



Conflict of Interest and Commitment for Research and Sponsored Programs

Christopher Newport University

Date: Revised September 9, 2011

Responsible Office: Office of Sponsored Programs

A. PURPOSE

The purpose of this policy is to set guidelines and procedures for officers, faculty, staff, and other employees at Christopher Newport University in reviewing and managing the disclosure and resolution of conflicts of interest and/or commitment, whether real, apparent, or potential.

B. INCLUDED POPULATIONS

This policy pertains to all full-time and part-time faculty and staff members who are in any way associated with sponsored projects, programs, services, or contracts.

C. CONFLICT OF INTEREST & COMMITMENT

Conflicts of interest are defined as situations in which faculty or staff members may have the opportunity to influence the University's business decisions in ways that could lead to personal gain or give improper advantage to members of their families, dependents, or associates.

A conflict of interest exists when a faculty member's responsibility for teaching, research, or service is threatened or harmed because of an external relationship which directly or indirectly affects the financial interest of the faculty member, a family member, or associate. For the purposes of this policy, "family" includes but is not necessarily limited to spouse, domestic partner, children, parents, parents-in-law, siblings, and other relatives. Similarly, "associate" includes but is not necessarily limited to both business and domestic associates. In addition, a conflict of interest exists when a family member makes more than a de minimus use of university academic, administrative, or other resources, or influences university decisions in such a way that could or does lead to personal gain or improper personal advantage or advantage to a family member or associate.

Conflicts of commitment are defined as situations in which external activities of faculty members or staff members interfere or appear to interfere with their paramount obligations to their students, colleagues, and the University. Use of institutional resources for the purposes of consulting or other external activities without remuneration to the institution constitutes a conflict of commitment.

D. VIRGINIA STATE AND LOCAL GOVERNMENT CONFLICT OF INTEREST ACT

No information in this policy may supersede Virginia's State and Local Government Conflict of Interest Act. The current Act states that a potential conflict of interest exists whenever a faculty, administrative, or professional staff member has a significant personal (or family) financial interest in a business enterprise that could bias the design, conduct, or reporting of research or educational activities of the University. A financial interest is defined as anything of monetary value or benefit (other than salary paid by the University), including ownership, equity, intellectual property rights, and salary or other compensation. A significant personal or family financial interest is defined as more than three-percent ownership, equity, or intellectual property rights in a business enterprise, or income from other compensations, or benefits that exceed, or may be expected to exceed \$5,000 annually when aggregated for the staff member and any other person residing in the household.

E. DISCLOSURE AND REVIEW PROCESS

Each faculty or staff member participating in a sponsored project, program, service, or contract covered by this policy must disclose whether he or she has external affiliations that may constitute a conflict according to sections "C" or "D" of CNU's policy on Conflict of Interest and Commitment for Research and Sponsored Programs. A disclosure should be completed prior to the submission of a proposal from the University and must be completed prior to the University's acceptance of the sponsored project or issuance of a purchase order or subcontract for the acquisition of goods and services. It is the responsibility of the lead Project Director/Principal Investigator to make sure each member of the project team has read the Conflict of Interest and Commitment for Research and Sponsored Programs policy and has disclosed any real or potential conflicts of interest. Positive disclosures will be reviewed by a Conflict of Interest (COI) Review Committee. The Committee will be chaired by the Associate Provost, with other committee members consisting of the Dean of Social Sciences, Dean of Arts and Humanities, Dean of Natural and Behavioral Sciences, University Counsel or his/her designee, and one faculty member, appointed by the Provost, serving for two years and allowed one additional two-year reappointment at the discretion of the Provost.

In reviewing the positive disclosures, the COI Review Committee will be guided by the following practices and apply them as may be appropriate.

1. Assure adherence to relevant University and Commonwealth policies such as the University Handbook, Virginia Conflict of Interest Policy, Intellectual Property Policy, and other University policy as the Committee deems appropriate.
2. Consider the nature and extent of the financial interest in the relationship of the faculty or staff member and the external organization.

3. Give special consideration to the terms and conditions of sponsored project agreements that may mitigate or complicate the given situation.
4. Consult with and obtain additional information from the faculty and staff member as either the Conflict Review Committee or the faculty or staff member feel may be helpful in resolving actual or potential conflicts.
5. Act in a timely manner so as not to delay unduly the conduct of the sponsored project.
6. Conclude that the University may take one of the following actions:
 - Accept the sponsored project award.
 - Not accept the sponsored project award.
 - Accept the sponsored project subject to suitable modifications in either the sponsored project award document or the external organizational affiliation with faculty or staff.

F. APPEAL PROCESS

A faculty or staff member dissatisfied with the Conflict Review Committee's conclusion may appeal to the Provost who may consult with the faculty or staff member, the COI Committee, the Director of Sponsored Programs, and any others as deemed appropriate to the particular situation. The decision of the Provost shall be final.

G. NON-COMPLIANCE

Non-compliance with the conflict of interest policy or these procedures may result in the suspension or termination of a sponsored project. Non-compliance could also result in restrictions on faculty, staff, or other employees with respect to future proposal submissions as well as other sanctions in accordance with University policies or other State or federal laws and regulations.

H. REPORTING

Upon completion, copies of all conflict of interest forms submitted in connection with research and development relationships that are approved shall be filed with the University's Office of Sponsored Programs. The university will develop and maintain a file, available for public review, which will contain all approved relationships with applicable conflict of interest forms.

I. AUTHORITY

The University reserves the right to revise, change, or eliminate these regulations as necessary without notice.

J. APPENDIX

The following list of examples serves as a set of guidelines for identifying potential conflicts of interest and commitment. It is not intended as a comprehensive list of all potential situations that could present faculty or staff members and the University with difficulty.

1. ACTIVITIES INVOLVING SPONSORED PROJECTS THAT ARE CLEARLY PERMISSIBLE.

- a. Acceptance of royalties for published works and patents, or of honoraria for commissioned papers and lectures.
- b. Service as a consultant to outside organizations, provided that the time commitment does not exceed the then existing University policy, and that the arrangement in no way alters the faculty or staff member's commitments incurred in the University's execution of a sponsored agreement on the faculty or staff member's behalf or uses institutional resources without institutional remuneration.
- c. Service on boards and committees of organizations, public or private, that does not distract unduly from the faculty or staff member's obligations to the University or that does not interfere or appear to interfere with a faculty or staff member's ability to conduct work under sponsored agreements objectively.

2. ACTIVITIES INVOLVING SPONSORED PROJECTS THAT PRESENT A POTENTIAL FOR CONFLICT.

- a. Relationships that might enable a faculty or staff member to influence the University's dealing with an outside organization in ways leading to personal gain or improper advantage for the faculty or staff member, or his or her associates or family members. For example, a faculty or staff member or family member could have a financial interest in an organization with which the University does business and could be in a position to influence relevant business decisions. Ordinarily, making full disclosure of such relationships and making appropriate arrangements to mitigate potential conflicts would resolve such problems.
- b. Situations in which the time or creative energy a faculty or staff member may devote to external activities appear substantial enough to compromise the amount or quality of his or her participation in the instructional, scholarly, or administrative work of the University.
- c. Situations in which a faculty or staff member directs students into research area from which the faculty or staff member may realize a financial gain. In such situations, the ability of a faculty or staff member to render objective, independent judgment about the students' scholarly best interests may be diminished.

3. ACTIVITIES INVOLVING SPONSORED PROJECTS THAT ARE LIKELY TO PRESENT UNACCEPTABLE CONFLICTS.

- a. Situations in which a faculty or staff member assumes executive responsibilities for an outside organization that might seriously divert his or her attention from University duties. Faculty or staff members should consult with the appropriate dean

or supervisor before accepting any outside management position. Use for personal profit of unpublished information emanating from sponsored agreements or confidential University sources, or assisting an outside organization by giving it exclusive access to such information; or consulting with outside organizations that impose obligations upon the faculty or staff member of the University that conflict with the faculty or staff members or University's Intellectual Property Policy or with the University's obligations under sponsored projects.

- b. Circumstances in which a substantial body of research that could and ordinarily would be carried on within the University is conducted elsewhere to the detriment of the University and its legitimate interests.
- c. Any activity that a faculty or staff member may wish to undertake on an individual basis that: (a) involves or appears to involve the University significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, (b) involves the use of the University's name or implied endorsement, or (c) giving any outside organization the right to censor or prohibit publication rights for research, any part of which is performed under University domain.