

**MMRL FINANCIAL CONFLICT OF INTEREST POLICY
ADOPTED BY MMRL BOARD RESOLUTION ON APRIL 17, 2015**

INTRODUCTION

Research at the MMRL needs to be conducted in an environment that promotes innovation, integrity and objectivity. While partnerships with industry are of great benefit to the Lab, there is a need to ensure that outside financial interests do not interfere with the objectivity of research conducted at the MMRL.

In an effort to promote objectivity in sponsored research activities, the Public Health Service (PHS) established regulations documenting standards and procedures to be followed by institutions applying for research funding from the PHS including the National Institutes of Health. These regulations were implemented to ensure that the design, conduct or reporting of funded research will not be biased by any conflicting interest of those investigators responsible for the research. (Title 42, CFR Part 50, subpart F). These regulations took effect October 1, 1995, and were significantly revised in 2011. While these regulations affect PHS-sponsored research, MMRL Investigators are required to disclose to the Laboratory any Significant Financial Interests that would reasonably appear to affect research sponsored by any entity outside the MMRL or by the MMRL itself. The Laboratory is then required to review those disclosures and determine whether any of the reported financial interests could directly and significantly affect the design, conduct, or reporting of the sponsored research. If necessary, The Laboratory must also take measures to protect such funded research from bias due to a financial conflict of interest.

This policy governing financial conflict of interest applies to all MMRL Investigators. The Director of Administration is the Institutional Official responsible for ensuring implementation of this policy and may suspend all relevant activities until the financial conflict of interest is resolved or other action deemed appropriate by the Director of Administration is implemented. Violation of any part of these policies may also constitute cause for disciplinary or other administrative action pursuant to Institutional policy.

DEFINITIONS

Conflict of Interest Committee (COI Committee) means the MMRL's committee or individual that advises the Director of Administration on conflict of interest matters. The committee consists of Director of Research and the Executive Committee of the MMRL Board of Directors.

Family means any member of the Investigator's immediate family, specifically, any dependent children and spouse.

Financial Interest means anything of monetary value received or held by an Investigator or an Investigator's Family, whether or not the value is readily ascertainable, including, but not limited to: salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships for other than scholarly works); any equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights), upon receipt of royalties or other income related to such intellectual property rights and interests.

Financial Interest does NOT include:

- a) salary, royalties, or other remuneration from the Institution;
- b) income from the authorship of academic or scholarly works;
- c) income from seminars, lectures, or teaching engagements sponsored by or from advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; or
- d) equity interests or income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles.

For Investigators, *Financial Interest* also includes any reimbursed or sponsored travel undertaken by the Investigator and related to his/her institutional responsibilities. This includes travel that is paid on behalf of the Investigator as well as travel that is reimbursed, even if the exact monetary value is not readily available. It excludes travel reimbursed or sponsored by U.S. Federal, state or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers.

Significant Financial Interest means a Financial Interest that reasonably appears to be related to the Investigator's Institutional Responsibilities, and:

- a) if with a publicly traded entity, the aggregate value of any salary or other payments for services received during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds \$5,000; or
- b) if with a non-publicly traded entity, the aggregate value of any salary or other payments for services received during the 12 month period preceding the disclosure exceeds \$5,000; or
- c) if with a non-publicly-traded company, is an equity interest of any value during the 12 month period preceding or as of the date of disclosure; or
- d) is income exceeding \$5,000 related to intellectual property rights and interests not reimbursed through the Institution, or
- e) is reimbursed or sponsored travel related to their institutional responsibilities

Financial Conflict of Interest means a Significant Financial Interest (or, where the Institutional official requires disclosure of other Financial Interests, a Financial Interest) that the Institution reasonably determines could directly and significantly affect the design, conduct or reporting of PHS-sponsored research.

Institutional official means the individual within the Institution that is responsible for the solicitation and review of disclosures of significant financial interests including those of the Investigator's Family related to the Investigator's institutional responsibilities. For the purposes of this policy, the Institutional Official is designated as The Director of Administration.

Institutional responsibilities means the Investigator's professional responsibilities associated with his or her Institutional appointment or position, such as research, teaching, clinical activities, administration, and institutional, internal and external professional committee service.

Investigator means any individual who is responsible for the design, conduct, or reporting of PHS sponsored research, or proposals for such funding. This definition is not limited to those titled or budgeted as principal investigator or co-investigator on a particular proposal, and may include postdoctoral associates, senior scientists, or graduate students. The definition may also include collaborators or consultants as appropriate.

Public Health Service or *PHS* means the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority of the PHS may be delegated. The components of the PHS include, but are not limited to, the Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Federal Occupational Health, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and Substance Abuse and Mental Health Services Administration.

Research means a systematic investigation, study, or experiment designed to contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug).

CONFLICT OF INTEREST:

This policy is predicated on the expectation that Investigators should conduct their affairs so as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise. To that end, this policy informs Investigators about situations that generate conflicts of interest related to research, provides mechanisms for Investigators and the Institution to manage those conflicts of interest that arise, and describes situations that are prohibited. Every Investigator has an obligation to become familiar with, and abide by, the provisions of this policy. If a situation raising questions of conflict of interest arises, an Investigator should discuss the situation with the Institutional official.

1) DISCLOSURE OF FINANCIAL INTERESTS

All Investigators are required to disclose their outside financial interests as defined above to the Institution on an annual and on an ad hoc basis, as described below. The Director of Administration is responsible for the distribution, receipt, processing, review and retention of disclosure forms. The COI Committee will assist with the review of those forms and processes.

a) Annual Disclosures

All Investigators must disclose their Significant Financial Interests that are related to the investigator's institutional responsibilities to the Institution, through the Director of Administration, on an annual basis. All forms should be submitted to the Director of Administration or designee by March 1 for the previous calendar year.

b) Ad hoc Disclosures

In addition to annual disclosure, certain situations require ad hoc disclosure. All Investigators must disclose their Significant Financial Interests to the Institution, through the Director of Administration and Director of Research, within 30 days of their initial appointment or employment.

Prior to entering into PHS-sponsored projects or applications for PHS-sponsored projects, where the Investigator has a Significant Financial Interest, the Investigator must affirm the currency of the annual disclosure or submit to the Director of Administration and Director of Research an ad hoc updated disclosure of his or her Significant Financial Interests with the outside entity. The Institution will not submit a research proposal unless the Investigator(s) have submitted such ad hoc disclosures.

In addition, all Investigators must submit to the Institutional official an ad hoc disclosure of any Significant Financial Interest they acquire or discover during the course of the year within thirty (30) days of discovering or acquiring the Significant Financial Interest.

c) Travel

Investigators must also disclose reimbursed or sponsored travel related to their institutional responsibilities, as defined above in the definition of Financial Interest and Significant Financial Interest. Such disclosures must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and, if known, the monetary value. The Institutional Official 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 research.

2) REVIEW AND DECISION OF THE INSTITUTIONAL OFFICIAL

If the disclosure form reveals a Significant Financial Interest, it will be reviewed promptly by the Director of Administration and Director of Research, or designee, for a determination of whether it constitutes a Financial Conflict of Interest. If a Financial Conflict of Interest exists, the Director of Administration will take action to manage the financial conflict of interest including the reduction or elimination of the conflict, as appropriate. The Director of Administration may consult the COI Committee for guidance in specific cases, or in the application of the policy to particular situations.

A Financial Conflict of Interest will exist when the Director of Administration, Director of Research or designee determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of PHS-sponsored research or any other sponsored research. If the Director of Administration determines that there is a Financial Conflict of Interest that can be managed, he or she must develop and implement a written management plan. The affected Investigator must formally agree to the proposed management strategies and sign the written management plan before any related PHS-sponsored research goes forward.

The Director of Administration will periodically review the ongoing activity, monitor the conduct of the activity (including use of research scientists, research assistants, visiting scientist, students and postdoctoral appointees), to ensure open and timely dissemination of the research results, and to otherwise oversee compliance with the management plan.

3) REPORTING TO PHS

The Director of Administration will report financial conflicts of interest or non-compliance to PHS in accordance with PHS regulations. If the funding for the Research is made available from a prime PHS-awardee, such reports shall be made to the prime awardee prior to the expenditure of any funds and within 60 days of any subsequently identified financial conflict of interest such that the prime awardee may fulfill their reporting obligations to the PHS.

4) INVESTIGATOR NON-COMPLIANCE

a) Disciplinary Action

In the event of an Investigator's failure to comply with this Policy, the Director of Administration may suspend all relevant activities or take other disciplinary action until the matter is resolved or other action deemed appropriate by the Director of Administration is implemented.

The Director of Administration's decision to impose sanctions on an Investigator because of failure to comply with this Policy, or failure to comply with the decision of the Institutional official, will be described in a written explanation of the decision

to the investigator, COI Committee, and, where applicable, the IRB, and will notify the individual of the right to appeal the decision. The institution will promptly notify the PHS Awarding Component of the action taken or to be taken. If the funding for the research is made available from a prime PHS awardee, such notification shall be made promptly to the prime awardee for reporting to PHS.

b) Retrospective Review

In addition, if the Director of Administration determines that 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 failure by an Investigator to materially comply with a management plan for a Financial Conflict of Interest, a committee appointed by the Director of Administration will complete a retrospective review of the Investigator's activities and the PHS-sponsored research project to determine whether the research conducted during the period of non-compliance was biased in the design, conduct or reporting of the research.

Documentation of the retrospective review shall include the project number, project title, PI, 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 Director of Administration will update any previously submitted report to the PHS or the prime PHS-awardee relating to the research, specifying the actions that will be taken to manage the Financial Conflict of Interest going forward. This retrospective review will be completed in the manner and within the time frame established in PHS regulations. If bias is found, the institution will promptly notify the PHS Awarding Component and submit a mitigation report in accordance with the PHS regulations. The mitigation report will identify elements documented in the retrospective review, a description of the impact of the bias on the research project and the plan of action to eliminate or mitigate the effect of the bias.

c) Mitigation of FCOI

Mitigation plans will be created by the Director of Administration should FCOI be found to create bias in sponsored research by MMRL Investigators. Examples of conditions or restrictions that might be imposed to manage, reduce or eliminate conflicts of interest include, but are not limited to:

- Public disclosure of Significant Financial Interests;
- Monitoring of research by independent reviewers;
- Modification of the research plan;
- Disqualification from participation in all or a portion of the research funded;
- Divestiture of Significant Financial Interests;

- Severance of relationships that create actual or potential conflicts of interest.

5) TRAINING

Each Investigator must complete training on this Policy, the Investigator's responsibilities regarding disclosure and the PHS regulations prior to engaging in research funded by PHS, and at least every four years thereafter. They must also complete training within a reasonable period of time as determined by the Director of Administration in the event that this Policy is substantively amended in a manner that affects the requirements of Investigators, if the Investigator is new to the institution, or if it is determined that the Investigator has not complied with this policy or with a management plan related to their activities.

Training is completed via the web and can be accessed using the following link:

grants.nih.gov/grants/policy/coi/tutorial2011/fcoi.htm.

Investigators should complete the tutorial and upon completion print the certificate (follow prompts) and submit a copy to the Director of Administration and Human Resources. The Director of Administration and Human Resources will be responsible for collection, maintenance, and confidentiality of all disclosure forms.

6) RECORD RETENTION

The Director of Administration will retain all disclosure forms, conflict management plans, and related documents for a period of three years from the date the final expenditure report is submitted to the PHS or to the prime PHS awardee, unless any litigation, claim, financial management review, or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

7) CONFIDENTIALITY

To the extent permitted by law, all disclosure forms, conflict management plans, and related information will be confidential. However, the Institution may be required to make such information available to the PHS Awarding Component and/or HHS, to a requestor of information concerning financial conflict of interest related to PHS funding or to the primary entity who made the funding available to the Institution, if requested or required. If the Institution is requested to provide disclosure forms, conflict management plans, and related information to an outside entity, the Investigator will be informed of this disclosure.

8) PUBLIC ACCESSIBILITY

This Policy is to be hosted on the MMRL website. In addition, prior to the expenditure of funds, the MMRL will publish on the MMRL website or respond to any requestor

within five business days of the request, information concerning any Significant Financial Interest that meets the following criteria:

- a) The Significant Financial Interest was disclosed and is still held by the senior and key personnel;
- b) A determination has been made that the Significant Financial Interest is related to the PHS-funded research; and
- c) A determination has been made that the Significant Financial Interest is a Financial Conflict of Interest.

The information to be made available shall be consistent with the requirements of the PHS regulation.

9) REGULATORY AUTHORITY

This policy implements the requirements of 42 CFR 50 Subpart F and 45 CFR 94; where there are substantive differences between this policy and the requirements, the requirements shall take precedence.

10) REFERENCES AND SOURCE MATERIAL

This Policy was created using a template developed by the National Academies Federal Demonstration Partnership Conflict of Interest Subcommittee. Additional input came from publicly available FCOI policies for Universities and other Independent Research Laboratories.

http://sites.nationalacademies.org/PGA/fdp/PGA_061001

<http://grants.nih.gov/grants/policy/coi/>

http://grants.nih.gov/grants/policy/coi/fcoi_final_rule.pdf