

**NOVA SOUTHEASTERN UNIVERSITY
OFFICE OF SPONSORED PROGRAMS
POLICIES AND PROCEDURES**

COMPLIANCE/AWARD ACCEPTANCE

FINANCIAL CONFLICTS OF INTEREST IN SPONSORED PROGRAMS

EFFECTIVE: 12-01-08, REVISED 8-24-2012

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PURPOSE:

The increasing involvement of academic researchers and educators with industry and private entrepreneurial ventures has raised the potential for conflict of interest. Such real or apparent conflicts, when not appropriately disclosed and addressed, can undermine public and professional confidence in the integrity of University sponsored programs. The existence of a real or apparent conflict of interest does not necessarily mean that the outside activity at issue must be avoided or discontinued. Often, conflicts of interest can be dealt with effectively through disclosure or other steps to resolve or manage the conflict.

In accordance with Federal regulations, the University has a responsibility to manage, reduce, or eliminate any actual or potential conflicts of interest that may be present in a Study Team. These guidelines define the University's policy and procedures on the avoidance, disclosure, management and resolution of financial conflicts of interests regarding University sponsored programs. The purpose of this policy is to protect the credibility and integrity of the University's faculty and staff in order that public trust and confidence in the University's sponsored activities is ensured.

APPLICABILITY:

This Policy applies to all persons at the University who are *Study Team* members (i.e., *Investigators*) on *sponsored programs* being proposed to or funded by a *governmental agency*, based on definitions in Section III below, but excludes applications for Phase I support under the SBIR and Small Business Technology Transfer (STTR) programs.

This Policy only addresses Study Team financial conflicts of interest in sponsored programs funded by a governmental agency as defined herein. Conflicts of interest policies/procedures related to research involving human subjects can be found at the NSU Institutional Review Board website at <http://www.nova.edu/irb>. Other Conflict of Interest Policies can be found in the Employee Policy Manual, i.e., Conflict of Interest - Declaration & Disclosure Policy, located at <http://www.nova.edu/cwis/hrd/emphanbk/index.html>.

DEFINITIONS:

Conflict of Commitment: Full-time members of the faculty are expected to devote their primary professional loyalty, time, and energy to their teaching, research, administrative responsibilities and where applicable, patient care. Outside financial interests and activities should not interfere with the primacy of these commitments.

Conflict of Interest: A potential conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the professional actions or decisions of an

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individual is determined or influenced by considerations of personal gain, financial or otherwise. An actual conflict of interest depends on the situation and on the character or actions of the individual. For the purposes of this policy, a conflict of interest exists when the University, through procedures described herein, reasonably determines that a significant financial interest could affect directly and significantly the design, conduct, or reporting of sponsored programs.

Family Members: The Investigator's spouse, domestic partner, or dependent children.

Financial Conflict of Interest (FCOI): A reasonable determination that an Investigator's Significant Financial Interest is related to a sponsored program and could directly and significantly affect the design, conduct or reporting of the sponsored program.

Financial Interest: Anything of monetary value, whether or not the value is readily ascertainable, including but not limited to salary, commissions, consulting fees, honoraria, equity interests, interests in real or personal property, dividends, royalties, rent, capital gains, intellectual property rights, and forgiveness in debt.

Financial Interest/Obligations/Proprietary Interest Declaration form (FID): The document to be submitted by the project director or principal Investigator for each new sponsored program proposal.

Governmental Agency: For the purpose of this policy, any federal, state or local governmental entity that has promulgated regulations or policies requiring investigator financial disclosure or requiring institutional conflict of interest policies relating to award of grants or contracts.

Human Subject: A living individual about whom an investigator (whether professional or student) conducting research obtains (a) Data through intervention or interaction with the individual, or (b) Identifiable private information.

Individual Interest Disclosure form (IID): The document used to disclose detailed information about an Investigator's relationship which could be perceived to be related to the Investigator's institutional responsibilities or to the sponsored program.

Institutional Responsibilities: An Investigator's professional responsibilities on behalf of the University which may include activities such as research, research consultation, teaching, professional practice, Institutional committee memberships, and service on University panels.

Investigator: The project director or principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, reporting, or performing other substantive research activities for sponsored programs as defined herein. Investigators may include academic appointees, staff or students, sub-awardees, subcontractors, consultants, and "to be appointed" positions as well as any individual whose biographical sketch is included in the proposal or whose name appears in the budget

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(including subcontract budgets). Spouses, domestic partners, and dependent children are also included for the purposes of disclosure.

Obligations: Any formal and informal positions or relationships that would reasonably appear to be related to the Investigator's institutional responsibilities. Such positions might be paid or unpaid and include being an employee, consultant, member of a speakers bureau, lecturer (for any purpose including educational or promotional lectures), serving as an officer, board member (corporate, advisory, etc.), trustee, or director.

PD/PI: Project Director or Principal Investigator.

Public Health Service (PHS): The Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated. Components of the PHS include the Agency for Healthcare Research and Quality (AHRQ), Agency for Toxic Substances and Disease Registry (ATSDR), Centers for Disease Control and Prevention (CDC), Food and Drug Administration (FDA), Health Resources and Services Administration (HRSA), Indian Health Service (HIS), National Institutes of Health (NIH), Office of the Assistant Secretary for Preparedness and Response (ASPR), Office of Global Affairs (OGA), and Substance Abuse & Mental Health Services Administration.

Proprietary Interests: All intellectual property rights that would reasonably appear to be related to the Investigator's institutional responsibilities.

Research: A systematic investigation designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research and product development. For purposes of this policy, the term includes externally funded activities but does not include internally funded activities.

Senior/Key Personnel: The project director or principal Investigator and any other personnel identified as senior/key personnel by the University in the grant application, progress report, or any other report submitted to the sponsoring agency by the University.

Significant Financial Interest: Anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees, honoraria, paid authorship); equity interests (e.g., stocks, stock options or other ownership interest); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights), whether or not the value is readily ascertainable, that reasonably appears to be related to the Investigator's institutional responsibilities.

- With regard to any publicly traded entity, if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000.

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- With regard to any non-publicly traded entity, if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (*e.g.*, stock, stock option, or other ownership interest);
- Intellectual property rights and interests (*e.g.*, patents, copyrights), upon receipt of income related to such rights and interests.
- 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, no matter the dollar level.

Small Business Innovation Research (SBIR): The extramural research program for small businesses that is established by the Awarding Components of the Public Health Service and certain other Federal agencies under Public Law 97–219, the Small Business Innovation Development Act, as amended. For purposes of this subpart, the term SBIR Program also includes the Small Business Technology Transfer (STTR) Program, which was established by Public Law 102–564.

Sponsored Programs: For the purpose of this policy, sponsored programs are projects or activities undertaken within the University pursuant to funding from an external source to support research (including research involving human subjects), community service, or teaching and training.

Sponsored Travel: Travel which is paid on behalf of the Investigator but which is not reimbursed to the Investigator so that the exact monetary value may not be readily available.

Study Team: Any person, including the project director or principal investigator, who is responsible for the design, conduct or reporting of the program described in the proposal including sub-awardee(s), sub-contractor(s), consultants and “to be appointed” positions as well as any individual whose biographical sketch is included in the proposal or whose name appears in the budget (including subcontract budgets). A Study Team member's spouses, domestic partners, and dependent children are also included for purposes of disclosure and conflict of interest review.

RESPONSIBILITY TO DISCLOSE FINANCIAL INTERESTS AND EXCLUSIONS FROM DISCLOSURE

A. DISCLOSURE REQUIREMENT AND EXCLUSIONS

The Study Team must disclose to the Office of Research and Technology Transfer all Significant Financial Interests of themselves or their Family Members that reasonably appear to be related to the Investigator's institutional responsibilities. Excluded from this disclosure requirement are the following financial interests:

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- Salary, royalties, or other remuneration from the University if the Investigator is employed by the University
- 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 even if higher than the \$5,000 significant financial interest threshold;
- Income from seminars, lectures, or teaching assignments sponsored by a federal, state, or local government agency of the United States, an institution of higher education within the United States 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 within the United States;
- Income from service on advisory committees or review panels for a federal, state, or local government agency of the United States, an institution of higher education within the United States 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 within the United States;
- Travel that is reimbursed or sponsored by a federal, state, or local government agency of the United States, an institution of higher education within the United States 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 within the United States;
- Intellectual property rights assigned to the University and agreements to share in royalties related to such rights;

Disclosure of any Significant Financial Interest must be made prior to the time a proposal is submitted to the governmental agency. The Office of Research and Technology Transfer will determine if any disclosed travel requires further investigation, including determination or disclosure of the monetary value. Each Study Team member has an ongoing responsibility to disclose potential conflicts related to the proposal or the award during the life of the award.

All financial disclosures must be completed annually by Investigators during the period of the award and also be updated by Investigators during the period of the award as new reportable Financial Interests are obtained within thirty (30) days of discovering or acquiring a financial interest. Depending upon the interest to be updated, the Financial Interests/Obligation/Proprietary Interests Disclosure (FID) form or the Individual Interest Disclosure (IID) form is to be used for this purpose, as described in Section V (Forms are accessible from <http://www.nova.edu/rtt>, click on "FCOI").

Regardless of the above minimum requirements, a faculty or staff member, in his or her own best interest, may choose to disclose any other financial or related interest that could present an actual conflict of interest or be perceived to present a conflict of interest.

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B. SUB-RECIPIENT INSTITUTIONS AND INVESTIGATORS

All sub-recipient institutions, Investigators, collaborators or subcontractors must comply with this policy unless it is agreed and set forth in a written contract that the sub-recipient/subcontractor's FCOI policy will apply. Sub-recipient institutions or Investigators who rely on their own FCOI policy must report identified FCOIs to the University in sufficient time to allow the University to report the FCOI to the relevant governmental agency to meet reporting obligations.

In those instances where the University is the awardee institution, the Office of Sponsored Programs will develop a sub-recipient agreement that establishes whether the FCOI policy of the sub-recipient or the FCOI policy of the University applies. If the former, the sub-recipient agreement will require certification by the sub-recipient that its policy complies with applicable governmental agency regulations and will specify the time period for sub-recipient's initial FCOI reporting and continuing reporting obligation of FCOIs to the University, as applicable. If the latter, the sub-recipient agreement will specify the time period for the sub-recipient to submit all sub-recipient's Investigator disclosures of significant financial interests to the University.

CONFLICT DISCLOSURE, REVIEW AND MANAGEMENT

Investigators are not permitted to commence any research activity when there is an actual or apparent Conflict of Interest before they receive a written determination as to how to manage the Conflict.

A. IDENTIFICATION AND DISCLOSURE – PD/PI

Each PD/PI is responsible for identifying and disclosing his or her significant financial interests/obligations/proprietary interests. Investigators should evaluate potential conflicts of interest not only at the outset of the research, but also when a change occurs in their relationship with an outside entity. This may occur at the time a new proposal is submitted, when a new relationship is established with an outside entity, or when a prior relationship with an outside entity changes.

Each PD/PI is also responsible for ensuring that Study Team members (1) identify and disclose any significant financial interests/obligations/proprietary interests and (2) comply with any measures put in place to manage any conflicts identified through the review process described below. There are various ways for the PD/PI to gather information regarding required disclosures from the Study Team including but not limited to having each Study Team member complete a FID form (for informational gathering purposes only) or having a group discussion or individual discussion with Study Team members to elicit the information verbally. For proposals with multiple PD/Pis, only one FID is required but all PD/Pis must agree to the information contained in the FID and original signatures of all PD/Pis are required. (Forms are accessible from <http://www.nova.edu/rtt>, click on "FCOI").

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The Vice President for Research and Technology Transfer is the designated University official for review of financial disclosures by Investigators and for determining whether any significant financial interest is related to the sponsored program and, if so, whether a financial conflict of interest exists.

B. SUBMISSION, REVIEW, AND ASSESSMENT

First-Level Review – Dean/Director: Each PD/PI is required to submit a completed FID on behalf of the Study Team, concurrently with each Proposal Approval Record (PAR), to their respective dean/director for the first-level review and signature.

In reviewing a FID, the dean/director will use a series of questions developed by the Association of American Medical Colleges (AAMC) and published in its *Guidelines for Dealing with Faculty Conflicts of Commitment and Conflicts of Interest in Research* in the initial review of the FID form. Some of these questions include:

- Has all relevant information concerning the faculty member's activities been acquired (i.e., has there been full disclosure)?
- Do the faculty member's relevant financial interests exceed the predetermined thresholds of acceptability, where specified?
- Do the faculty member's reported external commitments exceed permissible levels?
- Is there any indication that research results have not been faithfully and accurately reported?
- Is there any indication that the faculty member in his or her professional role has improperly favored any outside entity or appears to have an incentive to do so?
- Has the faculty member inappropriately represented the institution to outside entities?
- Does the faculty member appear to be subject to incentives that might lead to inappropriate bias?
- Is there any indication that obligations to the University are not being met?
- Could the faculty member's circumstances represent any possible violation of federal, state, or local laws and requirements?
- Do the current engagements of the faculty member represent any conflicts between outside interests (e.g., working on projects simultaneously for competing business entities)?

The dean/director will sign the FID form indicating their finding. All FID forms will then be forwarded by the PD/PI (with other required pre-award forms) to the Office of Sponsored Programs prior to proposal submission. The Office of Sponsored Programs will forward the FID to the Office of Research and Technology Transfer for second-level review, as applicable, and signature.

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Second-Level Review – Office of Research and Technology Transfer: If the FID indicates that there may be a potential conflict for an individual(s), then the individual(s) will be required to complete an Individual Interest Disclosure (IID) form (<http://www.nova.edu/rtt>, click on “FCOI”). Details about the relationship, including amounts, length of time, duties performed etc. must be disclosed on the IID form.

The IID does not require dean or director review. Rather, the IID should be submitted directly to the Office of Sponsored Programs for forwarding to the Vice President for Research and Technology Transfer for second-level review.

Disclosures will be reviewed by the Vice President for Research and Technology Transfer to (1) determine whether any significant financial interests relate to the proposed program, (2) determine whether an actual or potential conflict of interest exists, and (3) determine what conditions or restrictions, if any, should be imposed by the University to manage, reduce, or eliminate such conflicts of interest. Given the complexity of financial and non-financial relationships, disclosures will be evaluated on a case-by-case basis to determine whether the disclosures constitute a conflict of interest.

C. MANAGEMENT PLANS

Many conflicts of interest can be managed, reduced, or eliminated after an appropriate evaluation. If the Vice President for Research and Technology Transfer determines that a Financial Conflict of Interest (FCOI) exists, the Investigator will be notified. The Investigator shall then provide a written justification for allowing the program to proceed despite the presence of the conflict. Whether the circumstances described in the justification are deemed compelling will depend in each case upon the nature of the science, the nature of interest, how closely the interest is related to the Investigator’s institutional responsibilities, the degree to which the interest may be affected by the research, and the degree to which the conflict of interest can be effectively managed.

Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate actual or potential conflicts of interest include but are not limited to:

- Public disclosure of the relationship, significant financial interests, and/or intellectual property;
- Monitoring of research by independent reviewers (e.g., oversight committee);
- Modification of the research plan;
- Internal reporting requirements;
- Disqualification from participation in the portion of the sponsored program that would be affected by the significant financial interests;
- Signed waiver by potentially conflicting parties;
- Divestiture of significant financial interests; or
- Severance of relationships that create actual or potential conflicts.

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Based on the information provided and subsequent review, and prior to the expenditure of funds under the applicable award, the Office of Research and Technology Transfer will develop a plan to manage, reduce or eliminate the FCOI. All management plans shall contain, at a minimum, the following elements:

- The role and principal duties of the conflicted Investigator in the sponsored program;
- Conditions of the management plan;
- How the management plan is designed to safeguard objectivity and the rights and welfare of human subjects in the sponsored program;
- Confirmation of the Investigator's agreement to the management plan;
- How the management plan will be monitored to ensure Investigator compliance.

For research involving human subjects covered under this policy, the University's Institutional Review Board (IRB) will request a copy of disclosures and any management plans from the Office of Research and Technology Transfer as part of the IRB review and approval process. The IRB will make a determination if the rights and welfare of the subjects are being adequately protected, or if additional conditions or restrictions are necessary.

Whenever management plans are implemented, the Office of Research and Technology Transfer shall monitor the Investigator's compliance with the plan on an ongoing basis until the completion of the sponsored program.

D. APPEAL PROCESS

In the event the PD/PI does not agree with the decision of the Office of Research and Technology Transfer, the PD/PI may appeal the decision to the Provost of the University, whose decision will be final. The PD/PI will either appeal the decision of the Office of Research and Technology Transfer, or affirm in writing that he/she has complied with the condition or restriction imposed by the Office of Research and Technology Transfer, within fifteen (15) days of the decision of the Office of Research and Technology Transfer.

NOTIFICATION TO SPONSORING AGENCY

The University will follow the conflict of interest reporting policies of the governmental agency. The Office of Research and Technology Transfer will be responsible for reporting to the governmental agency, if required by the agency, that the University is unable to satisfactorily manage an actual or potential conflict of interest.

A. PUBLIC HEALTH SERVICE (PHS) NOTIFICATION REQUIREMENTS

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PHS, which includes the National Institutes of Health (NIH), has its own requirements for disclosures related to PHS-funded research. Research, for purposes of this section, includes any activity for which research funding is available from a PHS Awarding Component (the organizational unit of the PHS that funds the research) through a grant or cooperative agreement. The only award programs that are excluded are the SBIR and STTR Phase I applications. This policy (in totality) is intended to meet the PHS requirements governing disclosure of conflicts of interest.

(1) INITIAL FCOI REPORTS

Prior to expenditure of any funds under a PHS-funded research project, the Office of Research and Technology Transfer shall provide to the PHS Awarding Component an FCOI report regarding any Investigator's Significant Financial Interest found by the Office of Research and Technology Transfer to be conflicting and ensure implementation of a management plan. In cases in which the University identifies an FCOI and eliminates it prior to the expenditure of PHS-awarded funds, the University shall not submit an FCOI report to the PHS Awarding Component. The FCOI report shall include:

1. Grant/Contract number
2. Project Director/Principal Investigator (PD/PI) or Contact PD/PI
3. Name of Investigator with Financial Conflict of Interest (FCOI)
4. Whether FCOI was managed, reduced or eliminated
5. Name of the entity with which the investigator has a FCOI
6. Nature of FCOI, e.g., equity, consulting fees, travel reimbursement, honoraria
7. Value of the financial interest:
 - a. \$0 – 4,999;
 - b. \$5K – 9,999;
 - c. \$10K – 19,999;
 - d. \$20K - \$100K by increments of \$20K;
 - e. Amounts above \$100K by increments of \$50K; or
 - f. A statement that a value cannot be readily determined.
8. A description how the financial interest relates to PHS-funded research and the basis for the University's determination that the financial interest conflicts with such research.
9. A description of the key elements of the University's management plan including the role and duties of the conflicted Investigator in the research, conditions of the management plan, how the plan safeguards objectivity in the research project, confirmation that Investigator agrees with the plan, and how the plan will be monitored to ensure compliance.

(2) ONGOING/UPDATED FCOI REPORTS

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If in the course of an ongoing PHS-funded research project, a new Investigator or an existing Investigator discloses a new Significant Financial Interest, the Office of Research and Technology Transfer shall, within sixty (60) days, review and assess the disclosure pursuant to this policy and if an FCOI is determined to exist, provide an FCOI report to the PHS Awarding Component regarding the FCOI and ensure that the University has implemented, at least on an interim basis, a management plan.

(3) RETROSPECTIVE REVIEW

If the Office of Research and Technology Transfer identifies a Significant Financial Interest that was not disclosed timely by an Investigator or, for whatever reason, was not reviewed by the Office of Research and Technology Transfer during an ongoing PHS-funded research project, the Office of Research and Technology Transfer shall, within sixty (60) days, review and assess the disclosure pursuant to this policy and if an FCOI is determined to exist, implement on at least an interim basis, a management plan.

In addition, if an FCOI is not identified and managed in a timely manner, the Office of Research and Technology Transfer shall, within 120 days of the determination of noncompliance, complete a retrospective review of Investigator's activities and the PHS-funded research to determine whether during the time of the noncompliance the PHS-funded research was biased in the design, conduct or reporting. The University will be required to document their retrospective review and include at least the following key elements:

- Project number;
- Project title;
- PD/PI or contact PD/PI if a multiple PD/PI model is used;
- Name of the Investigator with the FCOI;
- Name of the entity with which the Investigator has a Financial Conflict of Interest;
- Reason(s) for the retrospective review;
- Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed, etc.);
- Findings of the review; and
- Conclusions of the review.

Based upon the results of the retrospective review, if appropriate, the Office of Technology Transfer shall submit an FCOI report or update the previously submitted FCOI report, specifying the actions that will be taken to manage the FCOI going forward. If bias is found, the Office of Research and Technology Transfer is required to notify the PHS Awarding Component promptly and submit a mitigation report which shall include the key elements of the retrospective review, a description of the bias on the research project, and the University's plan of action or actions taken to eliminate or mitigate the effect of the bias, extent of the harm done, and analysis of whether the research project is salvageable.

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(4) ANNUAL FCOI REPORTS

The Office of Research and Technology Transfer shall provide to the PHS Awarding Component an annual FCOI report that addresses the status of the FCOI and any changes to the management plan for the duration of the PHS-funded research project. The annual FCOI report shall specify whether the FCOI is still being managed or explain why the FCOI no longer exists. The annual FCOI report shall be submitted at the same time as the annual progress report, including a multi-year funded program report, or at the time of an extension request or notification, whichever is applicable. The annual FCOI report is not to be submitted as part of the annual program report. Rather, it is to be submitted to NIH separately through the eRACommons FCOI Module. New FCOI reports should be submitted prior to the expenditure of any funds under a Renewal (Type 2) or Revision (Type 3) award.

B. NATIONAL SCIENCE FOUNDATION (NSF) REPORTING REQUIREMENTS

The University will report to the NSF only those conflicts which cannot be satisfactorily managed, reduced, or eliminated, in accordance with their promulgated regulations.

C. OTHER GOVERNMENTAL AGENCIES

The University will report conflicts to other governmental agencies, as applicable, in accordance with their promulgated regulations.

PUBLIC ACCESSIBILITY – PHS-FUNDED RESEARCH

This policy shall be made available via a publically accessible website (<http://www.nova.edu/rtt>, click on “FCOI”).

The University will make available to the public, upon written request, information concerning any Significant Financial Interest disclosed to the University that meets the following three requirements:

1. The Significant Financial Interest was disclosed and is still held by the senior/key personnel for the PHS-funded research project identified by the University in the grant application, progress report, or other required report submitted to the governmental agency;
2. The University determines that the Significant Financial Interest is related to the PHS-funded research;
3. The University determines that the Significant Financial Interest is a Financial Conflict of Interest.

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The University shall respond in writing to the requestor within five (5) business days of a request for such information. The written response shall include, at a minimum, the following:

- Investigator's name;
- Investigator's title and role with respect to the research project;
- Name of the entity in which the Significant Financial Interest is held;
- Nature of the Significant Financial Interest; and
- Approximate dollar value of the Significant Financial Interest (dollar ranges are permissible)
 - a. \$0 – 4,999;
 - b. \$5K – 9,999;
 - c. \$10K – 19,999;
 - d. \$20K - \$100K by increments of \$20K;
 - e. Amounts above \$100K by increments of \$50K; or
 - f. A statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value.

All written requests and responses will be handled by the Office of Research and Technology Transfer. (A fillable information request form is available at <http://www.nova.edu/rtt>, click on "FCOI"). The response shall note that the information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of the University's identification of a new FCOI, which should be requested subsequently by the requestor.

CONFLICT OF INTEREST TRAINING

Each Investigator must complete training on the University's Policy on Financial Conflict of Interest in Sponsored Programs prior to engaging in any University sponsored program funded by a governmental agency and at least every four (4) years thereafter. Although the federal requirements require training only for PHS-funded grants and contracts the University finds the maintenance of public faith in the University's credibility and integrity in sponsored programs to be of the utmost importance and therefore require training be completed by any Investigator to whom this policy applies, as specified in Section II of this policy.

Immediate Conflict of Interest training is required under the following designated circumstances:

- University policy change in a manner that affects Investigator requirements
- An Investigator is new to the University
- An Investigator is found to be noncompliant with the University's policy on Financial Conflict of Interest in Sponsored Programs or management plan.

Training programs will be offered through the Office of Research and Technology Transfer.

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RECORD RETENTION

Records of significant financial interests, determinations of the Office of Research and Technology Transfer, appeals and compliance documents, and documents regarding all actions taken to resolve actual or potential conflicts of interest will be maintained by the Office of Research and Technology Transfer, until at least three (3) years after the later of the termination or completion of the award to which they relate, or the resolutions of any governmental action involving those records.

NONCOMPLIANCE WITH THE POLICY

Failure to comply with a determination of the Office of Research and Technology Transfer or to comply with this policy, including the failure to file timely disclosures; filing incomplete, erroneous, or inaccurate disclosures; or failure to comply with prescribed procedures for managing or resolving conflicts of interest, will be brought to the attention of the President of the University and dealt with in accordance with applicable University policies and procedures.

If the failure of an Investigator to comply with this Policy on Financial Conflicts of Interest in Sponsored Programs has biased the design, conduct, or reporting of the funded research, the Office of Research and Technology Transfer, will notify the government agency of the corrective action taken or to be taken. The sponsor may take its own action as it deems appropriate, including the suspension of funding for the Investigator until the matter is resolved. A violation of conflict of interest requirements can result in disallowed costs (including the entire amount of the contract or sub-grant awarded by NSU), suspension or termination of the award, or possible suspension and debarment of the University from federal grants and contracts.

If the [United States Department of Health and Human Services](#) determines that an NIH-funded project of clinical research whose purpose is to evaluate a drug, medical device or treatment was conducted by an Investigator with a conflict of interest that was not disclosed or managed, the Investigator will be required by the University to disclose the conflict in each public presentation of the results of the research and to request addendum to previously published presentations.

COMPLIANCE WITH FEDERAL REGULATIONS

Any regulations promulgated by a governmental agency will be incorporated by reference in this policy.

REFERENCES:

- *Revised Final Rule published on 8/25/2011 in the Federal Register “Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and*

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Responsible Prospective Contractors” (<http://www.gpo.gov/fdsys/pkg/FR-2011-08-25/pdf/2011-21633.pdf>) .

- *NIH Grants Policy Statement, <http://grants.nih.gov/grants/policy/policy.htm#gps> NIH Financial Conflict of Interest Policy <http://grants.nih.gov/grants/policy/coi/index.htm>*
- *NSF Proposal and Award Policies and Procedures Guide, <http://www.nsf.gov/bfa/dias/policy/>*
- *OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, <https://federalregister.gov/a/2013-30465>*
- *45 CFR Part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations.*
- *42 CFR Part 50 Subpart F and 45 CFR Part 94, PHS Financial Conflict of Interest Regulations*
- *15 CFR Part 14, DOC/NOAA’s Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations.*
- *HHS Grants Policy Statement, <http://www.hhs.gov/asfr/ogapa/aboutog/grantsnet.html> Page II-14.*
- *48 CFR Part 3, Federal Acquisition Regulations (FAR), Improper Business Practices and Personal Conflicts of Interest.*
- *Suspension and Debarment, (FAR) 48 CFR subpart 9.4, and 2 CFR parts 180, (HHS) 376, and (DOC/NOAA) 1326.*

PROCEDURES: Incorporated within the above stated policy.