



Office of Institutional Effectiveness

Grants and Sponsored Programs

FINANCIAL CONFLICT OF INTEREST POLICY

Overview

All members of the Manchester University (the University) community (trustees, senior administrative officers, deans, faculty and staff) serve the educational purposes to which the University is dedicated. Accordingly, all such members of the University community have a clear obligation to conduct the affairs of the University in a manner consistent with those purposes and to make all decisions solely on the basis of a desire to promote the best interests of the institution. The University maintains and enforces a general Conflict of Interest Policy that permits members of the faculty, staff, administration and trustees to identify, evaluate and correct or remove real, apparent and potential conflicts of interest. In addition, it is the University's intent to comply with Public Health Service (PHS) and its components including the National Institutes of Health (NIH), the National Science Foundation (NSF), and other federal agency disclosure regulations in order to maintain eligibility to submit applications for grant, cooperative agreement or contract funding to those agencies.

The policies and processes detailed here are designed to promote objectivity in research and to ensure that the design, conduct and reporting of research conducted at the University and sponsored with federal funds are not biased by any perceived or real financial conflict of interest (FCOI) of an Investigator. This policy is intended to comply with the current federal regulations governing FCOIs entitled "Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought" ([42 C.F.R. Part 50, Subpart F](#)) and other federal regulations governing FCOIs at other agencies.

This policy applies to all members of the University community who apply for, or receive, federal agency research funding by means of a grant or cooperative agreement.

Acronyms, Terms, and Definitions

Approval: a conflict has been identified for which a management plan can be developed and implemented.

Approval with Conditions or Restrictions: a conflict has been identified, and a management plan can be developed only for parts of the conflict with conditions or restrictions.

Disclosure of significant financial interests: an Investigator's disclosure of significant financial interests to an institution.

Federal Agency: For the purposes of this policy, federal agency refers to a federal agency to which the University/a University employee intends to send a grant or contract proposal, including any PHS component (including NIH), and NSF.

Financial Conflict of Interest (FCOI): a significant financial interest that could directly and significantly affect the design, conduct, or reporting of federal agency-funded research.

FCOI report: an institution's report of an FCOI to a federal agency.

Financial interest: anything of monetary value, whether or not the value is readily ascertainable.

Institutional responsibilities: an Investigator's professional responsibilities on behalf of the institution, and as defined by the institution in its policy on FCOIs, which may include for example: activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards. University institutional responsibilities are defined in each employee's job description.

Investigator: the Project Director (PD) or Principal Investigator (PI) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by a federal agency, or proposed for such funding, which may include, for example, collaborators or consultants.

Manage: taking action to address an FCOI, which can include reducing or eliminating the FCOI, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

PD/PI: a Project Director or Principal Investigator of a federal agency-funded research project.

PHS: the Public Health Service of the U.S. Department of Health and Human Services, and any Awarding Component of the PHS to which the authority involved may be delegated, including the National Institutes of Health (NIH).

Prohibition: a conflict has been identified for which a management plan cannot be developed.

Research: 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). As used here, the term includes any such activity for which research funding is available from a federal agency through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority, such as a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, or research resources award.

Senior/key personnel: the PD/PI and any other person identified as senior/key personnel by the institution in the grant application, progress report, or any other report submitted to a federal agency by the institution.

Significant financial interest (SFI):

1. A financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to

be related to any of the investigator's federal agency-funded research/potential research, or (in the case of PHS-funded, including NIH, projects/potential projects) any of the Investigator's institutional responsibilities:

- I. 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 for PHS-funded projects/potential projects including NIH, or \$10,000 for other federal agency-funded projects/potential projects. For purposes of this definition, 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;
 - II. 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 for PHS-funded projects/potential projects including NIH, or \$10,000 for other federal agency-funded projects/potential projects, 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); or
 - III. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.
2. Investigators also must disclose the occurrence of any reimbursed 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), related to any of the investigator's federally-funded projects/potential projects, or (in the case of PHS-funded, including NIH, projects/potential projects) any of the Investigator's institutional responsibilities; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by 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. The details of this disclosure will include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. In accordance with the institution's FCOI policy, the University's designated official(s) will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes an FCOI with the federal agency-funded research.
 3. The term "*significant financial*" interest does not include the following types of financial interests: salary, royalties, or other remuneration paid by the institution to the Investigator if the Investigator is currently employed or otherwise appointed by the institution, including intellectual property rights assigned to the institution and agreements to share in royalties related to such rights; any ownership interest in the institution held by the Investigator, if the institution is a commercial or for-profit organization; 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; income from seminars, lectures, or teaching engagements sponsored by 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 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.

Training (PHS-funding/potential funding only)

The University's Office of Institutional Effectiveness (OIE) shall be responsible for ensuring that each Investigator is informed about this FCOI policy and will ensure that each Investigator working on a PHS-funded project/potential project has completed training prior to engaging in research related to any PHS-funded grant, cooperative agreement or contract and at least every (4) years thereafter, and immediately when any of the following applies:

1. this FCOI Policy, the SFI Disclosure Form, or the University's procedures are materially revised in any manner that affects the requirements of the Investigators;
2. an Investigator is newly appointed to the University; or
3. The University finds that an Investigator is not in compliance with this policy or their FCOI management plan.

"Immediately" shall mean the training is provided or made available and the Investigators participate in the training expeditiously following the event that triggers the training requirement. The OIE will be responsible for retaining records of FCOI training completed on behalf of the University.

Disclosure

The University's designated official(s)¹ will determine if an SFI constitutes an FCOI. The University will designate a University Oversight Committee² to be responsible for management plans and subsequent review of FCOIs. The University, via the OIE, will provide initial and ongoing FCOI reports to PHS as required pursuant to [42 C.F.R. Part 50.605\(b\)](#) or as otherwise required by the relevant federal agency.

The OIE will be responsible for collecting the initial disclosure of SFIs. The following procedures will be followed with respect to SFI disclosure:

1. The initial disclosure shall be provided prior to the submission of all proposals to any federal agency. This initial disclosure will apply to the Investigator and any other personnel who would be responsible for the design, conduct, or reporting of research to be funded by the project, which may include, for example, consultants and unpaid collaborators.
2. The SFI Disclosure Form shall ask the Investigator to list all of the Investigator's SFIs (and those of the Investigator's spouse or domestic partner and dependent children) that reasonably appear to be related to the Investigator's institutional responsibilities (as defined above).

¹ Designated officials are: Senior Accountant-Budget And Accounts Payable, TBD person from Human Resources, and TBD person familiar with the investigator's areas of expertise.

² University Oversight Committee includes: Senior Accountant-Budget And Accounts Payable, TBD person from Human Resources, and TBD person familiar with the investigator's areas of expertise.

3. The SFI Disclosure Form must conform to the requirements of the FCOI Regulations ([42 C.F.R. Part 50.604](#)). The disclosure must include, at a minimum, the name of the entity, the nature of the financial interest (e.g., equity, consulting fee), and any supporting documentation determined by the university's designated official(s) as needed to make a determination of whether an FCOI exists (such as a copy of the applicable consulting agreement or stock purchase agreement, or the monetary value of the financial interest or its approximate value if the interest is one whose value cannot readily be determined). For travel reimbursements, the disclosure must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and any supporting documentation determined by the OIE as needed to make a determination of whether an FCOI exists (such as the approximate monetary value). The Investigator must cooperate with all requests for additional information as needed. All such internal disclosures shall be treated as confidential personnel information with all necessary precautions to protect any sensitive proprietary company or sponsor information.
4. The Investigator shall review and update as appropriate the SFI Disclosure Form during the period of the award at least annually. Should an SFI be determined to also be an FCOI, the reporting and requisite FCOI management plan shall be required to be completed prior to the expenditure of any funds under a federal agency grant, cooperative agreement, or contract. In addition, an updated SFI Disclosure Form must be submitted within 30 days of discovering or acquiring (e.g. through purchase, marriage, or inheritance) a new SFI. An Investigator who is new to participating in federal agency-funded research projects, shall submit an SFI Disclosure Form at the time the Investigator is identified as a possible participant in the federal agency-funded project, such that training can be completed and timely reporting of an FCOI (if any) can be made to the respective funding agency. The SFI Disclosure Form shall notify the Investigator of this requirement to provide updated disclosures.
5. When an Investigator who is new to a federal agency-funded research project discloses an SFI or an existing Investigator discloses a new SFI, Manchester will within 60 days: review the disclosure; assess whether the SFI constitutes an FCOI with federal agency -funded research; and if so, implement, at least, on an interim basis, the actions that have been, and will be, taken to manage such FCOI.
6. Whenever the University identifies an SFI that was not disclosed timely by an Investigator, the University shall review within 60 days as described above. In addition, the University has 120 days following a determination of noncompliance (failure by the institution to review or manage an untimely FCOI or failure by the Investigator to comply with an FCOI management plan) to complete a retrospective review of the Investigator's activities and federally-funded research project. If bias is found during the course of this review, a mitigation report will also be required to be submitted. These reviews and reports will be made in accordance with the requirements of the FCOI Regulations ([42 C.F.R. Part 50, Subpart F](#) or other relevant federal agency regulations).

Management of FCOIs

The University, through its designated official(s)¹, shall confidentially review SFI Disclosure Forms from each Investigator to determine if the research is funded by a federal agency. The designated

official(s) will determine whether an Investigator's SFI is related to federal agency-funded research and, if so related, whether the SFI is a FCOI. An Investigator's SFI is related to federal agency-funded research when the institution, through its designated official(s), reasonably determines that the SFI: could be affected by the federal agency-funded research; or is in an entity whose financial interest could be affected by the research. The designated official(s) may involve the Investigator in the determination of whether an SFI is related to the federal agency-funded research. An FCOI exists when the institution, through its designated official(s), reasonably determines that the SFI could directly and significantly affect the design, conduct, or reporting of the federal agency-funded research. In making the determination, the designated official(s) can take into account financial interests in that same entity related to other federal agency-funded research disclosed in an earlier disclosure by the Investigator. The designated official(s) or the OIE (the University's designated liaison to federal funding agencies with regard to research projects) may consult with appropriate governmental officials in making such deliberations.

Following initial review, all cases involving the disclosure of an SFI having a value greater than \$5,000 (measured by aggregating the various categories of interests reported) for PHS-funded projects/potential projects including NIH, or \$10,000 (measured by aggregating the various categories of interests reported) for other federal agency-funded projects/potential projects, shall be consideration for expedited review or full review (depending upon the level of financial interests involved) in accordance with the Disclosure section of this policy. One of the following dispositions of the case will result: *Approval, Approval with Conditions or Restrictions, or Prohibition*. All conflicts which are approved shall include a management plan which shall be implemented by the University Oversight Committee designated by the University. The University will monitor compliance with management plans on an ongoing basis until the completion of the federal agency-funded research project.

For all management plans, examples of conditions or restrictions that might be imposed to manage conflicts of interest include, but are not limited to: (1) public disclosure of SFIs; (2) for research projects involving human subjects, disclosure of FCOIs directly to participants; (3) appointment of independent monitor(s) capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the FCOI; (4) modification of the research plan; (5) change of personnel or personnel responsibilities, or disqualification of personnel from participation in all, or a portion of the research; (5) reduction or elimination of the financial interest (e.g., sale of an equity interest); or (6) severance of relationships that create financial conflicts.

For all management plans, the University is required to monitor Investigator compliance with the management plan on an on-going basis until the completion of the federal agency-funded research project.

Reporting

Prior to the expenditure of any funds under a federal agency-funded research project, the University's designated official(s) shall: review all Investigator disclosures of SFIs; determine whether any SFIs relate to federal agency-funded research; determine whether an FCOI exists; and, if so, consult with the University Oversight Committee to develop and implement a management plan that shall specify the actions that have been, and shall be, taken to manage such FCOIs. If the University identifies an FCOI and eliminates it prior to the expenditure of any awarded funds, the University is not required to submit an FCOI report to the respective agency.

For any FCOI reported to the respective agency relating to an on-going federal agency-funded research project, an annual report that conforms to the requirements of the applicable FCOI Regulations shall be made to the applicable funding agency by the PI for the duration of the research project in the time and manner specified by the applicable funding agency.

Prior to expending any funds under a federal agency-funded grant, cooperative agreement or contract, the University shall ensure public accessibility of information about the FCOI, via a written response to any requestor within 5 business days of a request, of information concerning an SFI which was disclosed and is still held by the senior/key personnel on the project, which is determined to be related to the federal agency-funded research, and which is determined to be an FCOI. The information shall consist of the information required to be provided under the FCOI Regulations ([42 C.F.R. Part 50, Subpart F](#) or other relevant federal agency regulations).

Subrecipient Requirements

If carrying out federal agency-funded research through a subrecipient, the University will incorporate as part of a written agreement with the subrecipient terms that establish whether the FCOI policy of Manchester (the awardee institution) or that of the subrecipient will apply to the subrecipient's Investigators.

If the subrecipient's Investigators must comply with the subrecipient's FCOI policy, the subrecipient shall certify as part of the agreement referenced above that its policy complies with [42 C.F.R. Part 50, Subpart F](#) or other relevant federal agency regulations. If the subrecipient cannot provide such certification, the agreement shall state that subrecipient Investigators are subject to the FCOI policy of the awardee institution for disclosing SFIs that are directly related to the subrecipient's work for the awardee institution;

Manchester will comply with all the provisions of [42 C.F.R. Part 50.604](#) or other relevant regulations regarding subrecipients including, providing FCOI reports to the appropriate federal awarding agency regarding all FCOIs of all subrecipient Investigators, *i.e.*, prior to the expenditure of funds and within 60 days of any subsequently identified FCOI.

Remedies

If an Investigator fails to comply with this policy or a management plan and the non-compliance appears to have biased the design, conduct or reporting of the federal agency-funded research, the University shall promptly notify the agency of the corrective action taken or to be taken. The University shall ensure compliance with the requirements for retrospective review and prepare a mitigation report, if needed, for submission to the applicable funding agency as required under the FCOI Regulations ([42 C.F.R. Part 50, Subpart F](#) or other relevant agency regulations). The agency may take its own action as it deems appropriate, which may include suspension of funding, or require the University to take further action to maintain the objectivity of the research.

Enforcement and Sanctions

All federal agency-funded University Investigators and those applying for federal agency funding are subject to this policy and expected to comply with it fully and promptly. Whenever an Investigator

has violated policy, for example by a failure to disclose an SFI, the University will take appropriate action.

Records

The University, through the OIE, will maintain all SFI Disclosure Forms and all related records of actions taken by the University with respect to disclosures of financial interests for a period of three years from the date of submission of the final expenditures report to the federal agency as governed by [42 C.F.R. Part 50 Subpart F](#) or relevant federal agency regulations. The OIE will maintain records of the initial disclosure of SFIs via the routing and approval form for submission of proposals. The OIE will also maintain records related to FCOI training. The OIE will retain records related to annual SFI disclosures and records related to SFIs determined to be FCOIs, subsequent management plans, and any other related materials connected to oversight of the management plan for at least three years from the date of submission of the final expenditures report or final payment.

Adapted from Bucknell University with appreciation.