

GENERAL

- A. This policy establishes procedures to be followed in resolving actual and potential faculty and/or staff financial conflicts of interest (FCOI) pertaining to sponsored projects. This policy applies to all sponsored projects funded by (a) commercial sponsors, (b) federal and/or state agencies with specific conflict of interest requirements, and (c) subcontracts issued by Sam Houston State University (defined from this point forward as “the University”) as sponsored projects regardless of the source of funds.

- B. The University recognizes its responsibilities to encourage interaction between its Principal Investigators (PIs) and public and/or private sectors as important
com(e)4bhnt

- a. Identifies any potentially conflicting research or research activities in which the PI is engaged at the time the financial disclosure statement is submitted to the ORSP; and
 - b. Discloses the following information for each significant financial interest held by the Investigator or an immediate family member (spouse, significant other/domestic partner, parents, parents-in-law, siblings, children, or other relatives living at the same address as the faculty/staff member):
 - (1) The total amount of salary or other payments received (from the significant financial interest source) in the preceding 12 months, in whole dollar amounts;
 - (2) A description and the value of any equity interest (e.g., stock, stock options, or other ownership interest or entitlement to such an interest) in whole dollar amounts as compared to public prices or other reasonable measures of fair market value;
 - (3) A description and the value of any intellectual property or royalty interests in whole dollar amounts as related to the significant financial interest source;
 - (4) The source of the significant financial interest, including the source's name and principal address; and
 - (5) For each occurrence of reimbursed or sponsored travel, the purpose of the trip, the identity of the sponsor/organizer, the destination and the duration of the trip. Each sponsor agency, at its discretion, may require a PI to disclose additional information in order to determine whether the travel at issue constitutes an FCOI.
- 4.03 Investigators shall also submit to or update with the ORSP a separate Financial Disclosure Statement for each immediate family member (see examples in section 4.02) within the time periods specified in section 4.02.
- 4.04 Investigators shall use the Financial Disclosure Statement form provided in **Attachment A** to this regulation.

4.05

- c. Appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of research against bias resulting from the FCOI;
- d. Modification of the research plan or research activities;
- e.

following key information available to the public as specified in 9.02.2:

- a. The name of the Investigator;
- b. The title and role of the PI in relation to the affected research;
- c. The name of the entity in which the significant financial interest is held;
- d. A description of the significant financial interest that was determined to be an FCOI; and
- e. The approximate dollar value of the significant financial interest. If the dollar value cannot be determined by reference to publicly available prices or another reasonable method, the FCOI official shall include a statement to that effect. Dollar values may be provided within ranges (e.g., \$0-\$4,999; \$5,000-\$10,000; \$10,000-\$20,000; \$20,000-\$50,000; \$50,000-\$100,000. Amounts over \$100,000 may be stated in increments of \$50,000).

9.02.2 The FCOI official shall make this information available within five (5) business days after receipt of a request so long as the following criteria are met:

10. RETROSPECTIVE REVIEW

10.01 Noncompliance, Retrospective Review, and Documentation for Funded Research.

10.01.1 In accordance with the regulatory requirement (42 CFR §50.605(a)(3)), if the FCOI official discovers an FCOI related to any grant-funded research that was not timely identified or managed, or if an Investigator fails to comply with a management plan, the FCOI official shall, within 120 days after determining noncompliance:

- a. Complete a retrospective review of the PI's research activities and any grant-funded research project to determine if any research, or portion thereof, conducted during the period of noncompliance, was biased in the design, conduct, or reporting of such research; and
- b. Implement any measures necessary, including but not limited to halting the Investigator's participation in any affected research project, to remediate the noncompliance between the date the noncompliance was identified and the date the retrospective

- g. Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
- h. Findings of the review; and
- i. Conclusions of the review (i.e., determination, recommended actions, and remedial measures implemented).

10.01.3 If bias is found, the FCOI official shall notify the granting agency and submit a mitigation report as required by federal law. If necessary, the FCOI official shall update the FCOI information as described in section 9.02 of this policy.

11. RESEARCH THROUGH CONTRACTORS OR SUBCONTRACTORS

11.01 If University sponsored, federally funded research is conducted through a subcontractor, the University must take reasonable steps to ensure that subcontractor's investigators and collaborators comply with the following:

- a. Incorporating into a written agreement, such as a Memorandum of Understanding (MOU) or contract, terms that establish whether the University FCOI policy or that of the subcontractor, apply to the subawardee's investigators;
- b. Providing FCOI reports to the awarding component regarding FCOIs by subcontractors' PIs, as defined in this policy, prior to expenditure of funds and within 60 days of any subsequently identified FCOIs;
- c. Submitting an updated disclosure of significant financial interests within 30 days of acquiring a new significant financial interest by each PI participating in grant-funded research.

11.02 In those circumstances in which the University is engaged in or intends to engage in a sponsored project with a commercial organization, or has subcontracted or intends to subcontract to an external organization under one of the University's sponsored projects, a conflict of interest may occur when a faculty/staff member's affiliation with the external organization meets any of the following criteria:

Sam Houston State University
Academic Policy Statement 950809
Financial Conflict of Interest Policy in Research
Pertaining to Sponsored Projects
Page 10 of 17
Revised February 16, 2015

Employees of The Texas State University System, Texas Government Code Chapter 572 and other University documents the FCOI official may deem appropriate.

- b. Consider the nature and extent of the financial interest in the relationship of the faculty/staff member and external organization.

will review allegations of violations and will make recommendations regarding the imposition of sanctions to the Provost and Vice President for Academic Affairs. The decision of the Provost and Vice President for Academic Affairs with regard to the imposition of sanctions shall be final.

- 11.06 The Post Award office (the Office of Research Administration or ORA) will maintain records pertaining to research through contractors and subcontractors and all submitted disclosure forms in strict confidence. Access to such records will be limited to the faculty/staff member, the FCOI official, CAD, the Provost and Vice President for Academic Affairs, and others who have a legal right to review the records.

Records will be retained for three years after the latter of:

- a. The termination or the completion of the award to which they relate, or
- b. The resolution of any government action involving those records.

- 11.07 Certain sponsors, particularly federal agencies, may have requirements that differ from this policy with regard to the timing and frequency of faculty/staff disclosures and other provisions as well. In cases of such discrepancies, sponsor requirements will generally supersede university requirements.

- 11.08 Investigators and subcontractors from other academic or not-for-profit institutions must either comply with this policy or provide a certification from their institutions that their portion of the project is in compliance with their institutional policies and their institutional policies are in compliance with federal regulations regarding FCOI disclosure. Subcontractors from commercial firms need not make such certifications, except as required by external funding agencies. Some external funding agencies require certifications from subcontractors, including commercial firms, establishing compliance with federal policies regarding FCOI disclosure as well as certifications that projects are in compliance with company policies.

12. TRAINING, EDUCATION, AND CERTIFICATION

- 12.01 The University is responsible for complying with the training requirements under federal law (e.g., 42 CFR §50.604(b); 45 CFR §94.4(b)).

Sam Houston State University

Sam Houston State University
Academic Policy Statement 950809

- (6) Regardless of the above minimum requirements, a faculty or staff member in their 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.

Attachment A: [Financial Disclosure Statement](#) Attachment B: [Appendix](#)

APPROVED: < signed >
Dana G. Hoyt, President

DATE: 6/17/15

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents SHSU's Division of Academic Affairs' policy from the date of this document until superseded.

Original:	August 9, 1995	Review Cycle:	August 1, ONY*
Reviewer(s):	Council of Academic Deans	Review Date:	August 1, 2017
	Faculty Senate		
	Academic Policy Council		

Approved: < signed > Date: 6/18/15
Jaimie L. Hebert
Provost and Vice President
for Academic Affairs

***ONY = Odd Numbered Year**