

I. Purpose

The Institution is committed to ensuring that its faculty can conduct their teaching and research in an open and productive environment. The Institution's concern with conflict of interest and conflict of commitment reflects the ever-increasing complexity of our society, our various relations with each other and with outside Institutions, along with the heightened national and governmental sensitivity to these issues.

The purpose of this policy is to establish guidelines for identifying, reviewing, and resolving financial conflicts of interest in research. Request for disclosure's intent is to remove bias or the perception of bias from the research process by identifying and managing any conflicts of interest due to an investigator's external commitments or financial interests.

II. Scope

This policy applies to officers and employees of the Research Foundation, as defined in below, including Principal and Co-principal investigators seeking to receive funds to conduct research.

III. Definitions

Officer and Employee

Throughout this policy, the terms "officer" and "employee" include 1) any person employed by, representing or acting on behalf of the Research Foundation, and/or 2) any person who is in a significant decision-making capacity with respect to the professional, technical, or scientific aspects of a program or project conducted or administered through the Research Foundation. This includes faculty and staff with SUNY appointments conducting research through the Research Foundation.

PHS

The Public Health Service of the U.S. Department of Health and Human Services and its component agencies, including the National Institutes of Health.

Investigator

A SUNY or Research Foundation employee who is the project director or principal investigator and any other person, including a student or post-doctoral fellow, regardless of title or position, who is responsible for the design, conduct or reporting of research funded by the PHS, or proposed for such funding, which may include, for example, collaborators or consultants.

Financial Conflict of Interest (FCOI)

A financial conflict of interest occurs when an officer or employee compromises, or appears to compromise, professional judgement as a result of an external relationship, both domestic and foreign, that directly or indirectly impacts the financial interest of the officer or employee, a spouse or dependent, or any associated entity.

The 2011 revised PHS regulation defines a "Significant Financial Interest" (SFI) as it relates to an Investigator's institutional responsibilities.

The 2011 revised regulation defines a "Significant Financial Interest" as follows: A financial interest consisting of one or more of the following interests of the investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to be related to the Investigator's institutional responsibilities:

- A. With regard to any publicly traded entity, a significant financial interest exists 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. 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;

- B. With regard to any non-publicly traded entity, a significant interest exists 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); or
- C. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

The term significant financial interest does not include the following types of financial interests: income from seminars, lectures, or teaching engagements 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; or income from service on advisory committees or review panels for a federal, state, or local government agency, an Institution of higher education as defined at 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.

Investigators also 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 the proposed or funded research; provided, however, that this disclosure requirement 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. The Individual will provide the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration.

IV. Policy and Guidelines

No officers or employees should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of their duties.

No officers or employees should have any financial interest that will, or may be reasonably expected to, bias the design, conduct, or reporting of sponsored programs.

Principal Investigators on sponsored programs will disclose and keep current all relevant conflicts of interest related to any and all applications for external funding in support of sponsored research.

Standards

No officers or employees shall accept other employment that will impair their independence of judgement in the exercise of their duties and responsibilities.

1. No officers or employees shall accept employment or engage in any business or professional activity that will require them to disclose information confidential to the Research Foundation that they have gained by reason of their position or authority.

2. No officers or employees shall disclose information confidential to the Research Foundation acquired by them in the course of their duties except as required by law nor shall they use such information to further their personal interests unless such information has previously made public.
3. No officers or employees shall use or attempt to use their position to secure undue privileges or exemptions for themselves or others.
4. No officers or employees shall engage in any transaction as a representative or agent of the Research Foundation with any business entity in which they, their spouse or any dependent, or any business partners have a direct or indirect financial interest that might conflict with the proper discharge of their duties or responsibilities.
5. No officers or employees, or corporation, firm, or association of which they, their spouse or any dependent, or any business partner is a member, shall sell, contract for, or provide goods or services to the Research Foundation in connection with a program or project administered through the Foundation in a manner that is inconsistent with the Foundation's established procurement policy.
6. Officers and employees shall not by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in performance of their duties, or that they are affected by the kinship, rank, position or influence of any party or person.
7. Officers and employees shall abstain from holding personal investments in enterprise that they have reason to believe may be directly involved in decisions to be made by them or that will otherwise create conflict between their duties in the best interests of the Research Foundation and their private interests.

Training

Investigator must complete the Conflict of Interest Training in www.citiprogram.org:

1. Prior to enrolling in any research and at least every four years.
2. Immediately when
 - a. FCOI policies change in a manner that materially affects Investigator requirements
 - b. An Investigator is new to the Institution
 - c. It is found that an Investigator is noncompliant with PHS Regulation, this policy or a related management plan

Disclosure Statement

The Disclosure Statement that is made a part of this conflict of interest policy must be completed by principal investigators or co-principal investigators who are applying for funds from an agency of the federal government or from a business or industry sponsoring research.

Disclosure statements are to be filed annually in accordance with this policy, every November 1st. Make sure it is up-to-date at the time of application for funding and/or update the disclosures within thirty(30) days of discovering or acquiring a new Significant Financial Interests.

Real, Apparent, or Potential Conflicts

All real, apparent, or potential conflicts of interest as defined under the standards must be disclosed for review and determination as to whether a violation of this policy exists.

In the event of a real, apparent, or potential conflict, the campus Operations Manager, or designee, shall immediately advise the campus President, the Vice President and Dean of Academic Affairs, the Associate Dean for Graduate Studies and Research.

Where conflict of interest is discovered, appropriate steps will be taken to manage, reduce, or eliminate such conflict of interest. These steps can include:

1. Public disclosure of significant financial interests
2. Monitoring of research by independent reviewers
3. Modification of research plan
4. Disqualification for participation in the portion of the sponsored research that would be affected by significant financial interests
5. Divestiture of significant financial interests
6. Severance of relationships that create actual or potential conflicts
7. Disallowance of the study

The reviewer(s) may allow the research to go forward without imposing such conditions or restrictions if the reviewer(s) determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from significant financial interests are outweighed by interests of scientific progress, technology transfer, or the public health and welfare.

Complaints and Inquiries

Anyone may bring a complaint or make inquiries concerning possible violation of this conflict of interest policy.

All complaints or inquiries should be immediately reported to the campus Operations Manager or designee who shall immediately advise the campus president, or the president's designee, for review and determination, in consultation with the RF Office of General Counsel and Secretary, as to whether a violation of this policy exists.

Upon receipt of notification of such complaint or inquiry, the campus Operations Manager or designee shall immediately advise the campus president, the person against whom the complaint is made, and the Office of General Counsel and Secretary of the substance of the complaint or inquiry.

An impartial panel will be established by the President or his designee to conduct a review and investigation. The review must be completed within sixty(60) calendar days from receipt of the disclosure, including preparation of a written report. If findings from a review provide sufficient basis for conducting an investigation, an investigation must be initiated within thirty(30) calendar days of the completion of the review. Investigations must be completed within sixty(60) calendar days.

Documentation

Documentation must be maintained for at least three (3) years, and must, upon request, be provided to the officers of the board of Directors of the Research Foundation.

Any determination by the campus Operations Manager or designee shall be forwarded to the president of the campus. The campus shall be of the office of record for all final determinations. The campus Operations Manager shall assure that Research Foundation policies and procedures for maintaining such determinations are in place.

Appeal

An officer or employee who disagree with the determination of the campus Operations Manager may appeal to the president of the College, or the president's designee, for reconsideration of such determination. The determination of the president shall be final and binding.

Violation

In addition to any penalty contained in any provision of law or federal policy, officers or employees who knowingly and intentionally violate any of these provisions may be suspended from or terminated from employment with the Research Foundation if employed

by the Research Foundation, or if not employed by the Research Foundation, their relationship with the Research Foundation may otherwise be terminated.

V. References

SUNY RF Conflicts of Interest in Public Health Service Sponsored Programs Policy
https://www.rfsuny.org/media/rfsuny/policies/coi-phs_pol.htm

SUNY RF Managing Conflicts of Interests
https://www.rfsuny.org/media/RFSUNY/Procedures/management_of_coi_pro.htm