

The Administrative Policies

TAP NO. 45: CONFLICTS OF INTEREST IN GRANTS AND SPONSORED RESEARCH PROJECTS

This policy sets forth procedures and guidelines to be followed in resolving actual and potential grant applicants' conflicts of significant financial interests pertaining to grants and sponsored research projects funded by:

1. Commercial sponsors.
2. Federal agencies having specific conflicts of interest requirements.
3. Purchase orders and subcontracts issued or received by Duquesne University for such projects.

This policy specifically addresses conflicts of significant financial interests, situations in which grant applicants may have the opportunity to influence the University's business decisions in ways that could lead to personal gain or give improper advantage to themselves, co-applicants, or their spouses or dependents. Such conflicts could affect the design, conduct or reporting of research results. A financial interest is defined as a monetary value, including, but not limited to, salary or other payments for services (e.g. consulting fees or honoraria); equity interests (e.g. stocks, stock options, or other ownership interests); and intellectual property rights (e.g. patents, copyrights, royalties from such rights).

When the University engages in or intends to engage in a sponsored project with an external organization, or has subcontracted or intends to subcontract with an external organization under a sponsored project, a significant conflict of financial interest may occur when a grant applicant's affiliation with the external organization meets any of the following criteria:

1. The grant applicant is an officer, director, partner, trustee, employee, advisory board member, consultant or agent of the external organization or corporation either funding a sponsored project or providing goods and services under a sponsored project on which the applicant is participating in any capacity.
2. The grant applicant is the actual beneficial owner of more than five percent (5%) of the voting stock or controlling interest in such organization or corporation.
3. The grant applicant has dealings with such organization or corporation from which he/she derives income of more than \$5,000 per year, exclusive of dividends and interest.
4. The grant applicant or co-applicant has relationships with such outside organization that might influence the University's dealings in ways leading to personal gain or improper advantage for the applicant or co-applicant's spouses or dependents.
5. The grant applicant or co-applicant intends to use for personal profit unpublished information emanating from sponsored agreements or confidential University sources, or intends to assist the outside organization by giving it exclusive access to such information, or intends to provide consulting services for the outside organization that impose obligations upon the applicant or co-applicant that conflict with the University's patents and intellectual property policies or the University's obligations under sponsored projects agreements.
6. The grant applicant's or co-applicants' spouses or dependents (dependent children or other relatives living at the same address as the applicant or co-applicant) meet any of the criteria stated in 1-5 above.

Each grant applicant and co-applicant participating in a sponsored project covered by this policy must disclose whether or not he/she has external affiliations that may constitute a conflict as described above. This is done by completing the appropriate section of the required Internal Transmittal Form that is submitted for institutional approval. A Disclosure Form (Attachment A) must be updated on an annual basis and whenever new financial interests are secured. Negative disclosures will be filed in the Office of Research, with no further review required. Positive disclosure forms will be reviewed by a Conflict Review Committee consisting of the General Counsel, the Director of Sponsored Research, and one faculty representative. The review must be completed prior to the University's acceptance of the sponsored project or issuance of purchase orders or subcontracts for the acquisition of goods and services.

In reviewing positive disclosures, the Conflict Review Committee will be guided by the following:

1. Assure adherence to relevant state law and University policies as contained in the Faculty Handbook, the University Administrative Policy Manual, and University Executive Resolutions.
2. Consider the nature and extent of the financial interests in the relationship of the applicant, co-applicants and their spouses or dependents and the external organization.
3. Give special consideration to the terms and condition of sponsored project agreements that may mitigate or complicate the given situation.
4. Consult with and obtain additional information from the applicant or co-applicant as either the Conflict Review Committee or the applicant or co-applicant may feel helpful in resolving actual or potential conflicts.
5. Act in a timely manner so as not to delay unduly the conduct of a sponsored project.
6. Identify possible actions the University might take to ensure that conflicting financial interests will be appropriately managed, reduced or eliminated.

Based on the Conflict Review Committee's recommendation, the University may take one of the following actions:

1. Accept the sponsored project award.
2. Not accept the sponsored project award.
3. Accept the sponsored project award subject to suitable modifications in the award document or in the applicant's, co-applicants', or their spouses' or dependents' affiliation with the external organization involved. Such modifications might include:
 - a. Making public disclosure of the financial interests.
 - b. Review of data and research results by in-house independent reviewers identified by the committee and the applicant(s).
 - c. Modification of the research plan.
 - d. Disqualification from participation in a portion of the research.
 - e. Divestiture of significant financial interests.
 - f. Severance of relationships that create actual or potential conflicts.

If the grant applicant or co-applicant(s) are dissatisfied with the Conflict Review Committee's findings, the applicant may appeal to the President of the University, or his/her designee, who will consult with the applicant and the Conflict Review Committee as deemed necessary and appropriate to the particular circumstance. The decision of the President upon appeal shall be final.

Violations of this policy, such as willful concealment of financial interests, or failure to comply with agreed upon modifications to manage, reduce or eliminate financial interests, may result in sanctions being imposed upon the violating individual(s) in accordance with appropriate University policy.

The Office of Research shall maintain records pertaining to each disclosure. Access to such records will be limited to the applicant(s), the Conflict Review Committee, the President (or his/her designee) and others who have a legal right to review the records. Certain sponsors, particularly federal agencies, may have requirements that differ from this policy with regard to the timing and frequency of disclosures and other conflict considerations as well. In the case of such discrepancies, the sponsors' requirements will generally prevail.

A mail-in form version of the Disclosure Statement Regarding Conflicts Of Financial Interests is at the end of the pdf version of this policy.

REV. 3/2014

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