



Conflict of Interest- Sponsored Programs

Policy Number:	AA-09-001
Policy Administrator:	VP of Administration & Finance and The Provost & VP for Academic Affairs
Policy Initiator:	Dean of Extension Services
Authority:	Title 42 CRF Part 50 Subpart F, & Title 45 CFR Part 94 (Research Contracts), Uniform Guidance 2 CFR 200, California Code of Regulations Title 2 Section 18755, & CSU Executive Order 890
Effective Date:	January 2015
Revised Date:	June 2016
Approved:	President Thomas A. Cropper
Approval Signature:	/s/

Purpose:

This Policy establishes the process and responsibility to comply with conflict of interest regulations related to the Principal Investigator (PI), students, and research staff engaged in sponsored programs activities.

Scope:

California State University Maritime Academy (Cal Maritime) is responsible for ensuring that Sponsored Program funding received by the university is managed and spent according to the terms and conditions of the sponsor, as well as the policies and regulations applicable to Cal Maritime. This extends to our responsibility to ensure that sponsored programs funding is expended without financial conflicts of interest.

Accountability:

The Dean of Extension Services is delegated the responsibility to ensure compliance with federal, state, and Cal Maritime regulations regarding the disclosure, filing, and resolution of conflicts of interest related to sponsored programs.

Policy:

Cal Maritime requires PIs and key personnel on a sponsored project to complete a disclosure form before expenses can be charged to an award. PIs are required to disclose a list of significant financial interests that could be reasonably expected to bias the design, conduct, or reporting of the project.

In addition, as required by the California State University(CSU) Conflict of Interest policy, Cal Maritime requires the annual completion of a Statement of Economic Interests Form 700, for all university positions whose decisions “may foreseeably have a material effect on financial interests” of the University. Some faculty and MPPs at Cal Maritime may be required to complete both a project specific disclosure form for Sponsored Programs and a statement of economic interests form for Human Resources.

For all non-NIH awards, PIs who are employed by the University must complete the CSU Ethics and Conflict of Interest Training within 6 months of receiving an award. For NIH awards, the training should be completed before expenditures are charged to the award. Subsequent training is required at least once each consecutive period of two calendar years that the award is in place.

A. Sub-Recipients

1. Cal Maritime requires sub-recipients to identify whether they will follow Cal Maritime's Financial conflict of interest (FCOI) policy, or if they have their own in place; if following their own FCOI policy, they must also verify that their policy complies with all appropriate regulations.
2. Cal Maritime requires that the sub-recipient report identified FCOI's for its PIs within a timeframe that in turn allows Cal Maritime to report FCOIs to the appropriate funding agency.

B. Retrospective Review

If a Significant Financial Interest is discovered that was not disclosed in a timely manner by a PI or failure by Cal Maritime to review or manage an interest, the Dean of Extension Services has 60 days to determine if the disclosure constitutes a Conflict of Interest.

C. Resolution Plan

1. If a conflict of interest appears to be present, the campus review committee (Dean of Extension Services, PI's department administrator, and the AVP of Human Resources, Diversity & Inclusion, and Administration) shall determine what conditions or restrictions, if any, should be imposed on the research or PI in order to manage, reduce, or eliminate the conflicts.
2. The committee may consult with the PI and others to develop a plan to resolve any real or apparent conflict of interest issues. The committee shall then recommend that the University take one of the following actions: (1) acceptance of the award, (2) withdrawal of the proposal or disapproval of acceptance of the award, or (3) acceptance of the award subject to modifications in either the proposal or in the external affiliations or economic interests of the PI. Recommended actions to resolve conflicts may include:
 - a. Public disclosure of significant financial interests
 - b. Monitoring of research by independent reviewers
 - c. Modification of the research plan
 - d. Disqualification from participation in the portion of the project that is affected by the significant financial interest
 - e. Divestiture of significant financial interests
 - f. Severance of relationships that create actual or potential conflicts
3. The Resolution Plan must be in writing and approved by the Provost and VP for Academic Affairs and must be implemented prior to the award being activated.
4. If required by the sponsoring agency, prior to the expenditure of funds, the Dean of Extension Services will notify the sponsoring agency of the existence of an FCOI (but not the nature of the interest) and provide assurance that the conflict has been managed, reduced, or eliminated.
5. The PI will affirm in writing that he/she agrees to comply with the condition(s) and/or restriction(s) imposed by the Dean of Extension Services, PI's department administrator and the PI himself/herself, within ten (10) days of receiving the determination letter or management plan.

D. Documentation and Records Maintenance

Cal Maritime's HR Department will maintain records of all financial disclosures and of all actions taken to resolve financial conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any federal action involving those records, whichever is longer.

E. Related Documents

1. [Disclosure of Financial Interests Certification Form](#)
2. [California Form 700 U-Statement of Economic Interest for Principal Investigators](#)
3. [Title 42 Code of Federal Regulations \(CFR\) Part 50 Subpart F](#)
4. [Title 45 CFR Part 94 \(Research Contracts\)](#)
5. [Uniform Guidance 2 CFR 200](#)
6. [California Code of Regulations Title 2 Section 18755](#)
7. [CSU Executive Order 890](#)
8. [CSU HR Coded Memo HR 2015-05](#)

F. Forms

1. Disclosure of Significant Financial Interest

a. Federal Awards:

Cal Maritime uses a form entitled Disclosure of Financial Interests Related to Projects Sponsored by NSF, PHS, or other Agencies Adopting the Federal Requirements that is mandatory for all PIs who submit proposals to the National Science Foundation (NSF), the Public Health Service (PHS), or to other sponsors that have adopted the federal requirements for financial disclosure.

b. Non-Federal Awards:

Cal Maritime uses California Form 700 U (Statement of Economic Interest for Principal Investigators) for disclosure of financial interest for all non-federal sponsors. Excluding non-federal sponsors who have adopted the federal requirements for financial disclosure.

2. Disclosure Exemption Policy

a. Non-governmental Entities Exempt from Disclosure requirements: PIs are not required to complete a disclosure form if their project is sponsored by a non-governmental agency listed. See "Conflict of Interest Procedures, Appendix A".

b. PIs are not required to complete a disclosure form if their project is funded by internal Cal Maritime funds.

3. Conflict of Interest Form Submission Timeline

a. Federal Sponsors:

1. At the time of proposal submission
2. Annually, during the period of the award or
3. Within 30 days of discovering or acquiring a new FCOI

b. Non-Federal Sponsors:

1. Before final acceptance of contract or grant
2. Annually, during the period of the award

4. Requirements Specific to PHS Funds

See Procedures

G. Roles and Responsibilities

1. PI:

During proposal development will submit a Disclosure of Financial Interests Form for Federal proposals or a 700U for non-federal proposals to the Dean of Extension Services or his/her designee. These forms are used to disclose a financial conflict that might affect the outcome of the funded research. The PI will also:

- a.** Notify Sponsored Programs (SP) immediately of any change in disclosure
- b.** Assist SP in obtaining disclosure forms from key project personnel and if necessary assist with obtaining verification of disclosure forms from sub-contract personnel
- c.** Work with the Dean of Extension Services to develop a plan of action to address a conflict of interest if one exists.

- d. Take the Ethics and Conflict of Interest Training prior to expending any funds and per policy.
 - e. Keep the original Certificate of COI Training.
- 2. Key Personnel:**
- Will submit a Disclosure of Financial Interests Form for Federal proposals or a 700U for non-federal proposals to the Dean of Extension Services or his/her designee. These forms are used to disclose a financial conflict that might affect the outcome of the funded research. This individual will:
- a. Notify SP immediately of any change in disclosure.
 - b. Work with the Dean of Extension Services to develop a plan of action to address a conflict of interest if one exists.
 - c. Take the Ethics and Conflict of Interest Training prior to expending any funds and per policy.
 - d. Keep the original Certificate of COI Training.
- 3. Sponsored Programs (SP) staff:**
- a. Ensure that FCOI disclosure forms are completed for all proposals and awards as required.
 - b. Contact HR with a list of names and email addresses to setup SkillSoft Ethics and COI Training.
 - c. Ensure that appropriate FCOI documentation procedures are being followed
 - d. Identify PIs who have received non-governmental awards and verify they have completed requirements.
- 4. Dean of Extension Services or designee**
- Will perform the initial review of all Disclosures of Financial Interest and:
- a. Determine whether a PI's SFI is a conflict of interest.
 - 1. If a faculty member reports no financial interests, the form will be filed and no further action required.
 - 2. If a SFI is reported, Dean of Extension Services will review the form to determine if a COI exists.
 - b. Develop a resolution strategy with the PI to manage, eliminate, or reduce conflicts of interest.
 - c. Take necessary action to manage FCOI's, including those of sub-recipient PIs and monitoring a PI's compliance with the established Resolution Plan through completion of the project.
 - d. Serve as liaison to federal agencies regarding unresolved financial conflicts of interest.
 - e. Participate as a member of the Conflict of Interest Resolution Committee.
 - f. Contact the CSU Office of General Counsel when legal questions arise related to an identified conflict of interest.
- 5. PI's Department Administrator**
- Will participate as a member of the Conflict of Interest Resolution Committee.
- 6. CSU Office of General Counsel:**
- Will review the plan with the Dean of Extension Services and provide assistance with any legal questions if a plan of action to address a financial conflict of interest has legal ramifications.
- 7. Human Resources staff:**
- a. Send the individual an email notification reminding them of their ethics training obligations and watch for an email from Skill Soft.
 - b. Follow up with PI for a copy of the Certified COI Training document.

H. Definitions

1. Conflict of interest (COI):

An actual or potential interest that could directly and substantially (as determined by the Dean of Extension Services and/or his/her designee), affect the design, conduct, or reporting of funded research, or of scholarly and/or educational activities funded under external grants, contracts, or cooperative agreements. COIs can be financial (FCOI) or obligatory (OCOI) in nature.

2. Financial conflict of interest (FCOI):

A financial interest that could directly and substantially affect the design, conduct, or reporting of funded research or scholarly and/or educational activities funded under external grants, contracts, or cooperative agreements.

3. FCOI report:

Cal Maritime's report of a financial conflict of interest to a funding entity.

4. Governmental agency:

Any governmental agency that has promulgated regulations or policies requiring PI financial disclosure or requiring institutional conflict of interest policies relating to the receipt of grants or contracts.

5. Obligatory interest (OCOI):

A relationship (regardless of compensation) that involves a responsibility or commitment to an external entity, including but not limited to being a founding member of that entity, or holding a scientific advisory position, or a governing board membership.

6. Significant financial interest:

a. A financial interest consisting of one or more of the following interests of the PI (and those of the PI's spouse and dependent children) that reasonably appears to be related (associated with a common idea or practice) to the PI's institutional responsibilities. The term means anything of monetary value, including, but not limited to:

1. Salary or other payments for services (e.g., consulting fees or honoraria)
2. Equity interest (e.g., stocks, stock options, or other ownership interests)
3. Intellectual property rights (e.g., patents, copyrights, and royalties from such rights)

For PIs funded by the National Science Foundation (NSF), significant financial interest includes a de minimis threshold of \$10,000.

For PIs funded by the Public Health Service (PHS), significant financial interest includes a de minimis threshold of \$5,000 for disclosure which generally applies to payments for services and equity interests. This includes any equity interest in non-publicly traded entities

b. The term significant financial interest ***does not include*** the following types of interests:

1. Salary, royalties or other remuneration from the applicant institution
2. Any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program
3. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
4. Income from service on advisory committees or review panels for public or nonprofit entities;
5. An equity interest that, when aggregated for the PI and the PI's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity.
6. Salary, royalties or other payments that when aggregated for the PI and the PI's spouse and dependent children, are not expected to exceed \$10,000 during the next funded twelve-month period
7. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the PI does not directly control the investment decisions made in these vehicles.

Procedure:

A. Requirements Specific to NSF Funds

For NSF awards, the Dean of Extension Services will inform the NSF's Office of the General Counsel if Cal Maritime is unable to satisfactorily manage a financial conflict of interest. NSF's Office of the General Counsel will conduct a review.

B. Requirements Specific to PHS Funds

1. Reporting Requirements to the NIH:

The Dean of Extension Services or his/her designee will send initial, annual and revised FCOI reports, as required by 42 CFR 50.604(h) and 42 CFR 50.605(b) to the National Institutes of Health for Cal Maritime and any sub-recipients at the following times:

- a. Prior to the expenditure of funds
- b. Within 60 days of identification of a PI new to the project
- c. Within 60 days for new, or newly identified, FCOIs for existing PIs
- d. Annually to provide the status of the FCOI and any changes to the management plan until completion of the project

2. Travel Reimbursements and Sponsored Travel:

PIs with PHS funding are required to disclose the occurrence of any reimbursed travel or sponsored travel related to Institutional responsibilities (including purpose of trip, sponsor/organizer, destination, and duration). Disclosure of travel reimbursements and Sponsored Travel does not include travel that is reimbursed or sponsored by a federal, state, local government agency, an Institution of Higher Education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of Higher Education.

3. Significant Financial Interest (SFI):

For PIs funded by the Public Health Service (PHS) an SFI includes a de minimis threshold of \$5,000 for disclosure, which generally applies to payments for services and equity interests. This includes any equity interest in non-publicly traded entities.

4. Training on Financial Conflicts of Interest:

PIs with PHS funding will be required to complete an online FCOI training at the following time:

Immediately, if:

- a. Cal Maritime revises its FCOI policy in such a way that it affects the requirements of PIs
- b. A PI is new to an Institution
- c. A PI is not in compliance with the policy or management plan

C. Reporting FCOI to PHS

1. For PHS awards, the Dean of Extension Services will notify the PHS Awarding Component of the following information:

- a. Grant/Contract number
- b. Project Director (PD)/ PI or Contact PD/PI
- c. Name of PI with FCOI
- d. Whether FCOI was managed, reduced, or eliminated
- e. Name of the entity with which the PI has a FCOI
- f. Nature of the FCOI (i.e., equity, consulting fees, travel reimbursement, honoraria)
- g. Value of the financial interest (\$0-4,999; \$5K-9,999; \$10K-19,999; amounts between \$20K-\$100K by increments of \$20K; amounts above \$100K by increments of \$50K or statement that a value cannot be readily determined)
- h. A description of how the financial interest relates to PHS-funded research and the basis for the Institution's determination that the financial interest conflicts with such research.

Financial Conflict of Interest Policy - Appendix A

SPONSORS OF RESEARCH EXEMPTED FROM UNIVERSITY NON-GOVERNMENTAL ENTITY FINANCIAL DISCLOSURE REQUIREMENT

These research sponsors are approved by the University and the Fair Political Practices Commission for exemption from the University's non-governmental entity financial disclosure requirement. Principal Investigators are not required to fill out financial disclosure statements for research that is sponsored by these organizations.

All non-profit, tax-exempt educational institutions

Alzheimer's Disease & Related Disorders Association
American Academy of Dermatology
American Academy of Pediatrics
American Association for the Advancement of Science
American Association for State & Local History
American Association of Colleges of Pharmacy
American Association of Obstetricians & Gynecologists
American Association of Retired Persons
American Cancer Society
American Chemical Society
American College of Obstetricians & Gynecologists
American College of Radiology
American Committee for the Weizmann Institute of Science
American Council of Learned Societies
American Diabetes Association
American Foundation for Pharmaceutical Education
American Fund for Dental Education, Inc.
American Gastroenterologic Association
American Health Assistance Foundation
American Heart Association
American Kidney Fund
American Library Association
American Liver Foundation
American Lung Association
American Lupus Society, The
American Nurses Foundation
American Parkinson Disease Association
American Philological Association
American Philosophical Society
American Red Cross
Amyotrophic Lateral Sclerosis Society of America
Arthritis Foundation
Asthma & Allergy Foundation of America
Bush Foundation, The
California Association for Neurologically Handicapped Children
California Division of the American Cancer Society
California Heart Association
California Lung Association
Cargill Foundation
Carnegie Corporation of New York
Carnegie Foundation for the Advancement of Teaching
Cerebral Palsy Foundation
Chicago Community Trust, The
Childs Memorial Fund, The Jane Coffin
Christian Children's Fund
Clark Foundation, The Edna McConnell
Columbia Foundation
Commonwealth Fund, The
Cooley's Anemia Foundation
Council on Library Resources
Culpeper Foundation, Inc., Charles E.
Cystic Fibrosis Foundation
Deafness Research Foundation, The
Donner Foundation, William H.
Dover Fund, Inc.
Dreyfus Foundation, Inc., The Camille & Henry
Dreyfus Foundation, The Max & Victoria
Dysautonomia Foundation
Earhart Foundation
Easter Seal Research Foundation
Epilepsy Foundation of America
Eye Research Institute of Retina Foundation
Fight for Sight
Ford Foundation, The
Foundation for Child Development
Fuller Fund, The Anna
German Marshall Fund of the U.S.
Giannini Foundation
Grant Foundation, The William T.
Guggenheim Foundation, H.F.
Guggenheim Memorial Foundation, John Simon
Haas Fund, The Walter & Elise
Hartford Foundation, John A.
Haynes Foundation, The John Randolph & Dora
Hearst Foundation, William R.
Hewlett Foundation, The William & Flora
Institute for Educational Affairs
International Research & Exchanges Board

Appendix A

Japan Foundation
Johnson Foundation, The Robert Wood
Juvenile Diabetes Foundation
Kade Foundation, Inc., The Max
Kaiser Family Foundation, The Henry J. Keck
Foundation, William M.
Kellogg Foundation, W.K.
Klingenstein Fund, The Esther & Joseph
Knights Templar Eye Foundation Kresge
Foundation, The
Kunstadter Family Foundation, The Albert
Leakey Foundation, The L.S.B. Leukemia
Society
Levi Strauss Foundation Lilly
Endowment, Inc.
Luce Foundation, Inc., The Henry Lupus
Foundation of America
MacArthur Foundation, John D. & Catherine T. McKnight
Foundation, The
March of Dimes
Markle Foundation, The John & Mary R.
Mellon Foundation, The Andrew W. Mott
Foundation, Charles Stewart Muscular
Dystrophy Association Myasthenia Gravis
Foundation
National Academy of Sciences
National Collegiate Athletic Association National
Council of Teachers of English National
Foundation for Ileitis & Colitis National
Foundation for Infectious Diseases National
Fund for Medical Education National
Geographic Society
National Head Injury Foundation
National Hemophilia Foundation
National Kidney Foundation National
Leukemia Association National
Migraine Foundation National Multiple
Sclerosis Society National Research
Council
National Retinitis Pigmentosa Foundation
National Society to Prevent Blindness
National Sudden Infant Death Syndrome Foundation
National Tuberosus Sclerosis Association
Northern California Society to Prevent Blindness Noyes
Foundation, Inc., Jessie Smith
Organization for Tropical Studies
Packard Foundation, The David & Lucille
Paralyzed Veterans of America
Pardee Foundation, Elsa U. Peierls
Foundation, Inc., The Picker
Foundation, James
Population Council
Presiding Bishop's Fund for World Relief
Project HOPE
Research Corporation
Research to Prevent
Blindness Resources for the
Future, Inc.
Retirement Research
Foundation Richardson
Foundation, Smith Rippel
Foundation, Fannie E.
Rockefeller Brothers Fund
Rockefeller Foundation
Rosenberg Foundation
Rubin Foundation, Inc., Samuel
Runyon-Walter Winchell Cancer Fund, Damon
Sage Foundation, Russell
San Francisco Foundation
Scaife Foundation, Inc.,
Sara Schiff Foundation
Scottish Rite Schizophrenia Research
Program Sherman Foundation, Nate H.
Skaggs Foundation, L.J. & Mary C.
Skin Cancer Foundation
Sloan Foundation, Alfred P.
Social Science Research Council
Spencer Foundation, The
Teagle Foundation
Tinker Foundation, Inc., The
Treadwell Foundation, Nora Eccles
United Cerebral Palsy
United Scleroderma Research Foundation
U.S. Olympic Committee
Webb Foundation, Del E.
Weingart Foundation
Wenner-Gren Foundation for Anthropological Research,
Inc.
Whitehall Foundation
Whitney Foundation, the Helen Hay
Wood Charitable Trust, W.P.
Woods Hole Oceanographic
Institution Zellerbach Family Fun

HR Conflict of Interest Process

