



## MARYMOUNT UNIVERSITY POLICY – SPONSORED RESEARCH FINANCIAL CONFLICT OF INTEREST

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### Introduction

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#### **PURPOSE**

*To clarify the requirements at Marymount University to identify Financial Conflicts of Interest (FCOI) related to sponsored awards, and to prevent or mitigate bias in university research.*

#### **SCOPE OF APPLICABILITY**

*Office of Sponsored Research  
Office of Grants, Contracts and Compliance  
Office of Human Resource Services  
Institutional Review Board  
Financial Affairs Division  
Research Faculty  
All Research Investigators (staff and faculty)*

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### Policy

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#### **POLICY STATEMENT**

As the recipient of Sponsor funds, Marymount University (MU) is responsible for ensuring that sponsored funds are appropriately managed and that sponsored research is implemented without bias. All MU staff and faculty who qualify as investigators are subject to this policy, which seeks to identify and manage potential financial conflicts of interest (FCOI) in accordance with federal regulations and MU policies. All individuals who are responsible for the design, conduct or reporting of sponsored research are considered an investigator, regardless of title or position. In the case of non-compliance with this policy, MU may implement employee and/or administrative sanctions as appropriate.

Marymount University requires investigators to complete training to enable them to meet their responsibilities for FCOI reporting. This training must be completed at least every 4 years, and before the investigator can take part in any sponsored research. MU may require that investigators complete this training at additional time points, such as after a change to the FCOI policy or after identification of noncompliance with this policy or an FCOI management plan. Investigators may not participate in sponsored research if this training requirement is not met.

All investigators in sponsored program research must complete the MU Conflict of Interest (COI) form for sponsored research certifying either having no COI or declaring a situation that could give the appearance of a FCOI related to their university or sponsored research/program responsibilities.

Some federal agencies, most notably NSF and PHS, have specific disclosure expectations in addition to MU COI disclosures. Thus, investigators may be required to complete a second FCOI, in addition to the MU-COI form for sponsored programs, specific to the individual funding agency.

The COI form will disclose any significant financial interests (SFI) of the investigator and his/her family. At the time of proposal submission, MU will confirm the investigator has the appropriate COI form(s) on file, updated within the current year. Proposals will not be submitted until all COI forms have been submitted and reviewed. Additionally, investigators must submit an updated COI form within 30 days of identifying an SFI (i.e., through purchase, marriage, inheritance, etc.) that was not previously disclosed to MU.

Marymount's Institutional Official (IO) will review all COI forms. If reported SFIs represent potential FCOI, the IO will submit the COI form to the Financial Conflict of Interest Review Committee (SP-FCOI-RC). If the SP-FCOI-RC determines that the SFI qualifies as a FCOI, they will develop and implement a management plan to mitigate potential bias in the research activities. Review by the IO and SP-FCOI-RC will be completed within 60 days of the submission of the FCOI form. As needed, the SP-FCOI-RC or its designees will implement additional monitoring activities to ensure the management plan is followed.

If it is determined that an investigator did not report SFI in a timely manner, or the institution did not review the COI forms in a timely manner, the FCOI-RC will perform a retrospective review. They will determine whether FCOI exists, and if so whether bias was introduced into the research. In the case of FCOI, the FCOI-RC will develop and implement a management plan and in the case of bias, the FCOI-RC will develop and implement a mitigation plan. Review by the FCOI-RC of untimely disclosures will be completed within 120 days of determination of non-compliance.

Prior to issuing subrecipient/subcontractor agreements, MU will ensure the agreement terms specify whether the recipient/vendor will adhere to Marymount University's FCOI policy and procedure, or their own Institutional policies and procedures.

The IO will ensure that any identified FCOI, management plans and mitigation plans are reported to the funding agency, as required, within 60 days of identifying the FCOI and annually thereafter. The IO will maintain FCOI disclosure documentation for 3 years after the submission of the final expenditure report unless otherwise specified.

## **EXCEPTIONS**

This Policy does not apply to Small Business Innovation Research Program (SBIR) or Small Business Technology Transfer (STTR) Program Phase 1.

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## **Definitions**

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**Bias** – unfair influence in favor of or against a particular outcome.

**COI Disclosure Form** – The form used to declare whether or not a conflict of interest or commitment exists that may impact a responsible parties' decision or performance.

**Investigator** - All individuals with responsibility for the design, conduct or reporting of sponsored research are considered an investigator, regardless of title or position.

**Financial Conflict of Interest** - The existence of circumstances that may influence, or appear to influence, an individual's or organization's research.

**Financial Conflict of Interest Review Committee (SP-FCOI-RC)**: A MU committee consisting of the Director of OSP, the Manager of OGCC, the Authorized Organizational Representative (AOR), and the Office of Risk Management or his or her designee. If a significant financial conflict of interest is

identified, this Committee, along with the Dean/Division Head of the person with a SFCOI to determine what conditions or restrictions, if any, should be imposed by the University to manage actual or potential conflicts of interest arising from disclosed significant financial interest.

**Pass-through Entity** – “Pass-through entity” (PTE) refers to a non-Federal entity that is the Prime or lead entity that received funds awarded directly from the Federal Sponsor and then provides a subaward to a subrecipient to carry out part of a Federally-funded program. (2 CFR Part 200 § 200.93)

**Principal Investigator (PI) (also known as Project Director – PD)** – an employee designated by the University on a sponsored program who bears the primary responsibility for: (1) the ethical conduct and administration of Sponsor approved research, programming, services, and activities, (2) financial stewardship of Sponsor funds, and (3) compliance with all terms, conditions, and reporting requirements of the Sponsor, as well as any applicable laws and regulations and University policies and procedures.

**Investigator** - Any individual responsible for the design, conduct, administration or reporting of research.

**Management Plan** – an organized set of actions intended to support the unbiased administration of research.

**Mitigation Plan** – an organized set of actions intended to lessen the impact of bias in the administration of research.

**Significant Financial Interest** - Financial conflict of interest that could impair, or give the appearance of impairing, your independent and unbiased judgments related to your university or sponsored research/program responsibilities. NSF, PHS, and MU each has slightly different criteria for the level of financial interest that is considered ‘significant.’ The conflict of interest form for each of these three entities describes these criteria.

## Related Requirements

### EXTERNAL REGULATIONS AND CONSEQUENCES

- [45 CFR 50.604 Subpart F – Promoting Objectivity in Research](#)
- [45 CFR 94 – Responsible Prospective Contractors](#)
- [2 CFR Part 200.112 – Uniform Administrative Requirement, Cost Principles and Audit Requirements for Federal Awards – Subpart B – General Provisions - Conflict of Interest](#)
- [2 CFR 200.318 - Uniform Administrative Requirement, Cost Principles and Audit Requirements for Federal Awards - Subpart D – Post Federal Award Requirements - Procurement Standards](#)
- [NIH Grants Policy Statement: Financial Conflicts of Interest](#)
- [NSF Award and Administration Guide – Chapter IX – Grantee Standards – Conflict of Interest Policies](#)

### UNIVERSITY STANDARDS AND PROCEDURES

Marymount Procedure – Financial Conflict of Interest

Marymount Policy – Global Conflict of Interest Policy (employee handbook)

Marymount Policy and Procedures – Purchasing

Marymount Policy – Officers and Administrators Conflict of Interest Policy

*Marymount Policy and Procedures- The Responsible Conduct of Research Policy*  
*Marymount Policy and Procedures- Subrecipient Administration and Monitoring*

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**Contact Information**

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**POLICY CONTACT(S)**

*Director, Office of Sponsored Programs*

**OTHER CONTACTS** *(If applicable)*

*Associate Provost, Research and Graduate Education*

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**Approved by:**

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Jeanne Matthews, PhD, RN  
 Interim Provost and Vice-President, Academic Affairs

Date

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Al Diaz  
 VP, Financial Affairs and Treasurer  
 Marymount University

Date

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## Sponsored Programs Financial Conflict of Interest (Policy 14)

### Standard Procedures and Guidance

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*For more information, contact, Director, Office of Sponsored Programs [osp@marymount.edu](mailto:osp@marymount.edu)*

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## Overview

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (known as the “Uniform Guidance” or UG) delegates to federal Sponsors to establish conflict of interest policies for federal sponsored program awards and also requires that the non-Federal entity (i.e., Marymount University) “must disclose in writing any potential conflict of interest to the federal awarding agency or Pass-Through Entity (PTE) in accordance with applicable federal awarding agency policy.” (2 CFR 200.112 Subpart B).

Marymount has its own Conflict of Interest Policies (HR III-8 of employee Policy and Procedure Manual) that includes financial conflict of interest. Federal sponsors (as well as many non-federal sponsors) require evidence that all investigators involved in a sponsored program 1) be familiar with their own institution’s COI policies, 2) report any conflict that could impair, or give the appearance of impairing, independent and unbiased judgments related to university or sponsored research/program responsibilities, and 3) agree to abide by any COI remediation plan established to mitigate or remove the conflict.

In addition to demonstrating compliance with MU policies, two federal agencies that MU has received and will continue to receive sponsored program funding from each have their own additional reporting requirements, particularly in the area of financial conflict of interest (FCOI). Thus, an investigator with funding from either the National Science Foundation (NSF) or the Public Health Service: U.S. Department of Health and Human Services must complete both the FCOI forms for the specific agency and the MU COI form at the required intervals described below.

Within these procedures, MU outlines the specific strategies implemented to satisfactorily manage, reduce, or eliminate conflicts of interest prior to pursuing a sponsored program, accepting a sponsored program, and/or spending any funds on a sponsored program. MU’s Institutional Official designated to oversee this Policy will maintain all appropriate records related to it in accordance to Sponsor requirements, terms, conditions, regulations, and/or laws and MU’s Records and Retention Policy for Sponsored Programs (whichever is stricter).

Wherever possible, we have incorporated the compliance procedures expected by NSF and PHS into the general MU sponsored programs conflict of interest compliance procedures.

## Required Training in Financial Conflict of Interest for Anyone Engaging in a Sponsored Program Award

Each investigator must complete a required “Conflict of Interest” online training module in the Institutional Review Board (IRB)-maintained Collaborative Institutional Training Initiative (CITI) platform prior to engaging in a sponsored program, and at least every four (4) years thereafter.

The CITI training module on Financial Conflict of Interest (FCOI) is free to all MU employees and students, accessed through the [IRB link](#) on the MU website. If subrecipient Investigators, collaborators, or subcontractors/vendors subject to this Policy do not have access to this required training, they shall be granted guest access by the IRB to the MU CITI account to complete this required online training.

The module provides an overview of FCOI with emphasis on federal requirements and expectations for avoiding or managing conflict. All investigators must complete this module prior to submitting a sponsored program award application. After successfully completing the online training, you receive a link to a certificate confirming completion. Forward a copy of the certificate of completion to the Office of Sponsored Programs and the PI on the project (if you are not the PI) within thirty (30) days of training completion. This certificate is good for 4 years.

The Director, Office of sponsored program, cannot submit any proposal for federal funding without evidence that each investigator has successfully completed this online training. This is the mechanism the university uses to demonstrate to the federal agency that our investigators meet the federal requirement for training in conflict of interest.

## Investigator-Required Disclosure of Financial Interests

All Investigators are required to disclose outside significant financial interests to MU's Institutional Official (Director of Office of Sponsored Programs) on an annual and on an ad hoc basis, as described below. The Institutional Official is responsible for the distribution, collection, processing, initial review, and retention of disclosure forms. The applicable disclosure form that provides the specific definition of 'significant financial interest' will be distributed to investigators by the Director, OSP. Investigators with any questions about potential conflicts of interest are encouraged to contact OSP to discuss any financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest.

Disclosure of financial interests is not designed to be a burden, but rather to protect the University and the Investigator against allegations of misconduct related to conflict(s) of interest. The IO, and the SP-FCOI-RC if indicated, will assist Investigators with managing, reducing, and/or eliminating any conflicts of interest in accordance with this Policy, as well as with Sponsor requirements, terms, conditions, regulations, and/or laws.

- a. **Initial Disclosure Requirement:** Investigators who do not have a current Financial Interest Disclosure Form (FIDF) on file at OSP and are preparing a proposal must submit a completed FIDF form to the OSP. The OSP will alert the Investigator to the required FIDF based on the applicable agency awarding the funding, plus any additional supporting documentation that describes the project (Authorization to Submit a Sponsored Program, or draft of proposal). The form must be submitted to the OSP either via email or through a sealed envelope marked "Confidential" in the case where a significant financial interest is being disclosed. To remain in compliance with Federal regulations, this complete initial disclosure must be made to the IO PRIOR to proposal submission and will be part of the administrative review process required of all sponsored program proposals. The AOR will not approve submission of a PHS sponsored program proposal if an Investigator has not submitted the PHS-FIDF and/or has not given the Director of OSP and/or SP-FCOI-RC sufficient time to review and/or manage any conflicts of interest(s). Investigators preparing a proposal should submit the conflict of interest form as early as possible but at least 3 weeks prior to the submission of the proposal to allow time to manage any potential or real conflicts.
- b. **Thirty (30) Day Disclosure Requirement:** Investigators who discover or acquire new significant financial interests have thirty (30) days to submit an updated SP-PHS-FIDF to the Director of OSP, with any required supporting documentation.
- c. **Annual Disclosure Requirement:** All Investigators must disclose their significant financial interests on the FIDF annually to the IO by the end of the MU fiscal year (June 30th) and account for previous year.
- d. **Travel Disclosure Requirement:** Investigators are required to disclose reimbursed or sponsored travel (i.e., paid on the Investigator's behalf but not reimbursed directly to the Investigator) that is related to their Institutional Responsibilities from an individual or Entity other than a federal, state, or local government agency, an institution of higher education<sup>1</sup>, academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education that, when combined, values more than \$5,000 per individual or Entity. Such disclosures must include, at a minimum, the purpose of the trip, the identity of the Sponsor or Organizer, the destination, the duration, and, if known, the monetary value. The IO will determine if additional information is needed (e.g., the monetary value if not already disclosed) to determine whether the travel constitutes a Financial Conflict of Interest with the Investigator's sponsored program.

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<sup>1</sup> As defined at 20 USC § 1001(a)

## Disclosure Form Review Process

- a. The MU IO or official designee shall conduct an initial review of all SP-FIDF (Initial, 30-day, and Annual) to determine if any disclosed significant financial interest have an actual or potential conflict of interest that will affect the design, conduct, or reporting of a proposed or active sponsored program;
- b. If the initial review indicates that there may be a potential for conflict of interest, the disclosure and all related documentation will be referred to the Financial Conflict of Interest Review Committee (SP-FCOI-RC) [See below]. The SP-FCOI-RC will determine what (if any) conditions or restrictions should be imposed by the University to manage, reduce, or eliminate such conflicts of interest; and as necessary, make enforcement recommendations for deliberate violations of this Policy to the Divisional VP.
- c. When the IO and/or the SP-FCOI-RC determines that a financial conflict of interest can be managed, the affected Investigator and the Committee is responsible for developing a written management plan before the sponsored program can be submitted, allowed to continue activities, and/or allowed to spend any further funding. The IO and the AOR are required to approve the written FCOI management plan;
- d. If complex situations exist, the IO, AOR, and the Review Committee have the power to establish oversight committees to periodically review the sponsored program's ongoing activity, monitor how the sponsored activities are being conducted, and/or institute other strategies to ensure compliance with the approved management plan.

## Sponsored Programs Financial Conflict of Interest Review Committee

MU will maintain a Sponsored Programs Financial Conflict of Interest Review Committee (Review Committee) that will consist of a minimum of the Director of OSP, the Manager of OGCC, the Authorized Organizational Representative (AOR), the Investigator's Dean or Division Head, and the Director of Risk Management, or designee. The Committee shall convene to determine what conditions or restrictions, if any, should be imposed by the University to manage actual or potential conflicts of interest arising from disclosed significant financial interests of Investigators (including their relatives/family members), subrecipient organizations, subcontractors/vendors, and external collaborators on sponsored programs covered by this Policy.

## Untimely Disclosure Review Process

Within sixty (60) days of learning that (a) an Investigator failed to make a timely disclosure, or (b) MU had not previously reviewed an Investigator's disclosure in a timely manner, the IO must review the FIDF to:

- a. Determine whether any significant financial interests are related to Federal Sponsors, particularly PHS;
- b. Determine whether any financial conflicts of interest exist; and, if so,
- c. Forward information to the Review Committee on an "urgent review" basis to develop, at least, an interim management plan that includes the specific actions that have been and will be taken to manage, reduce, or eliminate any FCOI until a full review and any more expansive management plan is completed.

## Retrospective Disclosure Review Process

In addition to the above financial disclosure review processes, MU shall conduct retrospective disclosure reviews whenever the University becomes aware of any Investigator non-compliance. Retrospective disclosure reviews will be completed and documented within 120 days of the date non-compliance is discovered, following PHS regulation (42 CFR § 50.605(a)(3)).

## Subrecipient & Subcontractor/Vendors Considerations & Requirements Regarding Financial Conflict of Interest

On sponsored program awards to MU where there are subrecipients (i.e., collaborating organizations) and/or subcontractors (i.e., vendors, consultants, etc.), Federal regulations require that MU as the Pass-Through

Entity (PTE) take reasonable steps to ensure that subrecipient investigators and subcontractors/vendors follow these procedures or an equivalent policy at the subrecipient's or subcontractor/vendor's home institution. As part of the subrecipient contracting or subcontractor purchasing processes (See MU Subrecipient Administration and Monitoring Policy or MU Purchasing Policy), MU will ensure that the following, at the very minimum, is done to ensure subrecipients and subcontractors/vendors comply with this Policy or a similar other one at their home institutions:

- a. Incorporate in the written subaward agreement and/or the subcontractor/vendor's purchasing contract, MU terms that establish whether this Policy or a similar financial conflict of interest policy at the subrecipient or subcontractor/vendor's entity or business will apply to the subrecipient's or subcontractor's subaward or subcontract;
- b. If a subrecipient's Investigators or a subcontractor/vendor must comply with their own financial conflicts of interest policy, the subrecipient or subcontractor/vendor must, as part of the contracting process, forward a copy of their FCOI policy to the IO for a review to determine if it complies with current federal standards and requirements. If the IO determines that the subrecipient's or subcontractor/vendor's FCOI does not comply with Federal regulations, then the subaward agreement (subrecipients) and/or subcontract (vendors/consultants) must state that the subrecipient's Investigators or the subcontractor/vendor are subject to MU's policies for disclosing significant financial interests that are directly related to the subrecipient's or subcontractor/vendor's work for MU.

## Regulations Specific to National Science Foundation Awards (NSF)

### Procedure to Follow in Event of NSF Funding Award

In Chapter IX (Grantee Standards) of the National Science Foundation's (NSF) [Grant Proposal Guide](#) (NSF 18-1 January 29, 2018), grantee organizations that employ more than 50 people are required to: **(1)** maintain a written and enforced conflict of interest policy and **(2)** have procedures in place that manages, reduces, or eliminates all conflicts of interests for each award and prior to expending award funding. Additionally, NSF requires in the event MU awards have subrecipients, contractors/vendors, or collaborators, they must take "reasonable steps" that ensures:

1. Any entity has its own conflict of interest policies in place that meets NSF requirements; OR
2. Any investigator working for such entities must follow the conflict of interest policies of MU.

NSF stipulates that MU's conflict of interest policy must require each "investigator" to disclose to a "responsible representative of the organization" (at MU, it is OSP) all "significant financial interests" of the investigator (including those of his or her spouse and dependent children) that:

1. Would reasonably appear to be affected by the research or educational activities funded or proposed for funding by NSF; or
2. In entities whose financial interest would reasonably appear to be affected by such activities."

Additionally, NSF defines the term "significant financial interest" as meaning "anything of monetary value, including, but not limited to:

1. Salary or other payments for services (e.g., consulting fees or honoraria) from an outside entity;
2. Equity interest (e.g., stocks, stock options or other ownership interests); and
3. Intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

NSF definition of "significant financial interest" does NOT include:

1. Salary, royalties, or other remuneration from MU;
2. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
3. Income from service on advisory committees or review panels for public or nonprofit entities;

4. An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests:
  - a. Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and
  - b. Does not represent more than a 5% ownership interest in any single entity;
5. Salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$10,000 during the prior twelve-month period.

MU must secure from investigators all required financial disclosures before a proposal is submitted to NSF. These financial disclosures must be updated annually or as a "new reportable significant financial interest is obtained" by the investigator.

Any disclosure of significant financial interest related to an investigator identified on an NSF proposal or award will be sent to the MU SP-FCOI-RC for review and development of a plan to manage, reduce, or eliminate the conflict of interest.

A conflict of interest exists when the CP-FCOI-RC reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of NSF-funded sponsored programs.

NSF gives examples of "conditions or restrictions that might be imposed to manage, reduce, or eliminate conflicts of interests," which include a non-exhaustive list of the following:

2. Public disclosure of significant financial interests;
3. Monitoring of research by independent reviewers;
4. Modification of the research plan;
5. Disqualification from participation in the portion of the NSF-funded sponsored program that would be affected by significant financial interests;
6. Divestiture of significant financial interests; or
7. Severance of relationships that create conflicts.

NSF allows MU SP-FCOI-RC to conclude that the imposition of "conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare," and thus the reviewer(s) "may allow the research to go forward without imposing such conditions or restrictions." If such situation arises, however, MU is required by NSF to notify the NSF's Office of General Counsel (OGC) and inform it that MU "finds that it is unable to satisfactorily manage a conflict of interest and if MU finds that research will proceed without the imposition of conditions or restrictions when a conflict of interest exists." When NSF's OGC is notified that MU has "an unmanageable conflict of interest," OGC will conduct a review that will include:

1. Examination of MU's conflict of interest policy and related NSF addendum to determine if "the policy includes procedures for addressing unmanageable conflicts;
2. Discussion with MU's Authorized Organizational Representative (AOR) "to determine what actions the [University] plans/has taken with respect to the reported unmanageable conflict of interest, ensuring consistency with MU's conflict of interest policy and related addendum; and
3. Require "confirmation" from MU when "proposed actions have been accomplished."

MU is required by NSF to enforce this conflict of interest policy and "provide for sanctions where appropriate." Additionally, MU must keep documentation of "all financial disclosures and of all actions taken to resolve conflicts of interests for at least three (3) years beyond the termination or completion" of the sponsored program "to which they relate, or until the resolution of any NSF action involving those records, whichever is longer."

## Regulations Specific to Public Health Service Awards

## PHS-specific FCOI Procedure when funding award is from Public Health Service, Department of Health and Human Services (including National Institute of Health)

[In 42 CFR 50](#) Subpart F, entitled “Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding Is Sought,” the Public Health Service (PHS), which covers the entire US Department of Health and Human Services, outlines in Section 50.604, MU’s responsibilities regarding conflicts of interest of investigators. Their conflict of interest policy largely mirrors NSF’s requirements, but does differ in some significant ways that will be outlined below.

PHS requires MU to “report to the PHS Awarding Component [prior to any spending of funds under the sponsored program award] of “the existence of a conflicting interest (but not the nature of the interest or other details) found by the institution and assure that the interest has been managed, reduced or eliminated in accordance with [42 CFR 50 Subpart F Section 50.604 (2)] and, “for any interest that the institution identifies as conflicting subsequent to the Institution’s initial report under the award, the report will be made and the conflicting interest managed, reduced, or eliminated, at least on an interim basis, within sixty (60) days of that identification.

PHS’s requirements (42 CFR 50 Subpart F Section 50.605) for MU in its management of conflicts of interest also mirrors the requirements of NSF. However, in Section 50.606 (Remedies) of this subpart, PHS requires MU to notify the PHS Awarding Component of “corrective action taken or to be taken” if an investigator’s failure “to comply with the conflict of interest policy of the institution has biased the design, conduct, or reporting of the PHS-funded research. The PHS Awarding Component will consider the situation and, as necessary, take appropriate action, or refer the matter to the institution for further action, which may include directions to the institution on how to maintain appropriate objectivity in the funded project.” If the PHS Awarding Component is not satisfied with MU’s efforts to manage, reduce, or eliminate conflict of interest in accordance to this subpart, it may suspend funding to MU until it considers the matter resolved. (45 CFR 74.62)

Consistent with requirements of PHS Policy, prior to the expenditure of PHS-funded sponsored program funds, MU will respond to any requestor within five (5) business days of the request, information concerning any significant financial interests that meet the following criteria:

- a. The Significant Financial Interest was disclosed and is still held by the Investigator;
- b. A determination has been made that the Significant Financial Interest is related to the PHS funded sponsored program; and
- c. Determination has been made that the Significant Financial Interest is a Financial Conflict of Interest.

### **Financial Conflicts of Interest (FCOI) Reports Specific to PHS (42 CFR § 50.604(h): Requirements**

1. Prior to the expenditure of any funds under a PHS-funded sponsored award, the University will submit an *FCOI Report* to PHS regarding any Investigator’s *Significant Financial Interest* found by the IO to be conflicting. If the IO identifies a *Financial Conflict of Interest* and eliminates it prior to the expenditure of PHS-awarded funds, an FCOI Report is **not** required to be submitted to PHS (42 CFR § 50.605(b)(1));
2. For any *Significant Financial Interest* that the IO identifies as conflicting after the University’s initial FCOI Report during an ongoing PHS-funded sponsored award (e.g., upon the participation of an Investigator who is new to the research), the IO shall provide to PHS, within sixty (60) days, a *FCOI Report* regarding the *Financial Conflict of Interest* (42 CFR § 50.605(b)(2));
3. A *FCOI Report* fulfilling the requirements outlined above will include sufficient information to enable PHS to: (1) understand the nature and extent of the financial conflict, and (2) to assess the appropriateness of the University’s *Management Plan*. The report shall include, at a minimum, the following information (42 CFR 50.605(b)(3)):

- a) The project number;
  - b) The Project Director/Principal Investigator (PD/PI) or Contact PD/PI if a multiple PD/PI model is used;
  - c) Name of the Investigator with the *Financial Conflict of Interest*;
  - d) Name of the *Entity* with which the Investigator has a *Financial Conflict of Interest*;
  - e) Nature of the *Financial Interest* (e.g., equity, consulting fee, travel reimbursement, honorarium);
  - f) Value of the *Financial Interest* – whereby using dollar ranges are permissible, such as:
    - i. \$0–\$4,999;
    - ii. \$5,000–\$9,999;
    - iii. \$10,000–\$19,999;
    - iv. amounts between \$20,000–\$100,000 by increments of \$20,000;
    - v. amounts above \$100,000 by increments of \$50,000.
  - g) When a Financial Interest’s value cannot be readily determined through reference to public prices or by other reasonable measures of fair market value, a statement attesting to this fact shall be included with enough proof provided;
  - h) A description of how the *Financial Interest* relates to the PHS-funded research and the basis for the University’s determination that the *Financial Interest* conflicts with such research; and
  - i) A description of the key elements of the *Management Plan*, including:
    - i. Role and principal duties of the conflicted Investigator in the PHS-funded research;
    - ii. Terms and conditions of the *Management Plan*;
    - iii. How the *Management Plan* is designed to safeguard objectivity in the PHS-funded research in question;
    - iv. Confirmation of the Investigator’s agreement to the *Management Plan*;
    - v. How *the Management Plan* will be monitored to ensure Investigator compliance; and
    - vi. Any other information as needed.
4. For any *Financial Conflict of Interest* previously reported by the University regarding ongoing PHS-funded research, the University will provide to PHS an Annual FCOI Report that addresses the status of the *Financial Conflict of Interest* and any changes to the *Management Plan* for the duration of the PHS-funded sponsored award (including extensions with or without funds). The Annual FCOI report will specify whether the financial conflict is still being *managed* or explain why the *Financial Conflict of Interest* no longer exists (42 CFR § 50.605(b)(4)); and
  5. In addition to FCOI Reports to PHS described in this section, see Section F(8) for information on reporting *Retrospective Reviews* and *Mitigation Reports* to PHS.

## Management Plan: Managing, Reducing, or Eliminating Potential or Actual Significant Financial Conflict of Interest, Regardless of Funding Source

When the IO and/or SP-FCOI-RC determines that a significant financial conflict of interest exists with an Investigator (or with his or her relative(s)/family member(s), the Investigator, in cooperation with his or her School Dean / Division Head, must develop and present to the SP-FCOI-RC a management plan that includes proposed detailed steps that have or will be taken to manage, reduce, or eliminate any actual or potential conflict of interest presented by a significant financial interest.

At a minimum, the management plan must address ways to manage, reduce, and/or eliminate financial conflicts of interest. Some strategies an Investigator should consider (as appropriate to their particular significant financial interests causing the conflicts): such as:

- Public disclosure of financial conflicts of interest (e.g., when presenting or publishing the research);
- For sponsored program projects involving human subjects research, disclosure of financial conflicts of interest directly to participants;

- Appointment of an independent monitor capable of and empowered by the Committee to take measures to protect the design, conduct, and reporting of the sponsored program work against bias resulting from the financial conflict of interest;
- Modifications to the sponsored program's statement of work/research to eliminate the financial conflict of interest (subject to Sponsor prior approval);
- Disqualification of the Investigator from participation in all or a portion of the sponsored program activity that would impact the significant financial interest causing the conflict of interest;
- Divestiture of the significant financial interest;
- Severance of relationships that create potential or actual conflicts; or
- Placing shares or other forms of equity ownership documents in a blind trust.

Within a reasonable time period, the SP-FCOI-RC must review the proposed management plan and approve it as is, approve it with added conditions or restrictions, or reject it. If rejected, the investigator must submit a revised plan and continue revising until the plan is approved as is or approved with revisions. OSP will send copies of the approved management plan to the Investigator, his or her School Dean /Division Head, as well as the Office of Grants, Contracts, and Compliance. The management plan must be implemented before the expenditure (or continued expenditure) of sponsored program funds is allowed.

Management plans are modified by the Investigator (or OSP or Review Committee) and approved by the Committee when such issues occur:

- Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the sponsored program;
- Reduction or elimination of the significant financial interest causing the conflict (e.g., sale of an equity interest); or
- Severance of relationships that created potential or actual conflicts.

OSP will draft a memorandum of understanding (MOU) to the Investigator that details the conditions or restrictions imposed by the Review Committee in the conduct of the sponsored program and/or in the relationship with any significant financial interests and related individuals, businesses, or entities. Actual or potential conflicts of interest must be satisfactorily managed, reduced, and eliminated in accordance with these guidelines prior to accepting any sponsored program award or expending any sponsored program funding. The MOU must be signed by the Investigator and the Investigator's School Dean /Division Head. This MOU may be required to be disclosed to the Sponsor in accordance with Federal requirements, regulations, and/or laws (i.e., NSF and PHS).

Management plans will stay in force until the end of the performance period of the affected sponsored program and OSP and OGCC will jointly monitor Investigator compliance.

## Process for Appealing the Sponsored Program Financial Conflict of Interest SP-FCOI-RC's FCOI Management Plan

1. Within seven (7) days of notification of the SP-FCOI-RC's decision on a Management Plan through the Memo of Understanding (MOU) issued by the IO as described in these PHS FCOI Procedures, the Investigator must acknowledge, in writing, agreement to comply with any required *Management Plan* or submit a written request for reconsideration to the Provost and Vice President of Academic Affairs and Enrollment Management,
2. The Provost may recommend to the SP-FCOI-RC that they consider modifying or deleting a requirement after his or her review and investigation of the appeal, but he or she may not unilaterally alter or remove a requirement without a prior discussion of the appeal with the SP-FCOI-RC. The Provost may add requirements to a *FCOI Management Plan* at his or her discretion. Based upon an evaluation of the responses from the SP-FCOI-RC, the Provost will issue a final binding decision on the appeal.

3. The Investigator has the right for a timely decision by all parties in the appeals process. The time from submission of a written request from the Investigator for reconsideration to final resolution by the Provost should not exceed thirty (30) days.
4. If the Provost is in a conflict of interest regarding a specific appeal from an Investigator (e.g., the Investigator is considered Immediate Family to the Provost, the Provost has a *Financial Interest* in any *Entities* controlled by the Investigator, etc.), then the VP for Finance will serve as the Appeals Officer.

### Procedures to Follow to Address Non-Compliance/Violations of Management Plan

Whenever an Investigator has violated the terms of the Management Plan MOU, the Review Committee may recommend sanctions, which may include disciplinary action ranging from a public letter of reprimand, to employment suspension, revocation of sponsored program with funds returned to the Sponsor, or dismissal and termination of employment. In this case, the Investigator's involvement on the affected area(s) of the sponsored program may be suspended or another action taken deemed by the SP-FCOI-RC to be appropriate until sanctions can be implemented.

The SP-FCOI-RC's recommendations on sanctions must first be presented to the Investigator's School Dean / Division Head, who, in consultation with the Provost/Vice-President of Academic Affairs and Enrollment Management, the Investigator's corresponding Vice-President (if the Investigator is not in an academic unit), other administrators as appropriate, and the University President, shall enforce any disciplinary action in accordance with University policies and procedures that are in force.

If the SP-FCOI-RC has determined that the Investigator's non-compliance with this Policy or a financial conflict of interest management plan appears to have biased the design, conduct, or reporting of a sponsored program (particularly if Federally-funded through PHS or NSF), OSP must promptly notify the Sponsor of the corrective action taken or will be taken according to its reporting requirements. For PHS-funded research, OSP must notify the PHS Awarding Component. For NSF-funded research, OSP must notify the NSF Office of General Counsel.

### Retrospective Review for Non-Compliant Investigators

If the Institutional Official and/or the Review Committee determines that: (a) 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 that is determined to be a financial conflict of interest, or (b) failure by an Investigator to substantially comply with a management plan for a financial conflict of interest, the Review Committee may complete a Retrospective Review of the Investigator's activities and the sponsored program project to determine whether the work/research conducted during the period of non-compliance was biased in the design, conduct, or reporting of the sponsored program.

OSP will retain documentation of the Retrospective Review that will include:

- Sponsored program GL number;
- Project title;
- PI name and/or Name of Investigator with the Financial Conflict of Interest;
- Name of the entity with which the Investigator has the Financial Conflict of Interest;
- Reason(s) for the Retrospective Review;
- Detailed methodology used for the retrospective review; and
- Findings and conclusions of the review.

The IO will update any previously submitted reports to Sponsors or the Prime entity of a Federally-funded sponsored program with FCOI reporting requirements and indicate the actions that will be

taken to manage the financial conflict of interest moving forward. If the Committee finds bias, however, the report will include a mitigation report in accordance with the PHS regulations, including a description of the impact of the bias on the sponsored program project and the plan of action to eliminate or mitigate the effect of the bias.

## Record Retention if COI Documentation

OSP will retain records of FIDF, management plans, reports, and other related documentation for three (3) years after the latter of (a) the submission of final financial report to the Sponsor, or (b) the resolution of any Sponsor or government action involving these records, such as any litigation, financial management review, or audit starts before the expiration of the three-year period. Under these circumstances, the records will be maintained until all such actions have been resolved and final action has been taken. Records will be maintained and destroyed per the MU Records Retention Policy for Sponsored Programs.

## Confidentiality

To the extent permitted by law, all financial disclosure forms, FCOI management plans, and related documentation will be kept confidential. However, MU may be required to make this information available to Sponsors (particularly Federal or other public Sponsors, such as PHS and NSF) if they request information concerning a financial conflict of interest that relates to a sponsored program awarded by them to MU or to a Prime entity that issued a subaward to MU. If the University is required to provide these records to an external entity, OSP will notify the Investigator of the disclosure.

## Public Accessibility

By law, information regarding the MU FCOI Policy and its implementation must be publically available. MU will comply with this requirement by making this Policy available to the general public by posting it on the University's Office of Sponsored Programs website under the Policies and Procedures section.

Consistent with requirements of PHS Policy, prior to the expenditure of PHS-funded sponsored program funds, MU will respond to any requestor within five (5) business days of the request, information concerning any significant financial interests that meet the following criteria:

- The Significant Financial Interest was disclosed and is still held by the Investigator;
- A determination has been made that the Significant Financial Interest is related to the PHS funded sponsored program; and
- Determination has been made that the Significant Financial Interest is a Financial Conflict of Interest.

## MU Internal Reporting

The Director of OSP or official designee shall report annually to the Provost/Vice-President of Academic Affairs and the Authorized Organizational Representative about the status and workings of this Policy and the actions of the Review Committee.



**Marymount University: Conflict of Interest Disclosure Form**  
**Documentation Required for Sponsored Programs**

Investigator Name:	Rank/Title:
Dean or Division/Area Head:	Role: <input type="checkbox"/> PI <input type="checkbox"/> Senior/Key Personnel <input type="checkbox"/> Consultant <input type="checkbox"/> Partner/Collaborator PI <input type="checkbox"/> Other
School (Academic) or Division (non-Academic):	Department:
Email:	Campus Phone:
Institution (if Subrecipient or subcontractor on a MU sponsored award and following MU COI Policies and Procedures):	
List all of your active sponsored programs and sponsored programs being developed for submission:	

- I am reporting on activities:
- Initial Disclosure**, on Date: \_\_\_\_\_
  - Annual Disclosure** for the year \_\_\_\_\_
  - Updated Disclosure** as an addendum to most recent COI Disclosure Form

Please read Section III-8 of the HR Policy and Procedure Manual (which is attached) before signing.

**I have NO Conflicts of Interest.** (If you answer No, then sign here and submit form to Office of Sponsored Programs at [osp@marymount.edu](mailto:osp@marymount.edu))

**Investigator's Certification and Affirmation**

I affirm that:

- The above information is true to the best of my knowledge.
- I have read the University's Conflict of Interest Policy.
- If A potential COI occurs in the future, I will notify Sponsored Programs within 30 days.

Investigator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**YES, I am reporting the following as a Conflict of Interest (COI)** or a situation that could give the appearance of a COI. (If you respond YES, then complete the remainder of this form and sign at the end of the document.)

1. In which area of HR III-8 is the potential COI? (Note: If the COI is a Financial/ Fiduciary, note it here but use the next Section of this document to describe the Financial/Fiduciary COI).
  
2. Describe the nature of the non-financial COI.
  
3. Describe steps taken to mitigate the nonfinancial conflict of interest.

Complete this section if the COI you are reporting is a Fiduciary/Financial COI as described in HR Employee Policy and Procedure Manual, Section III-8 (C).

1. Describe any financial conflict of interest that could impair, or give the appearance of impairing, your independent and unbiased judgments related to your university or sponsored research/program responsibilities.

[Empty rectangular box for response]

2. Describe how a financial interest is or may be related to your sponsored research/program or University responsibilities.

- Entity is or may be a research or program Sponsor.
- Entity’s product(s) or service(s) is or may be utilized, tested, evaluated, or otherwise in the research or program.
- Entity does/will license University intellectual property utilized, tested, evaluated or otherwise in the research or program.
- Entity sponsors/reimburses Investigator for travel related to Investigator’s research, program or University responsibilities.
- Investigator’s Institutional Responsibilities may involve or require interacting with the external Entity.
- The activities with the external Entity are not related to Investigator’s research. program or University responsibilities.
- Other, describe: \_\_\_\_\_

If related financial interests are found, then list all affected sponsored program projects (titles and proposal and award dates):

4. Will the relationship continue into the next 12 months from the date of this disclosure?  Yes  No

(continue to Section B – Signature Page)

**B. Investigator's Certification and Affirmation**

I affirm that:

- The above information is true to the best of my knowledge.
- I have read the University's Conflict of Interest Policy.
- If the disclosed relationship with the external Entity is determined by the University to be a Financial Conflict of Interest (FCOI) related to the sponsored program, then I agree to comply with any approved University FCOI Management Plan prior to expenditure of funds related to the sponsored program(s).

Investigator Signature:

Date:

Please send form to Office of Sponsored Programs at [osp@marymount.edu](mailto:osp@marymount.edu)

**C. OSP Review**

**Administration only – To be completed by the Institutional FCIO Official (IO):**

- No financial or fiduciary relationships or COI disclosed.
- The relationship disclosed represents a COI.
- The COI disclosed may be reasonably related to the sponsored program(s) specified below.

- A Conflict of Interest has been identified that requires additional management.
- A complex COI appears to exist and review is needed by the Sponsored Program FCOI Committee.
- FOR PROPOSALS: A COI may exist. The proposal may be submitted, but if the sponsored program is awarded, no expenditures are allowed until an approved Management Plan is in place.
- FOR UPDATED FCOI DISCLOSURES: A COI may exist. No sponsored program proposals or expenditures may go forward until an approved Management Plan is in place.
- The COI is unmanageable and the sponsored program is not allowed to continue.

IO Signature

Printed Name

Date

AOR Signature

Printed Name

Date

## *Office of Human Resource Services: Employee Policy and Procedures Manual*

### **HR III-8 Conflict of Interest**

#### **Purpose**

This policy applies to all university employees. MU's goal is to avoid not only conflicts of interest, but also any situation that might give rise to questions about MU's integrity. It is critical that MU employees not engage in conduct that constitutes an actual conflict of interest or commitment, or gives the appearance of a conflict of interest or commitment.

#### **Applicability**

An employee who violates the conflict of interest policy is subject to corrective and/or disciplinary action in accordance with the University Progressive Discipline Process. Instances of deliberate breach of this policy by agents (such as contractors and volunteers) will result in termination of contracts and/or services or dismissal of volunteer assignments. Instances of deliberate breach of policy by officers (such as the Board of Trustees) will be adjudicated in accordance with applicable disciplinary procedures set by the Board of Trustees for its members.

#### **A. Outside Employment**

MU strives to provide the best service to our community, and we require the full attention and effort of our talented employees. To this end, MU focuses on shared values, purpose, and vision and neither endorses nor precludes employees' seeking employment outside their positions with MU.

Prior to an offer of employment, all employees must disclose, in writing, outside employment or engagement in consulting for others and receive approval to continue that employment. During the course of employment and prior to the commencement of outside employment or consulting, employees must first seek approval from the university to ensure that the employment would not present a conflict of interest or commitment, potential conflict of interest or commitment, or the appearance of a conflict of interest or commitment.

Employees are required to periodically update outside employment interests when requested by the university. Full-time faculty who are engaged in outside employment will follow the guidelines for disclosure and approval in Section 8.3 of the Faculty Handbook.

- a. Staff will update the conflict of interest form in conjunction with the annual evaluation process.
- b. Faculty will update the conflict of interest form in conjunction with the annual contract renewal process.

Any employee holding a position with another organization must demonstrate satisfactory performance in his or her job responsibilities with MU at all times. All employees are expected to meet the job performance standards established by the university and will be subject to MU's work and scheduling demands, regardless of any other outside work requirements. Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

If determined that an employee's outside work interferes with his/her job performance or the ability to meet the requirements of MU at any time, the employee may be asked to terminate the outside employment if he or she wishes to

remain employed with MU. A refusal to comply with MU's reasonable request to terminate outside employment may result in immediate termination of employment with MU.

### **B. Employment of Relatives**

A relative of a current MU employee may be hired for a MU position if the employment of the relative does not present a conflict of interest or the appearance of a conflict of interest. For purposes of this policy, a current employee's relatives include his/her spouse, parents, parents-in-law, children, children-in-law, siblings, uncles, aunts, first cousins, step-relations, grandparents, nieces, and nephews, or any other person residing in the same household as the employee.

A relative of a current MU employee may not be hired for a position in *the following situations*:

- a. If there would be a reporting relationship between the related employees.
- b. If one of the related employees would be in a position to control, approve, and/or review financial transactions prepared or performed by the other.
- c. If one of the related employees would have supervisory authority over the other.
- d. If the related employees would be in the same department.

A relative of a current MU employee may be hired for a position if the individuals who are related by blood, marriage, or reside in the same household have no direct reporting or supervisor to subordinate relationships exist.

If two employees marry, become related, or develop any other personal relationship where the potential problems noted above may arise, only one of the employees will be permitted to remain in the department unless the potential or actual conflict of interest can be eliminated or managed.

### **C. Fiduciary**

The members of the university's Board of Trustees and its officers including the president and all vice presidents, deans, the heads of academic and administrative departments, and certain other designated personnel, are considered representatives of the university and shall report personal activities and interests which create, or which appear to create, a fiduciary conflict with the interests of the university. A conflict of interest shall be deemed to exist when any of the representatives (1) is an officer, director, trustee, general manager, or other key management employee of any partnership, corporation, trust, organization, or other enterprise which (a) conducts or seeks to conduct business with the university, or (b) may receive, directly or indirectly, material financial or other benefit from knowledge or information which is either confidential or proprietary to the university; (2) owns, directly or indirectly, an interest in more than five percent (5%) of the stock, equity or profits of any entity referred to in (1) above; (3) is in partnership with or has another significant business relationship with any other person covered by (1) and (2) above; or (4) otherwise has an existing or potential financial or other interest which impairs, may impair, or appears to impair the independent, unbiased judgment of such representative in the discharge of his or her duties to the university.

For the purpose of a fiduciary conflict of interest, the interests of the representative shall include an interest of their respective family members who are spouses, ancestors, lineal descendants (including adoptive descendants), spouses of lineal descendants, and other relatives living in and a part of the same household of the representative.

According to the Board of Trustees' Conflict of Interest Policy, each year the representatives are required to disclose in writing any interest, which is or may appear to be in conflict with the interests of the university.

#### **D. Gratuities/Gifts and Solicitations**

The officers, employees, and agents of the university shall neither solicit nor accept gifts or gratuities, favors, or anything of monetary value from students, student's relatives, visitors, or vendors, contractors doing business with, or seeking to do business with MU, or parties to sub-agreements.

Unless specifically excepted by this policy, university employees shall not accept non-cash gifts of any type, including materials, services, travel, and attendance at a charitable or similar event as a guest and entertainment at no cost or at unreasonably discounted prices from persons or entities doing (or proposing to do) business with the university.

Excepted from this policy are usual and customary:

- a) celebratory business gifts of a value of not more than \$75 for the shared use of department personnel;
- b) occasional meals in connection with university business meetings and events and university sponsored or pre-approved charitable, in connection with attendance at professional meetings and similarly sponsored events by industrial, technical, professional, or educational associations, or at public ceremonies in an official capacity or similar events;
- c) review copies of vendor provided textbooks and other teaching related materials or informational material such as books, reports, pamphlets, calendars, periodicals, or other unsolicited promotional material; and
- d) ceremonial gifts received by university employees in the course of official business. Such ceremonial gifts are the property of the university.

All unpermitted gifts must be immediately declined, returned, or discarded. If any individual or organization dealing with the university offers an employee a gratuity or gift, outside the exceptions listed above, that person or representative should be informed of university policy and any such gratuity or gift should be returned.

This policy does not apply to the acceptance of gifts related to fundraising by officers or agents of the university.

No employee may solicit another employee for any purpose while either employee is on working time. The distribution of handbills or other literature during working time or in working areas is forbidden. Persons who are not employed by the university are prohibited from soliciting any employee or distributing literature on university jobsites, premises, or at employee work locations at any time.



Marymount University- National Science Foundation – Financial Interest Disclosure Form

Investigator Name:	Rank/Title:
Dean or Division/Area Head:	Role: <input type="checkbox"/> PI <input type="checkbox"/> Senior/Key Personnel <input type="checkbox"/> Consultant <input type="checkbox"/> Partner/Collaborator PI <input type="checkbox"/> Other
School (Academic) or Division (non-Academic):	Department:
Email:	Campus Phone:
Institution (if Subrecipient or subcontractor on a MU sponsored award and following MU NSF FCOI Procedures):	
List all of your currently active NSF-funded projects and/or any NSF funding proposals currently being developed for submission:	

- I am reporting on activities:       **Initial Disclosure**, on Date: \_\_\_\_\_
- Annual Disclosure** for the year \_\_\_\_\_
- Updated Disclosure** as an addendum to most recent NSF Disclosure Form

Please refer to Marymount University’s NSF FCOI Procedures for more information and guidance.

**A. Disclosure of Significant Financial Interest (SFI) for Non-University Financial or Fiduciary Relationships**

<input type="checkbox"/>	Check the box if you and/or your family (spouse or dependent children) have <b><u>NO SIGNIFICANT FINANCIAL INTERESTS OR FIDUCIARY RELATIONSHIPS</u></b> at present or in the preceding 12 months that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by NSF; or (ii) in entities whose financial interests would reasonably appear to be affected by such activities." (if checked, skip to Part B – Certification & Signature Page)
<p><b>The term ‘Significant Financial Interest’ does <u>NOT</u> include the following types of financial interests of you and your family (spouse or domestic partner and dependent children):</b></p> <ul style="list-style-type: none"> <li>a. Salary, royalties or other remuneration from the Marymount University.</li> <li>b. Any ownership interests in an organization that is an applicant under the U.S. Small Business Innovation Research or Small Business Technology Transfer programs.</li> <li>c. Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities.</li> <li>d. Income from service on advisory committees or review panels for public or non-profit entities.</li> </ul> <p><b>Additionally, the following financial interests do <u>NOT</u> rise to the level of a Significant Financial Interest:</b></p> <ul style="list-style-type: none"> <li>e. An equity interest that, when <u>aggregated</u> for the Investigator and the Investigator’s family (spouse or domestic partner and dependent children), meets <u>BOTH</u> of the following tests:           <ul style="list-style-type: none"> <li>(i) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value <b><u>and</u></b></li> <li>(ii) does not represent more than a 5% ownership interest in any single entity.</li> </ul> </li> <li>f. Salary, royalties or other payments that, when aggregated for the Investigator and the Investigator’s family (spouse or domestic partner and dependent children), are not expected to exceed \$10,000 during the prior twelve-month period.</li> </ul>	

If you have answered **“NO”** to each question above, go to Section B to Certify and Sign the NSF FCOI Disclosure Form.

If you have answered **“YES”** to a question above, you must explain each ‘Yes’ question and describe in detail the possible conflict of interest on the NSF FCOI Disclosure Attachment Sheet below. If the FCOI is already under a management plan not previously

disclosed, provide details about that plan on the Attachment Sheet. If the FCOI is under a previously disclosed management plan, then provide details about how well the COI is being managed.

**B. Investigator Certification & Signature Page**

I certify and affirm that I have read and understand the University’s Sponsored Programs Conflict of Interest (FCOI) Policy and related Procedures, including those procedures specifically for NSF. To the best of my knowledge, I have made all required financial disclosures and the information provided in this document is complete and true. I acknowledge that I am responsible for updating information **annually** or within **30** days of acquiring any new *Significant Financial Interest* (e.g. through purchase, inheritance, or marriage). I will promptly correct any incomplete or inaccurate information. If required, I will comply with conditions or restrictions imposed by the University to manage real or perceived FCOIs prior to expenditures of funds related to the sponsored program(s). If I am unable to comply, I understand that the University may decline a NSF-funded sponsored program award or terminate the NSF-funded sponsored program.

Investigator Printed Name:

Date:

Investigator’s Signature:

Please send form and any attachments to the Office of Sponsored Programs at [osp@marymount.edu](mailto:osp@marymount.edu)

**C. OSP Review**

**Administration only:**

- No financial or fiduciary relationships disclosed, or the financial interest does not meet the SFI threshold.
- The relationship disclosed represents a Significant Financial Interest (SFI).
- The SFI disclosed may be reasonably related to the NSF-funded program(s) specified below.

- The SFI is determined to be a Financial Conflict of Interest (FCOI) that requires additional management.
- A complex Financial Conflict of Interest appears to exist and review is needed by the Sponsored Program FCOI Committee.
- FOR PROPOSALS:** A Financial Conflict of Interest may exist. The proposal may be submitted, but if the sponsored program is awarded, no expenditures are allowed until an approved Management Plan is in place.
- FOR UPDATED FCOI DISCLOSURES:** A Financial Conflict of Interest may exist. No sponsored program proposals or expenditures may go forward until an approved Management Plan is in place.
- The SFI is unmanageable, but the sponsored program has been approved to continue and NSF has been notified.
- The SFI is unmanageable and the sponsored program is not allowed to continue and NSF has been notified.

IO Signature

Printed Name

Date

AOR Signature

Printed Name

Dat

**NSF Financial Conflict of Interest Disclosure Form ATTACHMENT SHEET**  
**Replicate this Sheet as needed to document any real or possible conflicts of interests with entities**

Complete this section if you answered "YES" on any question in the NSF Financial Conflict of Interest (FCOI) Disclosure Form covering the present and/or the preceding 12 months.

Investigator Name:

Date Form Completed:

Reporting for  Self and/or  Immediate Family

For Family Member:  Spouse or Domestic partner  Dependent child

**1. Name of Non-Marymount University Entity:** \_\_\_\_\_

**2. Describe the financial interest(s) with the Entity at present or in the 12 months preceding the date of this disclosure.** (check all that apply for this entity). This disclosure section is regardless if the financial interest is related or not to the Investigator's sponsored program(s) or Institutional Responsibilities<sup>2</sup>.

- a.  **Combined remuneration** for you and your Immediate Family (spouse or domestic partner and dependent children) includes non-MU: salary, income, royalties, and any other compensation (e.g. consulting fees, honoraria, paid authorship, or other supplemental income) exceeds \$10,000 in this single Entity.
- b.  **Ownership interest** in this Entity, which is not an applicant under the US Small Business Innovation Research (SBIR) program or Small Business Technology Transfer (STTR) program.
- c.  **Combined income from Sponsored Entity:** Income for you and your Immediate Family (spouse or domestic partner and dependent children) from seminars, lectures, or teaching engagements sponsored by this Entity that is not a public or nonprofit entity, when combined, exceeds \$10,000 from this single entity.
- d.  **Combined income for Service:** Income for you and your Immediate Family (spouse or domestic partner and dependent children) from service on advisory committees or review panels for this Entity that is not a public or nonprofit entity, when combined, exceeds \$10,000 from this single entity.
- e.  **Equity interest** includes any stock, stock option, or other ownership interest (aggregated for you and your Immediate Family (spouse or domestic partner and dependent children) that meet both tests below:
  - 1. Combined value exceeds \$10,000 as determined through reference to public prices or other reasonable measures of fair market value; **AND**
  - 2. Represents more than a 5% ownership interest (when combined) in this single entity.

**3. Fiduciary Relationships:** Describe how the financial interest in this Entity is or may be related to the Investigator's research/program or Institutional Responsibilities at Marymount.

- The activities with the external Entity are not related to Investigator's research, program, or Institutional Responsibilities.
- Entity is or may be a sponsor for the Investigator's research or program.
- Entity's product(s) or service(s) is or may be utilized, tested, evaluated, or otherwise involved in the research or program.
- Entity does/will license University intellectual property utilized, tested, evaluated or otherwise involved in the research or program.
- Entity sponsors/reimburses Investigator for travel related to Investigator's research, program or Institutional Responsibilities.
- Investigator's Institutional Responsibilities may involve or require interacting with the external Entity.
- Other, *describe:*

<sup>2</sup> Refers to an Investigator's professional responsibilities on behalf of the University, performed in the course of and within the scope of your appointment or employment by MU, which includes activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards.

4. **FCOI Management Plans:** Describe any approved FCOI Management Plans in place for identified FCOIs and provide updates on if/how the financial interest(s) and/or fiduciary relationship(s) have been reduced or eliminated.



Marymount University: PHS Financial Conflict of Interest (FCOI) Disclosure Form  
 For all Investigators and Senior/Key Personnel involved with PHS-Funded Research\*

Investigator Name:	Rank/Title:
Dean or Division/Area Head:	Role: <input type="checkbox"/> PI <input type="checkbox"/> Senior/Key Personnel <input type="checkbox"/> Consultant <input type="checkbox"/> Partner/Collaborator PI <input type="checkbox"/> Other
School (Academic) or Division (non-Academic):	Department:
Email:	Campus Phone:
List the PHS Awarding Agency/Agencies you are submitting a sponsored program or already have one from:	
Institution (if Subrecipient or subcontractor on a MU sponsored award and following MU PHS FCOI Policies and Procedures):	

I am reporting on activities:  **Initial Disclosure**, on Date: \_\_\_\_\_  
 **Annual Disclosure** for the year \_\_\_\_\_  
 **Updated Disclosure** as an addendum to most recent PHS FCOI Disclosure Form

Refer to Marymount University's PHS FCOI Policy and Procedures for guidance in filling out this Disclosure Form.

**A. Disclosure of Significant Financial Interests (\*\* See Definitions and exclusions on the last page)**

Please indicate whether **you and/or your Family (your spouse or domestic partner, and/or your dependent children)** have any of the following financial interests that may be reasonably related to your *Institutional Responsibilities*<sup>3</sup>:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	1. <b>Remuneration and Equity Interest:</b> Have you and/or a member of your Family received: (a) salary/compensation or any payment for other services (such as consulting fees, honoraria, paid authorship, expert witness fees, advisory board membership fees) from a <i>Publicly Traded Entity</i> in the past 12 months that when combined with (b) the value of any equity interest in such an entity (including any stock, stock option, or other ownership interest) has a value greater than \$5,000? (Do not include 'indirect' equity interest or ownership, such as mutual funds.)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	2. <b>Remuneration:</b> Have you and/or a member of your Family received salary/compensation or any payment for other services (such as consulting fees, honoraria, paid authorship, expert witness fees, advisory board membership fees) from a <i>Non-Publicly Traded Entity</i> in the past 12 months that when combined has a value greater than \$5,000?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. <b>Equity Interest:</b> In the past 12 months, did you and/or a member of your Family own any equity interest in a <i>Non-Publicly Traded Entity</i> (including any stock, stock option, or other ownership interest)? (Do not include 'indirect' equity interest or ownership, such as mutual funds.)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	4. <b>Equity Interest:</b> In the past 12 months, did you and/or a member of your Family own any stock or hold stock options in a <i>Privately-Held Entity</i> of which the <i>combined</i> value is greater than \$5,000? (Do not include 'indirect' equity interest or ownership, such as mutual funds.)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	5. <b>Intellectual Property:</b> In the past 12 months, did you and/or a member of your Family receive royalties or other income related to intellectual property rights and interests (including, patents, copyrights, and trademarks)? (Exclude intellectual property rights of academic or scholarly works at MU).

For **yourself** ONLY:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	6. <b>Sponsored Travel:</b> In the past 12 months, did you receive any reimbursed travel or sponsored travel (i.e., paid on your behalf and not reimbursed directly to you) that is related to your Institutional Responsibilities from an individual or Entity other than a federal, state, or local government agency, an institution of higher education <sup>4</sup> , academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education that, when combined, values more than \$5,000 per individual or Entity?
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<sup>3</sup> Refers to an Investigator's professional responsibilities on behalf of the University, performed in the course of and within the scope of your appointment or employment by MU, which includes activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards.

<sup>4</sup> As defined at 20 USC § 1001(a)

If you responded "YES" to any of the questions above, you must also complete the PHS FCOI Disclosure Attachment Sheet.

## B. Investigator Certification & Signature Page

I certify that I have read and understand the Marymount PHS Financial Conflict of Interest (FCOI) Policy and related Procedures. To the best of my knowledge, I have made all required financial disclosures and the information provided in this document is complete and true. I acknowledge that I am responsible for updating information **annually** or within **30** days of acquiring any new *Significant Financial Interest* (e.g. through purchase, inheritance or marriage). I will promptly correct any incomplete or inaccurate information. If required, I will comply with conditions or restrictions imposed by the University to manage real or perceived FCOIs. If I am unable to comply, I understand that the University may decline the PHS-funded sponsored award or terminate the PHS-funded research program.

Check if your Disclosure Form includes any required Attachment Sheets and they are provided with this submission.

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Investigator's Signature

Printed Name

Date

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### Administration only:

- No Financial Conflict of Interest appears to exist.
- A complex Financial Conflict of Interest appears to exist and review is needed by the Sponsored Program COI Committee.
- FOR PROPOSALS: A Financial Conflict of Interest may exist. The proposal may be submitted, but if the sponsored research is awarded, no expenditures are allowed until an approved Management Plan is in place and PHS has been notified.
- FOR UPDATED FCOI DISCLOSURES: A Financial Conflict of Interest may exist. No research or expenditures may go forward until an approved Management Plan is in place and PHS has been notified.

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IO Signature

Printed Name

Date

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AOR Signature

Printed Name

Date

PHS Financial Conflict of Interest(FCOI) Disclosure Form ATTACHMENT SHEET

Replicate this Sheet as needed to document any real or possible conflicts of interests with entities

<b>Complete this section if you answered "YES" on any question in the PHS Financial Conflict of Interest (FCOI) Disclosure Form covering the present and the preceding 12 months.</b>	
Investigator Name:	Date Form Completed:
Reporting for <input type="checkbox"/> Self and/or <input type="checkbox"/> Immediate Family	For Family Member: <input type="checkbox"/> Spouse or Domestic partner <input type="checkbox"/> Dependent child

Remuneration\*\*

Type (consulting fees, salary, etc.)	Entity name and address	Amount of compensation or Financial interest	Services Provided
		\$	
		\$	
		\$	

1) Travel\*\*

Sponsor name and address	Destination	Duration	Purpose

2) Equity Interest\*\*

Equity type (stock, stock options, etc.)	Market value	Entity name stock/options are in	Percent of ownership
	\$		
	\$		
	\$		

Intellectual Property (IP)

Type (patent, trademark, copyright)	Total royalties or other income in past 12 mos.	Owner/inventor	Subject matter of IP (description)
	\$		
	\$		
	\$		



## Marymount PHS FCOI Disclosure Form Definitions and Exclusions

Investigators who are planning to participate in PHS-funded research must disclose their *Significant Financial Interests* (SFIs) over the previous twelve-month (12) period to Marymount University no later than at the time of application for PHS-funded research and definitely before any expenditures (or continued expenditures) of funding on an active PHS-funded research project. Annual disclosure (and updated disclosure for changes in *Financial Interest* during the year) is required after a PHS-funded sponsored award is granted. See the Marymount University PHS FCOI Policy and Procedures for more detailed information governing this Form.

**Remuneration** – Any salary or payment for services (e.g., consulting fees, authorship fees, honoraria) that reasonably appears to be related to your Institutional Responsibilities, whether or not it is related to the PHS-funded research.

Exclusions: You do not have to disclose:

- a) Salary or royalties paid by Marymount if the recipient is currently employed or otherwise appointed by Marymount.
- b) Income from lectures, seminars, teaching engagements or service on advisory committees or review panels sponsored by federal, state or local government agency, an institution of higher education, a research institute that is affiliated with an institution of higher education, or academic teaching hospital or medical center.
- c) If remuneration is from a *Publicly-Traded Entity* and, aggregated with equity interest (see below) from a Publicly Traded Entity, is less than \$5,000.

**Reimbursed or Sponsored Travel** – Travel related to your Institutional Responsibilities paid on your behalf (or on behalf a Family member) and not reimbursed so that the monetary value may not be readily available.

Exclusions: You do not have to disclose:

- a) Travel expenses that are reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education, a research institute that is affiliated with an institution of higher education, a medical center or an academic teaching hospital.
- b) Travel expenses that are less than \$5,000 aggregated per Entity.

**Equity Interests** – Stock, stock options or other ownership interests in any *Publicly or Non-Publicly* traded Entities that reasonably appear to be related to your Institutional Responsibilities, whether related to the PHS-funded research or not.

Exclusions: You do not have to disclose:

- a) Interests in a *Publicly-Traded Entity* that have an aggregated total with remunerations (see above) in the past 12 months less than \$5,000, based on public prices or other fair market value.
- b) Income from investment vehicles, such as mutual funds and retirement accounts, when you or your *Family* does not directly control the investment decisions in these vehicles.

**Royalties and Income related to Intellectual Property** – Royalties or other income related to Intellectual Property and interests (e.g., patents, copyrights).

Exclusions: You do not have to disclose:

- a) Intellectual property rights assigned to Marymount and agreements to share in royalties related to such rights (e.g., royalties received under the relevant Marymount Patent Policy).
- b) If any of the following are less than \$5,000: (i.) Interests in licensed intellectual property rights (e.g. patents, copyright), (ii.) royalties from such rights, and (iii) agreements to share in royalties related to licensed intellectual property rights.

### Other Significant Definitions

**Entity** – Any domestic or foreign, public or non-public (private) organization from which an Investigator (and his/her Family) receives remuneration or in which they have an ownership or equity interest.

**Family** – The Investigator and his or her: his/her spouse, parents, parents-in-law, children, children-in-law, siblings, uncles, aunts, first cousins, step-relations, grandparents, nieces, and nephews, or any other person residing in the same household as the Investigator. Note: Marymount’s definition of Family is more expansive than federal regulations and by law, the University’s definition prevails for meeting compliance with PHS FCOI Regulations.

**Financial Conflict of Interest (FCOI)** – A Significant Financial Interest that could directly and significantly affect the design, conduct, or reporting of PHS-funded Research (42 CFR § 50.603).

**Financial Interest** – Anything of monetary value, whether or not the value is readily ascertainable (42 CFR § 50.603).

**Institutional Responsibilities** – Refers to an Investigator’s professional responsibilities on behalf of the University, including activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards (42 CFR § 50.603)

**Investigator** – 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 research funded by PHS, or proposed for such funding, which includes Senior/Key Personnel, and may include partners/collaborators through subawards or consultants through subcontracts (42 CFR § 50.603)

**Senior/Key Personnel** – The Project Director/Principal Investigator (PD/PI) and any other person identified as Senior/Key Personnel by the University in a sponsored program application, progress report, or any other report submitted to PHS by the University as required by regulation (42 CFR § 50.603).

**Significant Financial Interest** – A “Financial Interest” consisting of one or more of the following interests of the Investigator (and the Investigator’s Family) or any reimbursed or sponsored travel that reasonably appears to be related to the Investigator’s “Institutional Responsibilities” (42 CFR § 50.603).

**Publicly Traded-Entities** – Regarding any publicly traded Entity, a “Significant Financial Interest” exists if the value of any remuneration received from the “Entity” in the twelve (12) 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 (42 CFR § 50.603);

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 (42 CFR § 50.603);

**Non-Publicly Traded Entity** – Regarding any non-publicly traded “Entity,” a “Significant Financial Interest” exists if the value of any remuneration received from the Entity in the twelve (12) months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator’s Family) holds **any** equity interest (e.g., stock, stock option, or other ownership interest) (42 CFR § 50.603);

**Intellectual Property** – Intellectual property rights and interests (e.g., patents, copyrights), upon **receipt** of income related to such rights and interests (42 CFR § 50.603);

**Travel Reimbursement** – Investigators 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 their Institutional Responsibilities; **in the 12 months preceding the disclosure**; provided, however, that this 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 (42 CFR § 50.603).

The term "Significant Financial Interest" **does not** include the following types of Financial Interests:

- Salary, royalties, or other remuneration paid by the University to the Investigator if the Investigator is currently employed or otherwise appointed by the University, including intellectual property rights assigned to the University 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 (IHE) 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 IHE; or
- Income from service on advisory committees or review panels for a federal, state, or local government agency, an IHE 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 IHE (42 CFR §50.603).

**"NEW" Significant Financial Interest** – Is a different type or nature of Significant Financial Interest (e.g., royalty payment versus consulting fees) than what had previously been disclosed from the same source that meets or exceeds the threshold. Additionally, a "new" one occurs even if it is to be the same type or nature of Significant Financial Interest (e.g., royalty payment), but from a different source (e.g., company A versus company B).