

Title: Conflict of Interest, Grant-related	Policy Number: HR-280
Effective Date: 09-30-2016	Revision Date:09-30-2016
Associated Board Policy:	Responsible Department: Administration and Grant Office

PURPOSE:

This policy outlines CWI's ethical responsibility to identify, evaluate, and manage potential or actual Conflicts of Interest, financial or other, as related to grant-funded projects.

SCOPE:

This policy applies to all persons affiliated with a grant-funded project for which the College has received funding or in which the College is participating.

DEFINITIONS:

Conflict of Interest: Any official action or any decision or recommendation by a person acting in a capacity related to a grant-funded project, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household or a business with which the person or a member of the person's household is associated.

Family Member: Any person with whom a person affiliated with a grant-funded project has a familial or guardianship relationship, including but not limited to a parent, guardian, step-parent, child, step-child, son-in-law or daughter-in-law, sibling, step-sibling, spouse, aunt, uncle, niece, nephew, cousin, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, or any persons living in the same household.

Financial Interest: Anything of monetary value received or held by any member of the College community or a member of his/her 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 the value of intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights) and royalties or other income received from any such intellectual property.

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

Investigator: Any individual, including Principal Investigator and Co-Investigator, who is responsible for the design, conduct, or reporting of federally sponsored research, or proposals for such funding.

Significant Financial Interest: One or more of the following interests of a person affiliated with a grant-funded project or a Family Member of the aforementioned person that reasonably appears to be related to his/her institutional responsibilities:

- A. Where the Financial Interest (including remuneration received in the preceding 12-month period and equity) exceeds \$5,000 or equals or exceeds 5% ownership (i.e., as the actual or beneficial owner of more than 5% of the voting stock or controlling interest), for any one enterprise or entity when aggregated for the Employee and their Family Members.
- B. For an Investigator working a PHS-funded project:
 - 1. Any equity interest in a non-publicly traded entity.
 - 2. Any intellectual property and interests (e.g., patents, copyrights), for which income has been received in the preceding 12-month period.
 - 3. The occurrence of any reimbursed or sponsored travel. This travel shall be disclosed for the subsequent twelve months, and where non-previously-disclosed reimbursed or sponsored travel takes place the Investigator shall disclose it within 30 days. Travel disclosures shall include: the purpose of the trip, the identity of the sponsor, the destination and the duration. Travel that is sponsored or reimbursed by a federal, state, or local government, a U.S. institution of higher education, or an academic medical center, academic teaching hospital, or a research institute that is affiliated with an institution of higher education, is excluded from these travel reporting requirements.

The following are not included in the term Significant Financial Interest:

- A. Income from investment vehicles, such as mutual funds and retirement accounts, provided these accounts are managed by a third party.
- B. Salary, royalties, or other payments made by CWI.

POLICY

CWI encourages and supports outside interactions of its faculty, staff, and student employees with federal, state, and local governments, community organizations, non-profit groups, and business and industry as important parts of their research, teaching, and community engagement activities. However, maintenance of the public's trust is critical to the mission and reputation of CWI. It is vital all members of the College community demonstrate that they hold themselves to the highest ethical standards, including the disclosure of their participation in any activity that will result in financial, professional, or personal benefit and may be construed as a Conflict of Interest.

CWI's approach to identifying, evaluating and managing potential Conflicts of Interest, does not attempt to illustrate all possible situations that require disclosure. All persons related to grant funded projects are expected to be vigilant and ethical in all dealings in order to ensure any potential conflicts are addressed quickly and appropriately.

GUIDELINES

CONFLICT OF INTEREST RELATED TO FEDERAL GRANTS

The College, as a government entity, must maintain written procedures of conduct covering Conflicts of Interest and governing the performance of its employees engaged in the selection, award, and administration of contracts using federal funds. No employee, officer, or agent of the College may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent Conflict of Interest.

Such a Conflict of Interest would arise when an employee, officer, agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or may receive a tangible personal benefit from a firm considered for a contract.

The College promotes integrity in research supported by federal funds by establishing standards and procedures to ensure, to the extent possible, that any significant Conflict of Interest, financial or other, that could directly and significantly affect the design, conduct, reporting, or regulatory review of a research project at the College does not bias such research project. Consistent with federal regulations (42 CFR § 50, subpart F, and 42 CFR § 90) dealing with objectivity in research and investigatory financial disclosure procedures, this policy shall seek to manage significant Conflicts of Interest, financial or other, in order to minimize the potential harm that could result either from financial conflicts that actually impair the judgment of an Investigator or from the appearance that the judgment of an Investigator has been or will be impaired. Each Investigator must disclose to CWI any significant Conflict of Interest, financial or other, that is related to his or her responsibilities.

Investigators

All Investigators, or other employees receiving grant funding outside of their primary salary, must disclose their Significant Financial Interests or any other Conflict of Interest related to the Investigator's responsibilities to the College and all other institutions to which the Investigator has a duty under federally funded research proposals, on an annual basis. All disclosure forms should be submitted to CWI's Grants Manager for review.

Investigator Training

Each Investigator must complete training on this Policy, the Investigator's responsibilities regarding disclosure, and applicable PHS regulations prior to engaging in research funded by PHS, and at least every four years thereafter. Each investigator must also complete training within a reasonable period of time if this Policy is substantively amended in a manner that affects the requirements of Investigators, if the Investigator is new to the College, or if it is determined that the Investigator has not complied with this Policy or with any applicable management plan related to his/her activities.

Investigator Travel

Investigators, or other employees receiving grant funding outside of their primary salary, must also disclose reimbursed or sponsored travel related to their federal grant responsibilities. Such disclosures must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and, if known, the monetary value.

CONFLICT OF INTEREST DISCLOSURE

Employees are expected to comply with any applicable requirements pertaining to Conflicts of Interest in their research activities.

Before any project is proposed to a sponsor, Investigators are required to certify they have appropriately disclosed any Conflict of Interest related to that proposal, including Significant Financial Interests, that would reasonably appear to be affected by the proposal activities. This certification is required by all Investigators as a part of the grant award review process.

If required by a sponsor, the Grant Manager will report the existence of any Conflict of Interest, financial or other, to the appropriate sponsor contact prior to the expenditure of any sponsor funds, and provide assurance that the interest has been managed, reduced or eliminated. If a conflict is identified after this initial report, another disclosure must be made to the Grant Manager within thirty (30) days of that identification, and such conflict must also be managed, reduced or eliminated within thirty (30) days of that identification. If required by the sponsor, the sponsor shall be provided with a supplemental report detailing this conflict and its management.

If it is determined that a Conflict of Interest, financial or other, cannot be satisfactorily managed, the Grant Manager will notify the appropriate sponsor contact if required.

In situations where the College conducts PHS funded research through other entities such as subgrantees, subcontractors, or collaborators (collectively, "subrecipients"), the Grant Manager will take reasonable steps to ensure that Investigators working for subrecipients comply with the relevant Conflict of Interest regulations, either by requiring those Investigators to comply with this Policy or by requiring the subrecipients to provide assurances to the College that will enable the College to comply with relevant Conflict of Interest regulations. Subrecipients of CWI grants must report identified financial Conflicts of Interest to the College. In turn, the College will report to the grant sponsor the existence of any Conflicts of Interests reported to the College by any subrecipients and obtain assurance from the subrecipients that the Conflict of Interest has been managed, reduced or eliminated. In the event that the failure of an Investigator to comply with this Policy has biased the design, conduct, or reporting of the funded research, the College will promptly notify the appropriate sponsor contact of the corrective action taken or to be taken.

Review and Notifications

Any disclosed grant-related Conflict of Interest, financial or other, will be reviewed promptly by the Grants Committee for a determination of whether it constitutes a Conflict of Interest, including if a Significant Financial Interest is present. If a Significant Financial Interest or Conflict of Interest exists, the Grant Manager will take action to manage the Conflict of Interest, including the reduction or elimination of the conflict, as appropriate. The Grant Manager will report Conflicts of Interest, financial or other, or non-compliance to the prime awardee of the federally funded grant in accordance with federal regulations (PHS Regulations, 42 CFR § 50, subpart F, and 42 CFR § 94) and within sixty (60) calendar days of any subsequently identified financial Conflict of Interest such that the prime awardee may fulfill its reporting obligations to PHS.

Retrospective Review

In addition, if it is determined that a 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 that is determined to be a Conflict of Interest, or failure by an Investigator to materially comply with a management plan for a Conflict of Interest, a retrospective review of the Investigator's activities and the PHS-sponsored research project will be conducted to determine whether the research conducted during the period of non-compliance was biased in the design, conduct, or reporting of the research.

Documentation of the retrospective review shall include the project number, project title, name of Investigator with the Conflict of Interest, name of the entity with which the Investigator has the Conflict of Interest, reason(s) for the retrospective review, detailed methodology used for the retrospective review, and findings and conclusions of the review.

An update to any previously submitted report to PHS or the prime PHS-awardee relating to the research, specifying the actions that will be taken to manage the Conflict of Interest going forward. This retrospective review will be completed in the manner and within the time frame established in PHS regulations. If bias is found, the College will promptly notify the PHS Awarding Component and submit a mitigation report in accordance with PHS regulations. The mitigation report will identify elements documented in the retrospective review, 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.

Administration and Record-Keeping

The Grant Manager will administer this policy to the extent that a Conflict of Interest, financial or other, is grant-related, and maintain records of all filed disclosure forms and associated documents, including, but not limited to, documentation of actions taken by College administrators and committees to eliminate, reduce and/or manage Conflicts of Interest. All such records will be retained for a period of three years following completion of the grant.

Prior versions of this policy will be kept for three (3) years after date of revision.

VIOLATIONS OF POLICY

Sanctions

Failure to comply with this policy may subject an Employee to corrective action up to and including dismissal.

When sanctions involve a Conflict of Interest that includes an externally-funded research or scholarship project, the College will also take any action required by the funding sponsor.

Additional sanctions may apply under applicable State Board of Education policies and state and federal law.

Violations of this policy must be reported to the Office of Risk Management, through the CWI ethics hotline, or to the Grant office.

Reviews

An employee may request a review of a decision regarding a Conflict of Interest to the Executive Vice President.. All requests for reviews shall be initiated in writing within five (5) business days of decision notification. The request for review shall set forth pertinent facts. If the conflict involves an employee other than a faculty member the Executive Vice President shall consult with the Vice President of Finance and Administration. The employee will be notified of the decision of the Executive Vice President within ten (10) business days of the request for review. The decision rendered by the EVP is final.

Public Accessibility

Unless otherwise required by Idaho's Public Records Act, the College will publish its Conflict of Interest policy on a publicly-accessible website.

The College will respond within five (5) business days to any request for public information concerning a Significant Financial Interest that meets the following criteria:

- The Significant Financial Interest was disclosed and is still held by the senior and key personnel;
- A determination has been made that the Significant Financial Interest is related to PHS-funded research; and

- A determination has been made that the Significant Financial Interest is a Conflict of Interest.

FORMS:

Conflict of Interest Disclosure Form