Financial Conflict of Interest Policy

Issued Revision: June, 2008
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POLICY

SFSU requires Principal Investigators (PI’s) and key personnel on a sponsored project to disclose a listing of significant financial interests (and those of their spouse and dependent children) that could be reasonably expected to bias the design, conduct, or reporting of the project.

All PI’s, Co-PI’s and Key Personnel listed in a proposal for external funding must complete a disclosure form before expenses can be charged to an award.

According to the University Executive Directive #UED 96-20, it is the responsibility of the Office of Research and Sponsored Programs to maintain documentation on all possible conflict of interest issues.

DEFINITIONS

Investigator: Defined as Principal Investigator, co-Principal Investigator, and any other person who is responsible for the design, conduct or reporting of the sponsored project or of any related agreement. In addition, disclosure must be made for each investigator’s spouse and dependent children.

Significant Financial Interest: The term "significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

1. salary, royalties or other remuneration from the applicant institution;
2. any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
3. income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
4. income from service on advisory committees or review panels for public or nonprofit entities;
5. an equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or
6. 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 next funded twelve-month period.
SCOPE

A. Financial Conflict of Interest Disclosure Forms

1. Federal Awards: SFSU has developed a Disclosure of Financial Interests Related to Projects Sponsored by NSF, PHS, or other Agencies Adopting the Federal Requirements (see attachment).
2. Non-Federal Awards: SFSU uses California Form 700 U (Statement of Economic Interest for Principal Investigators) for disclosure of financial interest for all non-governmental sponsors (see attachment).

B. Financial Conflict of Interest Exemption Policy

1. Non-governmental Entities Exempt from Disclosure requirements: Principal Investigators are not required to complete a disclosure form if their project is sponsored by a non-governmental agency listed in Appendix A.
2. Principal Investigators are not required to complete a disclosure form if their project is a master, internally funded or cost sharing account.

C. California State University Conflict of Interest Policy

In addition, SFSU requires the annual completion of a Statement of Economic Interests Form 700, for all university positions whose decisions “may foreseeably have a material effect on financial interests” of the University. Some faculty and MPP directors at SFSU may be required to complete both a project specific disclosure form for ORSP and a statement of economic interests form for Human Resources. Further information on the annual SFSU requirement can be found on the HR website:

http://www.sfsu.edu/~hrwww/emp_relations/hr_Directives/P203.html

D. Institutional Certification

1. Certification will be performed by the Associate Vice President of Research and Sponsored Programs (AVP ORSP), or his/her designee, and will be based on information provided by the Investigator on the Conflict of Interest Disclosure Form for each entity that may be involved. The AVP ORSP, or his/her designee, will review disclosures, assess their potential for conflicts of interest, and develop resolution strategies with the investigator to manage, reduce or eliminate such conflicts.
2. Before spending on the award, SFSU will notify the sponsor of any Financial Conflict of Interest and a plan to address the conflict. If a financial conflict of interest is identified after an award has started, SFSU will notify the sponsor within 30 days of discovering a conflict of interest.

E. Resolution Plan

1. If the designated official(s) determine a conflict of interest exists, a Resolution Plan must be developed with the Principal Investigator and implemented prior to the award being activated. The Resolution Plan must be in writing and approved by the Associate Vice President for Research and Sponsored Programs, the College Dean, and the Vice–President for Academic Affairs.
2. Resolution options may include but are not limited to:
   a. Public disclosure of significant financial interests
   b. Monitoring of research by independent reviewers
   c. Modification of the research plan
   d. Disqualification from participation in the portion of the project that is affected by the significant financial interest
   e. Divestiture of significant financial interests
   f. Severance of relationships that create actual or potential conflicts

F. Enforcement Mechanisms and Sanctions
   Potential violations of the Conflict of Interest Resolution Plan shall be handled by the Conflict of Interest Resolution Committee made up of the Internal Auditor, the Compliance Officer, the Associate Vice President for Research and Sponsored Programs, and the Dean from the affected Principal Investigator's College. This committee will establish and enforce appropriate sanctions based on the specific conduct of an investigator failing to follow the agreed upon Resolution Plan.

G. Reporting
   1. For National Science Foundation awards, the Associate Vice President for Research and Sponsored Programs will inform the National Science Foundation's Office of the General Counsel if San Francisco State University is unable to satisfactorily manage a conflict of interest.

   2. In the case of the Public Health Service, the Associate Vice President for Research and Sponsored Programs will notify the PHS Awarding Component of the corrective action taken or to be taken if the failure of an Investigator to comply with the policy of San Francisco State University has biased the design, conduct, or reporting of the PHS-funded research.

H. Documentation and Records Maintenance
   The SFSU Office of Research and Sponsored Programs, and when appropriate, the University Corporation, San Francisco State University, will maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any federal action involving those records, whichever is longer.

ROLES AND RESPONSIBILITIES

Office of Research and Sponsored Programs

- Proposal Specialist (PS)
  - Works with the Principal Investigator to obtain the disclosure forms and then submit the documentation to the sponsor if a sponsor requires disclosure of Financial Conflict of Interest before making an award.
  - If a financial conflict of interest does exist, the PS brings this information to the attention of the Associate Vice President for Research and Sponsored Programs.
• **Grants Administrator (GA)**
  - Ensures that Conflict of Interest Disclosure forms have been completed or revised by the PI, if appropriate, prior to setting up a new project for an award.
  - Notifies the Compliance Officer of any emerging conflicts of interest on the project.

• **Compliance Officer (CO)**
  - Ensures that Conflict of Interest Disclosure forms are completed for all projects for which these are required.
  - Ensures that appropriate conflict of interest documentation procedures are being followed.
  - Distributes annual Conflict of Interest Disclosure forms to PI’s whose projects require annual recertification.
  - Participates as a member of the Conflict of Interest Resolution Committee.

• **Associate Vice President of Research and Sponsored Programs (AVP for ORSP)**
  - Reviews and certifies all Conflict of Interest Disclosure forms.
  - Develops resolution strategies with the PI to manage, eliminate or reduce conflicts of interest.
  - Participates as a member of the Conflict of Interest Resolution Committee.
  - Serves as liaison to federal agencies regarding unresolved conflicts of interest.
  - Contacts the University Counsel when legal questions arise related to an identified conflict of interest.

**University Counsel**

• **University Counsel**
  - If a plan of action to address a financial conflict of interest has legal ramifications, the Associate Vice President for Research and Sponsored Programs contacts the University Counsel to review the plan and provide assistance with any legal questions.

**Academic Department or Responsible Unit**

• **Principal Investigator (PI)**
  - Discloses any financial conflict of interest on a sponsored project by completing and submitting a Financial Conflict of Interest Disclosure Form to ORSP.
  - Notifies ORSP immediately of any change in disclosure.
  - Recertifies Financial Conflict of Interest Disclosure Form on an annual basis.
  - Assists ORSP in obtaining disclosure forms from key project personnel and if necessary assists with obtaining verification of disclosure forms from sub-contract personnel.
  - Works with the AVP for ORSP to develop a plan of action to address the conflict of interest if one exists.
• Discloses any financial conflict of interest on a sponsored project by completing and submitting a Financial Conflict of Interest Disclosure Form to ORSP.
• Notifies ORSP immediately of any change in disclosure.
• Recertifies Financial Conflict of Interest Disclosure Form on an annual basis.
• Works with the AVP for ORSP to develop a plan of action to address the conflict of interest if one exists.

College Dean
• Reviews and approves any resolution plan developed by the PI and the AVP for ORSP.
• Participates as a member of the Conflict of Interest Resolution Committee.

RELATED DOCUMENTS
• University Executive Directive #UED 96-20
• Disclosure of Financial Interests Related to Projects Sponsored by NSF, PHS, or other Agencies Adopting the Federal Requirement
• Fiscal Affairs Closeout Checklist
• California Form 700 U-Statement of Economic Interest for Principal Investigators
• SFSU HR Directive
• Title 42 Code of Federal Regulations (CFR) Part 50 Subpart F
• Title 45 CFR Part 94 (Research Contracts)
Appendix A:

SPONSORS OF RESEARCH EXEMPTED FROM UNIVERSITY NON-GOVERNMENTAL ENTITY
FINANCIAL DISCLOSURE REQUIREMENT

These research sponsors are approved by the University and the Fair
Political Practices Commission for exemption from the University's non-
governmental entity financial disclosure requirement. Principal
investigators are not required to fill out financial disclosure statements
for research that is sponsored by these organizations.

All non-profit, tax-exempt educational institutions

Alzheimer's Disease & Related Disorders Association
American Academy of Dermatology
American Academy of Pediatrics
American Association for the Advancement of Science
American Association for State & Local History
American Association of Colleges of Pharmacy
American Association of Obstetricians & Gynecologists
American Association of Retired Persons
American Cancer Society
American Chemical Society
American College of Obstetricians & Gynecologists
American College of Radiology
American Committee for the Weizmann Institute of Science
American Council of Learned Societies
American Diabetes Association
American Foundation for Pharmaceutical Education
American Fund for Dental Education, Inc.
American Gastroenterologic Association
American Health Assistance Foundation
American Heart Association
American Kidney Fund
American Library Association
American Liver Foundation
American Lung Association
American Lupus Society, The
American Nurses Foundation
American Parkinson Disease Association
American Philological Association
American Philosophical Society
American Red Cross
Amyotrophic Lateral Sclerosis Society of America
Arthritis Foundation
Asthma & Allergy Foundation of America

Bush Foundation, The

California Association for Neurologically Handicapped Children
California Division of the American Cancer Society
California Heart Association
California Lung Association
Cargill Foundation
Carnegie Corporation of New York
Carnegie Foundation for the Advancement of Teaching
Cerebral Palsy Foundation
Chicago Community Trust, The
Childs Memorial Fund, The Jane Coffin
Christian Children's Fund
Clark Foundation, The Edna McConnell
Columbia Foundation
Commonwealth Fund, The
Cooley's Anemia Foundation
Council on Library Resources
Culpeper Foundation, Inc., Charles E.
Cystic Fibrosis Foundation

Deafness Research Foundation, The
Donner Foundation, William H.
Dover Fund, Inc.
Dreyfus Foundation, Inc., The Camille & Henry
Dreyfus Foundation, The Max & Victoria
Dysautonomia Foundation

Earhart Foundation
Easter Seal Research Foundation
Epilepsy Foundation of America
Eye Research Institute of Retina Foundation

Fight for Sight
Ford Foundation, The
Foundation for Child Development
Fuller Fund, The Anna

German Marshall Fund of the U.S.
Giannini Foundation
Grant Foundation, The William T.
Guggenheim Foundation, H.F.
Guggenheim Memorial Foundation, John Simon

Haas Fund, The Walter & Elise
Hartford Foundation, John A.
Haynes Foundation, The John Randolf & Dora
Hearst Foundation, William R.
Hewlett Foundation, The William & Flora

Institute for Educational Affairs
International Research & Exchanges Board

Japan Foundation
Johnson Foundation, The Robert Wood
Juvenile Diabetes Foundation

Kade Foundation, Inc., The Max
Kaiser Family Foundation, The Henry J.
Keck Foundation, William M.
Kellogg Foundation, W.K.
Klingenstein Fund, The Esther & Joseph
Knights Templar Eye Foundation
Kresge Foundation, The
Kunstadder Family Foundation, The Albert
Leakey Foundation, The L.S.B.
Leukemia Society
Levi Strauss Foundation
Lilly Endowment, Inc.
Luce Foundation, Inc., The Henry
Lupus Foundation of America

MacArthur Foundation, John D. & Catherine T.
McKnight Foundation, The
March of Dimes
Markle Foundation, The John & Mary R.
Mellon Foundation, The Andrew W.
Mott Foundation, Charles Stewart
Muscular Dystrophy Association
Myasthenia Gravis Foundation

National Academy of Sciences
National Collegiate Athletic Association
National Council of Teachers of English
National Foundation for Ileitis & Colitis
National Foundation for Infectious Diseases
National Fund for Medical Education
National Geographic Society
National Head Injury Foundation
National Hemophilia Foundation
National Kidney Foundation
National Leukemia Association
National Migraine Foundation
National Multiple Sclerosis Society
National Research Council
National Retinitis Pigmentosa Foundation
National Society to Prevent Blindness
National Sudden Infant Death Syndrome Foundation
National Tuberous Sclerosis Association
Northern California Society to Prevent Blindness
Noyes Foundation, Inc., Jessie Smith

Organization for Tropical Studies

Packard Foundation, The David & Lucille
Paralyzed Veterans of America
Pardee Foundation, Elsa U.
Peierls Foundation, Inc., The
Picker Foundation, James
Population Council
Presiding Bishop's Fund for World Relief
Project HOPE

Research Corporation
Research to Prevent Blindness
Resources for the Future, Inc.
Retirement Research Foundation
Richardson Foundation, Smith
Rippel Foundation, Fannie E.
Rockefeller Brothers Fund
Rockefeller Foundation
Rosenberg Foundation
Rubin Foundation, Inc., Samuel
Runyon-Walter Winchell Cancer Fund, Damon

Sage Foundation, Russell
San Francisco Foundation
Scaife Foundation, Inc., Sara
Schiff Foundation
Scottish Rite Schizophrenia Research Program
Sherman Foundation, Nate H.
Skaggs Foundation, L.J. & Mary C.
Skin Cancer Foundation
Sloan Foundation, Alfred P.
Social Science Research Council
Spencer Foundation, The

Teagle Foundation
Tinker Foundation, Inc., The
Treadwell Foundation, Nora Eccles

United Cerebral Palsy
United Scleroderma Research Foundation
U.S. Olympic Committee

Webb Foundation, Del E.
Weingart Foundation
Wenner-Gren Foundation for Anthropological Research, Inc.
Whitehall Foundation
Whitney Foundation, the Helen Hay
Wood Charitable Trust, W.P.
Woods Hole Oceanographic Institution

Zellerbach Family Fund