

## **Conflict of Interest – Research/Grants**

### **Purpose**

This policy and subsequent procedures, definitions, clarifications, references and forms are necessary to comply with the federal requirements of the:

National Institute of Health: NIH–<http://grants.nih.gov/grants/policy/coi/>

National Science Foundation: NSF–[http://www.nsf.gov/pubs/manuals/gpm05\\_131/gpm5.jsp#510](http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp#510)

US Department of Health and Human Services Office of Research Integrity (ORI): <http://ori.hhs.gov/ori-introduction-responsible-conduct-research>

NDUS and MSU policies referenced also apply.

### **Policy**

#### *Conflict of Interest – Research/Grants*

Employees and others acting for and /or on behalf of the university while engaged in and/or are conducting research or other grant activity are required to disclose any real or potential conflict/s of interest. Employees are required disclose anything that could reasonably be interpreted as creating a Conflict of Interest.

Employees funded through NIH and/or NSF and/or any Grant funded project are required to report all “dis-closable interests” annually and/or if they change within 30 days of employment or such changes using the “MSU Conflict of Interest Disclosure” form. All Principal Investigators and/or Project Directors are required to submit such disclosure forms at the beginning of any new proposals.

Employees may have numerous interests, only some of which could result in a Conflict of Interest, whereas the MSU Conflict of Interest Committee would act to determine if a conflict exists and if so, how to manage it.

MSU Conflict of Interest Policy M611.4

## **Conflict of Interest – Research/Grants Procedures**

### **Purpose**

These polices and subsequent procedures, definitions, clarifications, references and forms are necessary to comply with the federal requirements of the:

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### **Policy**

*Conflict of Interest M18611*

Employees and others acting for and /or on behalf of the university while engaged in and/or are conducting research or other grant activity are required to disclose any real or potential conflict/s of interest. Employees are required disclose anything that could reasonably be interpreted as creating a Conflict of Interest.

Employees funded through NIH and/or NSF and/or any Grant funded project are required to report all “dis-closable interests” annually and/or if they change within 30 days of employment or such changes using the “MSU Conflict of Interest Disclosure” form. All Principal Investigators and/or Project Directors are required to submit such disclosure forms at the beginning of any new proposals.

Employees may have numerous interests, only some of which could result in a Conflict of Interest, whereas the MSU Conflict of Interest Committee would act to determine if a conflict exists and if so, how to manage it.

MSU Conflict of Interest Policy M611.4

### **MSU Conflict of Interest Definitions & Clarifications**

*Conflict of Interest-* Conflict of interest occurs when an employee and/or others acting for and/or on behalf of the university is involved in an activity, commitment, or interest that could adversely affect, compromise, or be incompatible with the obligations of the employee to MSU. A Conflict of Interest can involve conflicts of time commitment, research integrity, financial interest, use of university resources, or discipline-specific interests.

*Conflict of Interest Committee* – The Committee responsible to the University President’s Cabinet to review and manage Conflict of Interest issues as defined specific to/for research and grant activities and units. The committee membership includes Vice President for Academic Affairs, Vice President for Business Affairs, and Director of the Grant Office. Responsibilities include but are not limited to:

- a) Reviewing documented, reported and/or disclosed Conflict of Interest,
- b) Assess risk and render decisions where conflict may exist,
- c) Manage documented Conflict of Interest,
- d) Maintain support documentation

*Dis-closable Interests* - The general rule is that each employee must disclose anything that could reasonably be interpreted as creating a Conflict of Interest. Employees have numerous interests, only some of which could result in a Conflict of Interest. Some interests must be disclosed regardless of whether an Employee believes that such interest could reasonably be interpreted as creating a Conflict of Interest.

1. If an Employee a) can influence or approve purchase of goods or services worth more than \$10,000 per year in his/her university role, or b) is responsible for the design, conduct, or reporting of research supported by federal agencies, then the Employee must disclose any significant financial interest in a non-University entity.
2. An Employee who is a member of the faculty must disclose outside, compensated or voluntary, professional/commercial activities, including consulting or management of an outside business, if he/she spent more than 20% of his or her total work effort on such activity during the immediate past contract period or expects to do so during the next contract period.

3. An Employee must disclose the use of significant University resources (including faculty, students, support staff, facilities, equipment, or confidential information) in carrying out any outside, compensated or voluntary, professional/commercial activities.
4. An Employee must disclose service as principal or co-principal investigator for sponsored projects submitted and managed through other academic, federal, or commercial institutions.
5. An Employee must disclose service as a manager of an outside business activity in his/her professional field.
6. An Employee must disclose use of University resources to create, discover, or reduce to practice, patentable inventions which have not been disclosed to the University.

### **Procedures**

Conflict of interest occurs when an employee and others acting for and/or on behalf of the university is involved in an activity, commitment, or interest that could adversely affect, compromise, or be incompatible with the obligations of the employee to the University. A Conflict of Interest can involve conflicts of time commitment, research integrity, financial interest, use of university resources, or discipline-specific interests. The university is required to put into place procedures to guide in the identification, disclosure, review and management of real or potential conflicts of interests to comply with federal requirements.

Employees funded through NIH and/or NSF and/or any Grant funded project are required to report all “dis-closable interests” annually and/or if they change within 30 days of employment or such changes using the “MSU Conflict of Interest Disclosure” form. All Principal Investigators and/or Project Directors are required to submit such disclosure forms at the beginning of any new proposals.

- For MSU Grantee Sub Awards – PI’s must submit documentation signed for all key personnel, including student researchers
- For Sub Awards from partnering Institutions – PI’s must submit signed documentation provided to the partnering institution and complete MSU disclosure documentation. MSU Conflict of Interest Disclosure Form 1 must be used, if interest is determined Form 2 may be used for supplemental information.

Employees are required disclose anything that could reasonably be interpreted as creating a Conflict of Interest. In regard to Research and Grant Activity, employees are required to complete a Conflict of Interest Disclosure. Employees may have numerous interests, only some of which could result in a Conflict of Interest, whereas the Conflict of Interest Committee acts to determine if a conflict exists and if so, how to manage it.

1. Employees complete Conflict of Interest Disclosure form and submit it to the Grants Office.
2. Grants Office convenes Committee.
3. Committee Reviews documentation provided.
4. When no Conflict of Interest exists, no further review is required.
5. When a Conflict of Interest may exist, the Conflict of Interest Committee will draft a summary of what led to that conclusion, and suggested terms for a Memorandum of Understanding for managing the conflict will be forward to the MSU Cabinet to review. Legal may be consulted in such cases.

6. When a Conflict of Interest exists, but the risk to the University can be managed, in consultation with the Employee, a Memorandum of Understanding will be signed by the University and Employee that details the manner in which the Conflict of Interest will be managed.
7. When a Conflict of Interest exists and that the risk to the University cannot be managed, the Appropriate Vice President or his/her designee, in consultation with the Employee will produce a Memorandum of Understanding to be signed by the University and Employee that details the manner in which the Conflict of Interest will be eliminated.
8. All completed and signed Code of Conduct/Conflict of Interest Statement documentation is maintained in the Employees Permanent Personnel file.

Any employee with information pertaining to a potential Conflict of Interest or Code of Conduct violation may report, in writing, to the appropriate vice president for the employee. If the person does not know the identity of the Appropriate Vice President, then the information may be delivered to any Vice President, who will determine the identity of and deliver the information to the Appropriate Vice President.

A Report of Potential Conflict may also be submitted via any system operated by the University or the State of North Dakota for whistle blowers.

*Employees must also follow the following referenced policies.*

### **Referenced Policies**

NDUS 611.4 Employee Responsibility and Activities: Conflict of Interest

M611.4 Conflict of Interest

NDUS 611.5 Employee Responsibility and Activities: Outside Employ, or Consulting Practices; Use of Institution Property

M611.5 Consulting and Honoraria

NDUS 611.6 Employee Responsibility and Activities: Confidential Proprietary Information

NDUS 611.8 Employee Responsibility and Activities: Research of Human Subjects

M385 Conflict of Interest Committee

### **Sources**

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### **Forms**

Conflict of Interest Disclosure Form 1

Conflict of Interest Disclosure Supplement Form 2

**Adopted:** August, 2015

**Sponsors:** President, Vice President for Academic Affairs and Vice President for Business Affairs,  
Director of Grants Office