmental funder that follows PHS policies is subject to Oberlin College's Financial Conflict of Interest Policy for Sponsored Research and requirement for financial conflict of interest training. All Investigators at subrecipient or subcontract entities must complete the Oberlin College Disclosure of Significant Financial Interest for Sponsored Research form at least three weeks prior to the submission of an application for funding, before the expenditure of any federal funds, and annually on or before January 15 throughout the term of the award. In addition, updated disclosures must be submitted to the Grants Office within 30 days of the Investigator or the members of the Investigator's family discovering or acquiring Significant Financial Interest during the course of the year, such as through inheritance, purchase, marriage or reimbursed or sponsored travel.

Language will be incorporated into written agreements with subrecipients indicating that they are required to comply with applicable federal regulations and the terms of Oberlin College's Financial Conflict of Interest Policy for Sponsored Research, including the submission of Oberlin's Disclosure of Financial Interest form on the schedule set forth in this policy. Oberlin will provide Financial Conflict of Interest reports to PHS, NIH, or NSF regarding all financial conflicts of interest of all subrecipient Investigators prior to the expenditure of funds and within 60 days of any subsequently identified financial conflict of interest.

V. Training

All Investigators at Oberlin College and at subrecipient or subcontract entities are required to complete financial conflict of interest training prior to engaging in research related to a PHS-funded (including NIH-funded) grant, cooperative agreement, or contract, and at least every four years, and immediately if: (a) Oberlin College revises its Financial Conflict of Interest policy in a way that affects the requirement of Investigators; (b) an Investigator is new to Oberlin College; or (c) Oberlin College finds that an Investigator is not in compliance with the College's financial conflict of interest policy or management plans. Training is not currently required for Investigators applying for or holding active NSF grants, cooperative agreements, or contracts.

VI. Institutional Review and Obligations

Oberlin College will maintain an up-to-date policy on financial conflicts of interest, the Oberlin College Financial Conflict of Interest Policy for Sponsored Research, and make a copy of the policy available on the Oberlin College website. The Grants Office will inform Investigators about the policy, the Investigator's responsibilities and obligations regarding disclosure of significant financial interests, and required training for Investigators seeking or holding PHS or NIH funding. When research funded by PHS, NIH, NSF, other government agencies, or non-governmental funders that follow PHS policies is carried out by a subrecipient, Oberlin College will take reasonable steps, as specified in Section IV of this policy, to ensure that any subrecipient Investigator complies with federal regulations and the Oberlin College Financial Conflict of Interest Policy for Sponsored Research. Oberlin College will

take actions as necessary to manage financial conflicts of interest including any financial conflicts of a subrecipient Investigator. The College will report financial conflicts of interest or non-compliance to the sponsoring agency, in accordance with federal regulations. All records related to Investigator disclosures of financial interest will be retained for at least four years from the end of the grant, cooperative agreement, or contract. Oberlin will enforce adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure Investigator compliance as appropriate. In each PHS or NIH application submitted for funding, Oberlin will certify its compliance with applicable federal regulations. In accordance with federal regulations, Oberlin College will make information about Investigator disclosure of financial interest and review, determination, and enforcement available to the funding agency, upon request.

VII. Managing Conflicts of Interest

A financial conflict of interest exists when Oberlin College, through the designated official(s), reasonably determines that the significant financial interest could directly and significantly affect the design, conduct, or reporting of the research.

In the event that a Financial Conflict of Interest is identified, the Dean of the College of Arts and Sciences will be responsible for developing and implementing a management plan to ensure that the significant financial interest does not affect the conduct, design, or reporting of research funded by PHS, NIH, NSF, other government agencies, or non-governmental funders that follow PHS policies. Such plans will be designed to meet applicable legal requirements, facilitate the local resolution or management of any conflict, and protect the sensitivity of disclosed information. Management Plans may include one or more elements, such as the following: (a) modifications to the research or program plan, (b) public disclosure of financial conflicts of interest (e.g., when presenting or publishing the research), (c) independent monitoring of the sponsored program, (c) change of personnel or personnel responsibilities, (d) reduction or elimination of Significant Financial Interests, and/or (e) other arrangements that manage, reduce, or eliminate a potential Financial Conflict of Interest. A written management plan must be in place before any related research goes forward. The Investigator must formally agree to the proposed management strategies and sign the written management plan before any sponsored research proceeds.

Whenever the Institutional Official determines that a Financial Conflict of Interest was not identified or managed in a timely manner, including but not limited to an Investigator's failure to disclose a Significant Financial Interest or an Investigator's failure to materially comply with a management plan for a Financial Conflict of Interest, the Institutional Official will within 60 days review the Significant Financial Interest; determine whether it is related to PHS- or NIH- funded research; and determine whether a financial conflict of interest exists. In cases where a financial conflict of interest exists, the Institutional Official will implement an interim management plan specifying actions that have been and will be taken to manage the financial conflict of interest going forward. In addition, within 120 days of determination of noncompliance, the Institutional Official will complete and document a retrospective review of the Investigator's activities and the research project to determine whether the research conducted during the period of non-compliance was biased in the design, conduct or reporting of the research. Based on the results of the retrospective review, if appropriate, Oberlin will update previously submitted financial conflict of interest reports, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, Oberlin will submit a mitigation report to the awarding agency.

VIII. Violation of Conflict of Interest Policy

In the event of an Investigator's failure to comply with this Policy, the Institutional Official may suspend all relevant activities or take other disciplinary action until the matter is resolved or other action deemed appropriate by the Institutional Official is implemented. The Institutional Official's decision to impose sanctions on an Investigator because of failure to comply with this Policy, or failure to comply with the decision of the Institutional Official, will be described in a written explanation of the decision to the Investigator, and, where applicable, to the Institutional Review Board, and will notify the individual of the right to appeal the decision. Oberlin College will also notify the awarding organization of the action to be taken.

IX. Reporting

The Institutional Official will report conflicts of interest or non-compliance to the funding agency in accordance with federal regulations. In cases of a retrospective review, the Institutional Official will update any previously submitted

report to the funding agency, specifying the actions that will be taken to manage the Financial Conflict of Interest going forward. If bias by the investigator is found, the report will include a mitigation report in accordance with the applicable regulations, including a description of the impact of the bias on the research project and the plan of action to eliminate or mitigate the effect of the bias. If the research funding is through a subaward to Oberlin College, reports will be made to the prime awardee prior to the expenditure of any funds and within 60 days of any subsequently identified financial conflicts of interest.

X. Record Retention

Oberlin College will retain all documents related to disclosures of financial interest and financial conflicts of interest for submitted and awarded grants, cooperative agreements and contracts for a period of at least four years from the end date of the grant, cooperative agreement, or contract. Copies of the documentation will be retained by the Grants Office and by the Office of the Dean of the College of Arts and Sciences.

XI. Public Accessibility

Prior to the expenditure of funds, Oberlin College will publish on a publicly accessible website (the website of the Office of Foundation, Government, and Corporate Grants: <https://www.oberlin.edu/fgcg>) information concerning any significant financial interest that meets the following criteria:

- a) the Significant Financial Interest was disclosed and is still held by the senior or key personnel;
- b) a determination has been made that the SFI is related to research funded by PHS, NIH, NSF, other government agencies, or non-governmental funders that follow PHS policies; and
- c) a determination has been made that the SFI is a Financial Conflict of Interest.