

SIENA COLLEGE

CONFLICT OF INTEREST AND COMMITTEMENT POLICY PERTAINING TO SPONSORED PROJECTS

SUMMARY: *This policy sets forth procedures and guidelines that are to be followed in resolving actual and potential conflicts of interest and commitment pertaining to sponsored projects. This policy applies to all sponsored projects including those funded by (A) commercial sponsors, (B) those federal agencies having specific conflict of interest requirements, and (C) purchase orders and subcontracts issued by Siena College under its sponsored projects irrespective of the source of funds.*

For the purposes of this policy, a potential conflict may fall under two separate categories: *Conflicts of Interest* or *Conflicts of Commitment*.

A **Conflict of Interest** occurs when there is a divergence between an investigator's private interests and his or her professional obligations to the College such that an independent observer might reasonably question whether the investigator's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the investigator.

A **Conflict of Commitment** is defined as a situation in which an investigator's external activities interfere or appear to interfere with their paramount obligations to their students, colleagues, and the College.

The term "investigator" means the principal investigator, co-principal investigators, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by a sponsored agency.

The term family member includes your spouse, parents, grandparents, brothers and sisters (whether whole or half-blood), children (whether natural or adopted), grandchildren, great grandchildren, and spouses of brothers, sisters, children, grandchildren and great grandchildren.

In those circumstances in which the College 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 College's sponsored projects, a conflict of interest may occur when a investigator's affiliation with the external organization meets any one of the following criteria:

1. The investigator is an officer, director, partner (general or limited), trustee, employee, advisory board member, agent or regular retained consultant of an external organization or corporation either funding a sponsored project or providing goods and services under a sponsored project on which the investigator is participating in any capacity.
2. The investigator is the actual or beneficial owner of any of the voting stock or controlling interest of such organization or corporation.

3. The investigator has dealings with such organization or corporation from which he or she derives income including dividends, interest and capital gains or losses.
4. The investigator's family member meets any of the criteria stated in 1-3 above.

Each investigator participating in a sponsored project covered by this policy must disclose whether or not he or she has external affiliations that may constitute a conflict by falling within the criteria stated in paragraphs 1-3 above. A disclosure must be completed prior to the College's acceptance of the sponsored project or issuance of a purchase order or subcontract for the acquisition of goods and services. The *Disclosure Statement Form* (Appendix A) is to be sent to the Office of Government and Foundation Relations via the investigator's department supervisor, chair or dean. Positive disclosures will be reviewed by the Assistant Vice President for Academic Affairs (AVP), the Vice President for Academic Affairs (VPAA), Assistant Vice President of Finance and Administration, and the College Counsel.

If an investigator discloses that a potential conflict exist, he or she must discuss with the appropriate College personnel listed above the proposed measures that will be taken to manage, reduce, or eliminate any actual or potential conflicts. In reviewing positive disclosures, College personnel will be guided by the following practices and apply them as may be appropriate:

1. Assure adherence to relevant College policies such as the External Grants Policies and Procedures Manual, the Faculty Handbook and other pertinent College documents deemed appropriate.
2. Consider the nature and extent of the financial interest in the relationship of the investigator 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 investigator 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 College may take one of the following actions:
 - a. Accept the sponsored project award.
 - b. Do not accept the sponsored project award.
 - c. Accept the sponsored project subject to suitable modifications in either the sponsored project award document or the external organizational affiliation(s) of the investigator or investigator's family member.

If the investigator is dissatisfied with the conclusion, he or she may appeal to the committee which includes the VPAA, College Counsel and Risk Officer who will consult with the investigator and other pertinent College officials as the committee deems necessary and appropriate to the particular circumstance. The decision of the committee shall be final.

Violations of this policy, such as willful concealment of financial interests, may result in sanctions being imposed upon the violating investigator. The Assistant Vice President for Academic Affairs in consultation with appropriate College officials will review allegations of violations and will make

recommendations regarding the imposition of sanctions to the VPAA. The decision of the VPAA with regard to the imposition of sanctions shall be final. In addition, the College shall follow Federal regulations regarding the notification of the sponsoring agency in the event the investigator has failed to comply with this policy. The sponsor may take its own action as it deems appropriate, including the suspension of funding for the investigator until the matter is fully resolved.

The Office of Government and Foundation Relations shall maintain the records pertaining to each disclosure in strict confidence. Records of disclosures and of actions taken to manage actual or potential conflicts shall be retained by the AVP until 3 years after termination or completion of a sponsored grant award. Access to such records will be limited to the investigator involved, the Assistant Vice President for Academic Affairs and the Vice President for Academic Affairs, and others who have a legal right to review the records.

As of August 24, 2012, for all PHS supported research, details of specific financial conflicts are required to be disclosed to any individual that requests this information.