**Teachers College Policy on Conflict of Interest and Conflict of Commitment (2013)**

**Background:**

The number, diversity, and complexity of relationships between institutions of higher education and members of their faculties and professional staffs on the one hand and private industry, government, and the nonprofit sector on the other hand have grown substantially in recent years. Such complex networks of relationships are likely to grow further in the years ahead. Indeed, the mission of Teachers College requires the engagement of the College and individual members of the College community in a wide range of relationships with individuals and organizations outside the College.

Teachers College recognizes that it is in its interest that faculty, in particular, have outside service, business, and professional interests. Outside interests and relationships, however, should enhance, not compromise, one’s role as a member of the Teachers College community and ability to meet one’s College responsibilities. In some instances, those outside interests and relationships can compromise the ability of faculty and staff members to fully meet their responsibilities to the College. First, financial and fiduciary incentives created by outside engagements may rise to the level where they conflict with incentives to meet obligations to Teachers College—a **Conflict of Interest**. Among the most serious **Conflicts of Interest** are those that might compromise the objectivity or integrity of research and scholarship, as well as those that might compromise the integrity of teaching and mentoring. Second, time and energy spent on outside obligations can take away from one’s resources devoted to Teachers College—a **Conflict of Commitment**.

The purpose of this policy on **Conflict of Interest** and **Conflict of Commitment** is to provide guidelines for entering into and conducting relationships in a manner that will protect the interests of the College, the integrity of the instructional and research programs of the College, and individual academic integrity.

All professorial, instructional, and professional staff members are required to comply fully and promptly with the disclosure and consultation provisions of this policy by annually reporting on **Outside Activities** and **Financial Interests** that could give rise to **Conflict of Interest or Commitment**. PHS and NSF grantees and applicants must provide additional disclosures, as described below. For PHS and NSF research, the disclosure and **Conflict** review process may also apply to certain consultant and subawardee **Investigators** who are not College employees.

Members of the Senior Staff of the College are held to the same disclosure and review process and are also subject to a separate **Conflict of Interest** policy for Trustees and Officers, which focuses on financial **Conflict of Interest** and the extensive disclosures required by the Internal Revenue Service.

The Provost is the officer responsible for interpreting and overseeing general implementation of and compliance with this Policy.

It is important that each question on the Disclosure Questionnaire be answered. An answer of “Yes” to any question does not in itself indicate the existence of **Conflict of Interest or Conflict of**

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1 See revision notes at the end of the policy.
Commitment. Rather, it is an indication that an activity and the related relationships need to be fully described so that an informed decision may be made to determine whether the activity or interest creates a Conflict and, if so, how the Conflict might be managed. If the answer to any question is yes, a separate Narrative Explanation Form for each outside business or activity interest, including the nature of any ownership or other economic interests, must be completed.

The Provost is expected to ensure that this policy is implemented with reasonable consistency across the College. To that end, after consultation with the Senior Staff, Department Chairs and Faculty Executive Committee, the Provost will develop mechanisms to facilitate the disclosure and consultation provisions of this policy. Toward that end, the Provost will appoint at least three faculty members to serve on an Advisory Committee on Conflict of Interest and Commitment (the “Advisory Committee”).

Disclosure Statements are reviewed by the reporting area Vice President’s designated contact:

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<th>Reporting Area</th>
<th>Vice President</th>
<th>Designated Contact</th>
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<tr>
<td>Academic Affairs</td>
<td>Tom James</td>
<td>Iraida Torres-Irizarry</td>
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<td>Finance &amp; Administration</td>
<td>Harvey Spector</td>
<td>Mary Rojas</td>
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<td>Development &amp; External Affairs</td>
<td>Suzanne Murphy</td>
<td>Scott Rubin</td>
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<td>Directly to the President (or other)</td>
<td>Susan Fuhrman or Scott Fahey</td>
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The responsible Vice President or the President determines if Conflict of Interest or Commitment exists and, if so, how that conflict might be managed. ² If he or she determines that Conflict does not exist then the Statement is filed and no further action is required.

If the Vice President or President believes that Conflict may exist, then the affected staff member will be contacted to discuss this concern.³ If, after discussion, it is determined that Conflict does exist, then the Vice President, President or a designee will confirm in writing to the affected staff member the measures to be employed to manage the Conflict. (In rare instances, it may be impossible to manage a Conflict, and it will need to be eliminated.)⁴ The staff member will normally be contacted within thirty (30) days from the due date if the disclosure form is promptly submitted and it is determined that a conflict may exist. (See “When disclosure is required,” below, for due dates.)

If remedial measures are not agreed upon then the Disclosure Statement and additional information as requested will be reviewed by the Advisory Committee. The review process is designed to protect confidential information to the degree permitted by law. The staff member will be contacted by the Provost with a final written decision concerning the conflict and procedures for managing it or any remedies. A staff member who wishes to appeal the Provost’s decision may present the appeal to the President.

² The Board of Trustees Audit Committee evaluates the President’s outside interests and reviews any Conflict involving senior staff and the five most highly compensated employees other than senior staff.

³ Where a procedure for managing Conflict has been established and the circumstances are unchanged, the same procedure may remain in place without the need for a meeting.

⁴ Remedial measures will generally include a requirement that research-related Conflict be disclosed in connection with any publications relating to the research.
Employees are subject to the regular disciplinary process of the College if they fail to fully and truthfully disclose *Financial Interests* which might pose *Conflict of Interest or Commitment*, or fail to comply with any plan for managing the disclosed *Conflict*. Given that the disclosure process was implemented in order to protect the interests and integrity of all College constituencies by clarifying fair and just practices involving College resources, the ability to receive annual salary increases, to employ students and pursue and maintain grants will be available only to employees who have completed and returned the Disclosure Statement.

**Definitions**

*Conflict of Interest.* *Conflict of Interest* arises if an individual’s outside interests could directly and significantly affect his or her Teachers College duties, including the duties of objectivity and integrity in the design, conduct or reporting of research. These circumstances may arise, for example, when one is in a position to influence any College business transactions, research, or other activity or decisions in a way that could lead to any manner or form of personal gain from any source, other than established compensation, for the *Employee*, or for his or her *Family* members.

*Conflict of Commitment.* A *Conflict of Commitment* is an outside activity, whether compensated or not, that could interfere with an individual’s effectively carrying out his or her College duties. *Conflict of Commitment* typically involves issues of time allocation or responsibility for outside activities.

*Employee* or *Staff member.* The terms *Employee* and *Staff member* includes all professorial, instructional and professional employees of the College, whether full-time or part-time.

*Family.* An individual’s *Family* includes any spouse or domestic partner, dependent children, or other family members living in his or her household.

*Financial Interest.* *Financial Interest* means the receipt or expectation of anything of monetary value, including salary or other payments for services (e.g., consulting fees or honoraria), equity or other ownership interests, and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The terms do not include salary, royalties or other remuneration paid directly by Teachers College to the individual submitting the disclosure. See “What Must be Disclosed,” below for further details of what *Significant Financial Interests* must be disclosed.

*Institutional Responsibilities.* *Institutional Responsibilities* include all duties on behalf of the College, including teaching, mentorship of students and other faculty and professionals, research, research consultation, teaching, administration and committee participation. Additional responsibilities may be set forth in the discloser’s job description, written communications to the discloser, and in College policies.

*Investigator.* An *Investigator* is the project director or *Principal Investigator* or any other person at the College, regardless of title or position, who is responsible for the design, conduct, or reporting of research being conducted or proposed for funding, including, in the case of PHS funding, collaborators and consultants.
"Outside Entity." An Outside Entity includes any corporation, partnership, sole proprietorship or other legal entity, whether organized for profit or not-for-profit. The term does not include the College or any other entity controlled by the College.

“Principal Investigator.” A Principal Investigator is any person designated as principal investigator or director on a research project. Where there are multiple principal investigators, or co-principal investigators, all persons so designated are considered Principal Investigators for purposes of this Policy.

“Sponsored Travel.” Sponsored Travel is travel paid on behalf of the individual or a member of his or her Family rather than reimbursed to the individual or a member of his or her Family so that the exact monetary value may not be readily available. If an individual buys a plane ticket and is reimbursed for it, it is Reimbursed Travel; if the individual is supplied with a plane ticket, given a seat on a chartered plane, or provided with lodging it is Sponsored Travel.

I. Conflict of Interest

All decisions made by professorial, instructional and professional employees of the College in the course of their professional responsibilities are to be made in a manner to promote the best interests of the College.

Conflict of Interest arises if an individual’s outside interests could directly and significantly affect his or her Teachers College duties, including duties of research integrity and objectivity. Accordingly, the College requires professorial, instructional and professional staff, and certain other individuals to disclose outside Financial Interests for review pursuant to this policy.

Who must disclose:

All professorial, instructional and professional staff as well as anyone else responsible for the design, conduct or reporting of research, must disclose their Significant Financial Interests (defined below) pursuant to this Policy.

In the case of research, this disclosure obligation applies to each Investigator, defined as any person, regardless of title or position, who is responsible for the design, conduct, or reporting of research, which may include, for example, collaborators or consultants.

When disclosure is required:

Disclosure is required within 30 days of commencing employment at Teachers College, and annually thereafter. Annual reporting covers the calendar year from January 1 through December 31, and is required no later than March 1 of each year. For PHS and NSF grantees and applicants and where new Significant Financial Interests arise, additional disclosures are also required as described below.

If an individual has a new or not previously disclosed Significant Financial Interest relating to any transaction or proposed transaction involving the College, he or she shall, as soon as he or she knows of the transaction: (1) disclose fully in writing the precise nature of his or her interest in such transaction to the Provost or responsible Vice President, and (2) refrain from participation...
(including acting individually or as a member of a committee or other group) in the College’s consideration of any proposed transaction unless expressly permitted in writing to do so by the Provost or President. Whenever a previously disclosed Significant Financial Interest has changed significantly, or a new Significant Financial Interest has been acquired, an update to the Conflict of interest disclosure is required within 30 days.

Because additional disclosure requirements pertain to Investigators applying for or receiving NSF or PHS awards, the PI and all Investigators must confirm and update their disclosures prior to applying for such awards or for competitive renewal of such awards and upon notice of receipt of such awards.

The Principal Investigator (PI) of a research project is responsible for providing an accurate and complete list of all Investigators, including any subcontractors or independent contractors on a PHS-funded project, and then ensuring that:

1. all Investigators on the project disclose under this Policy prior to submitting an application for funding or submitting a protocol for IRB review;
2. no one engages in the research as an Investigator without disclosure and either an institutional determination that no Conflict exists, or, if a Conflict is found, compliance with the corresponding management plan; and
3. for Investigators who begin work on the project after the application or protocol is submitted, that disclosure and resolution of any Conflict is completed prior to engaging in the research.

What must be disclosed – “Significant Financial Interests”:

Individuals must disclose all Significant Financial Interests related to their Institutional Responsibilities. Institutional Responsibilities include all duties on behalf of the College, including teaching, mentorship of students and other faculty and professionals, research, research consultation, teaching, administration, and committee participation. Additional responsibilities may be set forth in the discloser’s job description, written communications to the discloser, and in College policies.

The Significant Financial Interests are listed below. The discloser must take into account the Financial Interests of all or his or her Family members (as defined above).

1. Any remuneration from, and any equity interest in, an Outside Entity:
   - For publicly traded entities, if the value of any equity interest in the entity as of the date of disclosure, when aggregated with either the value of any remuneration received from the entity in the twelve months preceding the disclosure or the value of any remuneration expected to be received from the entity in the next twelve months, 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, with value determined through reference to public prices or other reasonable measures of fair market value.

• For non-publicly traded entities, if the value of any remuneration received from the entity in the twelve months preceding the disclosure exceeds $5,000, or if there is any equity interest (e.g., stock, stock option, or other ownership interest) regardless of value. 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.

2. Gifts (including travel, meals, entertainment or other benefits) from TC vendors or contractors valued at more than $100.

3. **Sponsored Travel** or **Reimbursed Travel** if the value of the travel provided by any third party exceeds $5,000 within the twelve months preceding the disclosure.

4. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income greater or equal to $5,000 related to such rights and interests.

5. A trustee, director, managerial or other fiduciary position in a **Outside Entity**.

As appropriate, the College will determine if further information is needed in order to determine whether the **Financial Interest** constitutes a **Conflict of Interest**.

Exceptions: The term **Significant Financial Interest** does not include the following types of **Financial Interests**:

1. salary, royalties, travel expenses or other remuneration paid by the College to the discloser if the discloser is currently employed or otherwise appointed by the College, including intellectual property rights assigned to the College and agreements to share in royalties related to such rights.

2. income from investment vehicles, such as mutual funds and retirement accounts, as long as the discloser does not directly control the investment decisions made in these vehicles.

3. income of less than $20,000 during the prior twelve months from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, an **Institution of Higher Education** as defined at 20 USC §1001(a), or an academic teaching hospital, medical center, or research institute affiliated with an **Institution of Higher Education**.

4. income of less than $20,000 during the prior twelve months from service on advisory committees or review panels for a Federal, state, or local government agency, an **Institution of Higher Education** as defined at 20 USC §1001(a), or an academic teaching hospital, medical center, or research institute that is affiliated with an **Institution of Higher Education**.
Additional disclosure requirements for PHS and NSF-funded applicants and Investigators:

1. Intellectual property rights (e.g., patents, copyrights), regardless of receipt of income related to such rights, if the value of those rights could reasonably appear to be affected by proposed or funded research.

2. For publicly traded companies, any equity interest of greater than 5% in a single entity.

Consideration of Disclosures

The Provost, appropriate Vice President or President (or designee) shall consider each disclosure and determine whether any disclosed Significant Financial Interests are related to the discloser’s Institutional Responsibilities, and if so, whether they constitute Conflict of Interest. For a discloser who is an Investigator in a current or proposed research project, the Provost or his designee shall determine whether any disclosed Significant Financial Interests are related to the research project, and if so, whether they constitute Conflict of Interest as to that research project. Guidelines for determining relatedness and Conflict are provided below.

Guidelines for Determining Relatedness and Conflict of Interest

Significant Financial Interests are related to Institutional Responsibilities or activities (including the design, conduct or reporting of research) when the Significant Financial Interests could reasonably be affected by the responsibilities or activities or is in an entity whose Financial Interest could reasonably be affected by the activities. Conflict of Interest exists when Significant Financial Interests reasonably could directly and significantly affect the discloser’s Institutional Responsibilities or activities.

Management of Conflicts

For each identified Conflict, the Provost, with counsel from the Advisory Committee shall develop a management plan to address the Conflict, which can include reducing or eliminating the Conflict to ensure, to the extent possible, that the institutional activity and/or research will be free from bias. The Provost shall engage with the discloser so as to develop a management plan that is reasonably acceptable to the discloser while meeting the requirements of this paragraph. The conflicted activity should not be permitted to go forward in the absence of a mutually acceptable management plan. Each management plan must include a component specifying how adherence to the plan will be monitored.

For Investigators with Conflict of Interest that pertains to sponsored or human subjects research project, the management plan must be in place and implemented, as applicable, prior to the Investigator engaging in research activities. With regard to PHS-funded research, no expenditures of funds may be made prior to completion of analysis of all disclosures of the Investigators and implementation of management plans for all identified Conflict.

See Appendix A, 42 CFR 50.605.
As provided above, if an **Investigator** is new to a research project, or acquires a new **Significant Financial Interest** is, he or she must make disclosure within 30 days of joining the project or acquiring the interest. The Provost, assisted by the **Advisory Committee**, will conclude review and implement any management plan if required, at least on an interim basis, within sixty (60) days after a disclosure by a new **Investigator** or an updated disclosure of an existing **Investigator**.

**Public Disclosure of Conflicts in PHS-Sponsored Research**

Prior to the expenditure of any funds under a PHS-sponsored research project, the College shall ensure public accessibility via written response to any requestor within five business days of a request, of information concerning any financial **Conflict of Interest** of senior/key personnel®, including the **Investigator**’s name and title, role in the research project, and a description of the **Financial Interest** as required by federal regulation.

**Noncompliance**

As set out above, the regular disciplinary procedures of the College apply to violations of this policy.

Whenever, in the context of PHS-funded research, an **Investigator** has not disclosed a **Significant Financial Interest** in a timely manner is, or an **Significant Financial Interest** has not been reviewed promptly by the College, review and analysis must take place without further delay. Review and analysis will be concluded, and, if a **Conflict** is found, interim implementation of an appropriate management plan must be carried out within 60 days of the discovery. If a **Conflict** of interest was not identified or managed in a timely manner, or the management plan was not adhered to, the College shall within 120 days complete a retrospective review of the relevant research activities consistent with federal regulations to determine whether there was bias in the research. The results of that review must be reported to PHS.

**Training on Conflicts of Interest:**

All faculty and professional staff must complete training pertaining to **Conflict of Interest**. For **Investigators** applying for or receiving PHS awards, completing PHS training on its regulations together with reading this Policy will satisfy the requirement. Such **Investigators** should take the training on the [PHS website](https://www.pHS.gov) and submit to Iraida Torres-Irizarry the PHS Training Certificate, along with an email stating that the **Investigator** has read this Policy in its entirety. Such training and submission of the certificate and email must be completed prior to engaging in new PHS-funded research, at least every four years thereafter, and whenever (a) College COI policies or procedures are revised in a manner that impacts **Investigators**, or (b) the **Investigator** is not in compliance with either this policy or a **Conflict of Interest** management plan. Employees not engaged in PHS funded research, must review this policy and certify that they have done so when completing their disclosures.

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® Senior/key personnel means the **Principal Investigator**, Project Director, and any other person identified as senior/key personnel in the grant application, progress report, or any other report submitted to the PHS.
Subawards

For sponsored research carried out in part through subawards, the subawardee will enter into a written agreement with Teachers College stating how the subawardee will manage Conflict of Interest, either through its own policy or by using Teachers College’s policy.

In the case of PHS-sponsored awards, these provisions will be incorporated into the subaward document and will comply with PHS requirements for COI subaward clauses. Subawardee Conflict of Interest must be reported to the PHS along with TC Conflict of Interest. See 42 C.F.R. 50.604(c).

Reporting

For sponsored research, identified Conflict of Interest will be reported to sponsors consistent with sponsor requirements, as set forth in federal or state regulations or sponsored research agreements.7

Recordkeeping

Records of disclosures must be kept for at least five years from the date of disclosure. For disclosures related to sponsored project funding, all records shall be maintained for at least three years from the date of submission of the final expenditures report, or as otherwise required by federal regulations or the sponsored funding agreement. For purposes of this paragraph, the records to be maintained include disclosures, records of institutional review, management plans, records of compliance with the management plan, and reports.

II. Conflicts of Commitment

Employees of the College owe their primary professional allegiance to the College, and their primary commitment of time and intellectual energies should be to the administrative, instructional and research programs of the College.

At the same time, professorial staff of the College, in particular, are encouraged to become involved in the transfer of knowledge from the College environment into the commercial and noncommercial marketplace. It is an appropriate role for the College to facilitate the transfer of the knowledge gained through academic research and scholarship to applications that can benefit the general population. Experience gained in the course of outside professional activities can enhance the work of the professorial staff member within the College and further the mission of the College. However, an outside activity that interferes with any staff member’s capacity to meet his or her responsibilities to the College is a Conflict of Commitment.

Appointment as a full-time professorial staff member or an instructional staff member of the College requires a primary commitment of expertise, time, and energy in furtherance of the privileges and obligations of the appointment and the mission of the College, including the pursuit of teaching, scholarship, and research. Professorial staff members are expected to participate in the governance of the College, the formulation of academic policy, and the determination of the

7 See appendix A, 42 CFR 50.605(b)(3).
intellectual directions and academic priorities of the College. Professorial and instructional staff members have an obligation to have a significant presence on campus, to be accessible to students and staff during regular business hours, to coordinate work and availability with colleagues and department chair, and to be available to interact with College colleagues throughout every semester during which they are on active duty, unless the Provost and department chair have granted specific prior approval to the contrary.

Full-time professional staff members are compensated for full-time employment; outside employment or other activities, whether compensated or not, that interfere with the performance of Teachers College duties and responsibilities, represent a Conflict of Commitment.

Part-time instructional and professional staff members may also have other commitments so extensive that they represent Conflict of Commitment.

Who must disclose:

All professorial, instructional and professional staff who are categorized as full-time or scheduled to work twenty or more hours per week in one or more positions must disclose other employment or consulting work pursuant to this Policy.

When disclosure is required:

Disclosure is required within 30 days of (a) commencing employment at Teachers College, and annually thereafter, and (b) a significant change in an outside commitment or acquisition of a new commitment. Conflict of Commitment reporting takes place on the same schedule.

What must be disclosed:

Individuals must disclose all significant outside employment and consulting work to the extent not already disclosed under the Conflict of Interest policy.

Determining whether a Conflict of Commitment exists in the case of professorial staff of the College is often complicated both because the work of professorial staff is less consistently scheduled, visible, and separable from outside activities and because in many cases the outside work conducted by faculty can further the mission of the College. This situation places additional monitoring responsibilities on individual professorial staff members, department chairs, and the Provost. In seeking to manage or avoid Conflict of Commitment, professorial staff members, department chairs, and the Provost will be guided by the following considerations:

A. Conflicts of commitment can involve issues of time allocation.

Whenever an individual professorial staff member's outside activities exceed one (1) calendar day per week during any semester in which they are on active duty, the question of a Conflict of Commitment must be discussed with the department chair and the Provost. See “Consideration of Conflicts” above.

B. Conflicts of commitment can involve issues of the level of responsibility a professorial staff member may have for outside activities. Directing a research center or a program of research or
scholarship at another institution, assuming a significant management role involving the supervision of others in a private enterprise, or undertaking a major directing role in pro bono government service, are examples of activities that can each create a Conflict of Commitment. Involvements of these types must be considered carefully and discussed with the department chair and the Provost.

Professorial staff participation in outside activities that involve excessive time allocations, significant levels of responsibility, or Conflict or competition with the mission and programs of the College shall be permitted only upon the written approval of the Provost.

**General Considerations relevant to Conflict of Interest and/or Conflict of Commitment**

**A. Free and Open Exchange of Research Results**

The integrity of the College as a community of scholars requires the free and open exchange of ideas and the results of scholarly activities. This requires professorial staff, in particular, to maintain an atmosphere free from unwarranted external influences. Students and collaborators must be able to pursue topics of interest, have access to available information and facilities, and be able to communicate the results of their work to other scholars and the public. Therefore, professorial staff must ensure that:

1. the results of research or scholarship undertaken at the College are disseminated in an open and timely basis to the broader scholarly community and public;

2. the activities of students and other scholars are free from the personal commercial or other interests of the professorial staff involved;

3. the work of students, staff, and other scholars and collaborators is not exploited in the course of fulfilling outside obligations.

Accordingly, professorial staff must disclose to the Provost their involvement with and obligations to outside third parties who could benefit from the work or ideas of their students, staff, and colleagues. Similarly, students, staff, and colleagues must have access to information about the sources of funds that support their research.

**B. Appropriate Use of College Resources, including Facilities, Personnel, Equipment, and Information**

Employees may not use College resources, including facilities, personnel, equipment, or information, except in a purely incidental way, as part of outside consulting activities or for any other non-College purposes. Inappropriate use of College resources includes the following:

1. assigning students, staff, or other scholars College tasks for the purposes of potential or real gain, whether financial or otherwise, of the professorial staff member or professional staff rather than the advancement of the scholarly field or the students' educational needs;

2. involvement of students or staff in outside consulting or business activities without prior written approval of the Provost;
3. providing preferential access to research results, materials, or products generated from College teaching or research activities to an *Outside Entity* for personal gain, whether financial or otherwise;

4. granting access to external entities to College resources or services for purposes outside the College's mission, or offering inappropriate favors to outside entities in an attempt to unduly influence them in their dealings with the College;

5. using for personal gain, or granting unauthorized access to others of, confidential information acquired through conduct of College business or research activities.

**C. Activities that are Routinely Allowable Without Disclosure Under this Policy**

The following activities that have traditionally occurred without detriment to the College or its mission are allowed without the need for disclosure:

1. receiving royalties for published scholarly works and other materials, so long as royalties total less than $5,000 per year per publisher.

2. unpaid membership in or service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts, or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books; and service to accreditation bodies,

3. requiring or recommending one’s own textbook or other teaching aids, materials, software, equipment, or the like to be used in connection with College instructional programs.

**D. Compliance**

All *Employees* are required to comply fully and promptly with the disclosure and consultation provisions of this policy. The Provost is the officer responsible for interpreting and overseeing general implementation of and compliance with this policy. The Provost is expected to ensure that this policy is implemented with reasonable consistency across the College.

*Revision notes:*

*This policy was published in interim form on August 23, 2012 to ensure compliance with changes in federal law. It became effective on August 24, 2012, for researchers with grants or pending applications for grants from the U.S. Public Health Service or National Science Foundation and on January 1, 2013 for other faculty, instructional and professional staff.*

*As set out in the August 23 policy, the current policy made these changes to prior TC policy:*

- Acknowledges that *Conflict of Interest* is inevitable in a complex educational, research and service environment.

- Requires the disclosure of all outside interests that might result in *Conflict of Interest.* This permits impartial persons, rather than the potentially conflicted individual, to identify any *Conflict of Interest.*
• Eliminates the confusing distinction between “actual conflicts” and “potential conflicts” by defining a Conflict of Interest as any situation in which an individual’s outside interests could directly and significantly affect his or her research or other College duties.

• Focuses on the disclosure and management of Conflict rather than an unrealistic and misguided effort to eliminate them.

• Acknowledges that the Committee on Conflict & Commitment has not met in recent years, and substitutes more efficient procedures designed expedite review and further compliance while protecting the legitimate interests of members of the College community.

• Provides more detailed guidance on what must be disclosed.

• Outlines additional obligations of individual who have or apply for Public Health Service (PHS), including CDD, FDA, NIH and SAMHSA, and NSF grants.

The policy was reviewed with the Faculty Executive Committee and the Audit Committee of the Board of Trustees during Fall 2012. It was approved by the Audit Committee, which authorized the Provost to make technical changes before finalizing it. The original interim policy was modified on November 27, 2012, February 12, 2013 and March 7, 2013. The modifications were technical with one exception, which raised the threshold for required reporting certain travel in light of new regulatory guidance.

Responsible office: Office of the Provost
Appendix A: Key regulations relevant to this policy.

**42 CFR 50.605: Management of conflicting interests.**

(a) The designated official(s) must: Review all financial disclosures; and determine whether a conflict of interest exists and, if so, determine what actions should be taken by the institution to manage, reduce or eliminate such conflict of interest. A conflict of interest exists when the designated official(s) reasonably determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the PHS-funded research. Examples of conditions or restrictions that might be imposed to manage conflicts of interest include, but are not limited to:

1. Public disclosure of significant financial interests;
2. Monitoring of research by independent reviewers;
3. Modification of the research plan;
4. Disqualification from participation in all or a portion of the research funded by the PHS;
5. Divestiture of significant financial interests; or
6. Severance of relationships that create actual or potential conflicts.

(b) In addition to the types of conflicting financial interests described in this paragraph that must be managed, reduced, or eliminated, an Institution may require the management of other conflicting financial interests, as the Institution deems appropriate.

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**42 CFR 50.605(b)(3): Reporting of financial conflicts of interest**

Any FCOI [Financial Conflict of Interest] report required under paragraphs (b)(1) or (b)(2) of this section shall include sufficient information to enable the PHS Awarding Component to understand the nature and extent of the financial conflict, and to assess the appropriateness of the Institution's management plan. Elements of the FCOI report shall include, but are not necessarily limited to the following:

(i) Project number;
(ii) PD/PI or Contact PD/PI if a multiple PD/PI model is used;
(iii) Name of the Investigator with the financial conflict of interest;
(iv) Name of the entity with which the Investigator has a financial conflict of interest;
(v) Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium);
(vi) Value of the financial interest (dollar ranges are permissible: $0–$4,999; $5,000–$9,999; $10,000–$19,999; amounts between $20,000–$100,000 by increments of $20,000; amounts above $100,000 by increments of $50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value;
(vii) A description of how the financial interest relates to the PHS-funded research and the basis for the Institution's determination that the financial interest conflicts with such research; and
(viii) A description of the key elements of the Institution's management plan, including:
   (A) Role and principal duties of the conflicted Investigator in the research project;
   (B) Conditions of the management plan;
   (C) How the management plan is designed to safeguard objectivity in the research project;
   (D) Confirmation of the Investigator's agreement to the management plan;
   (E) How the management plan will be monitored to ensure Investigator compliance; and
   (F) Other information as needed.