



OP 70.09: FINANCIAL CONFLICT OF INTEREST IN SPONSORED ACTIVITIES

PURPOSE

Faculty participation in outside professional or commercial activities generates important contributions to Mississippi State University's core values, however it is essential to define and establish a mechanism to guard against the dangers of unintended bias or inappropriate participation. This policy serves to protect the integrity and objectivity of research by setting forth acceptable parameters relating to possible financial conflicts of interest or conflicting commitments which may arise from the outside professional or commercial activities of investigators.

This policy is intended to enable investigators to recognize situations that may pose a conflict of interest, to provide a process for reporting to Mississippi State University, and for working to manage these situations.

This policy is designed to comply with:

- National Science Foundation's Investigator Disclosure Policy, 60 F.R. 132, pp. 35810-823
- U.S. Department of Health and Human Services' Objectivity in Research Rules, Subpart F - Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding Is Sought, 42 C.F.R. Part 50, Subpart F
- Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components, NOT-OD-19-114
- Department of Energy Foreign Government Talent Recruitment Programs, DOE Order 486.1

DEFINITIONS

The terms used in this policy statement are defined as follows:

- A. *Financial Conflict of Interest (FCOI)* - a significant financial interest held by an Investigator (or the Investigator's spouse or dependent children) that could directly and significantly affect decision-making in the design, conduct, or reporting of research performed on behalf of Mississippi State University.
- B. *Foreign Government Talent Recruitment Program* – programs sponsored by some foreign governments or affiliates with distinguishing features that include:
 1. Compensation (e.g., cash, research funding, honorific titles, career advancement opportunities, promised future compensation, etc.) provided by the foreign state to

the targeted individual in exchange for the individual transferring knowledge and expertise to the foreign country.

2. Recruitment through active engagement in attracting the targeted individual to join the foreign-sponsored program and transfer their knowledge and expertise to the foreign state. Generally, an invitation by a foreign state to simply attend or present work at an international conference would not constitute recruitment.
- C. *Institutional Responsibilities* - an investigator's professional responsibilities on behalf of Mississippi State University, which may include for example (but not limited to): activities such as research, consultation, teaching, professional practice, institutional committee memberships, and service on committees such as the Institutional Review Board or the Institutional Animal Care and Use Committee.
- D. *Investigator/PI/PD* - the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research, or proposed for such funding, which may include, for example, collaborators or consultants. Senior/Key Personnel are considered "investigators" for purposes of this policy. Typically, students would not be considered "investigators" although there may be circumstances where, in the PI's judgment, a student is working relatively autonomously and should be considered an investigator.
- E. *Manage* - taking action to address a financial conflict of interest, which can include reducing or eliminating the financial conflict of interest, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.
- F. *Other Support* – all positions and scientific appointments both domestic and foreign held by investigators that are relevant to an investigator's institutional responsibilities. This includes titled academic, professional, or institutional appointments whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).
- G. *Research* - a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge.
- H. *Significant Financial Interest* - a financial interest consisting of one or more of the following interests of the investigator (and those of the investigator's spouse and dependent children) that reasonably appears to be related to the investigator's institutional responsibilities:
1. With regard to any publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, 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, as determined through reference to public prices or other reasonable measures of fair market value;
 2. With regard to any non-publicly traded entity (including MURA companies), a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated,

- exceeds \$5,000, or any equity interest (e.g., stock, stock option, or other ownership interest);
3. Intellectual property rights and interests (e.g., patents, copyrights, licensing agreements, and royalties from such rights), upon receipt of income related to such rights and interests; and
 4. Reimbursed or sponsored travel, related to the investigator's institutional responsibilities if the combined monetary value (airfare, lodging, meals, etc.) exceeds \$5,000.
 - The Research COI Manager will determine if any travel requires further investigation, which may include:
 - Purpose of the trip,
 - Destination, and
 - Duration

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

1. Salary or other remuneration received from Mississippi State University, including salary received from external sources through sponsored agreements administered by the University;
2. Intellectual property rights assigned to Mississippi State University and agreements to share in royalties related to such rights;
3. Standard royalties received for published scholarly work or other professional writings;
4. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles;
5. Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or 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;
6. Income 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 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; or
7. Travel that is reimbursed or sponsored by a federal, state, or 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.

I. *Research COI Manager* – the Director of Research Compliance will serve as the designated official with the responsibility to:

- Review all investigator disclosures of significant financial interests;
- Determine whether any significant financial interests relate to funded research;
- Determine whether a financial conflict of interest exists; and, if so,

- Submit the financial conflicts of interest to the Conflict of Interest Review Committee.
- Provide reports to sponsoring agencies as required.
- Maintain records relating to all investigator disclosures and the review of, and response to, such disclosures and all actions taken by MSU under this policy for a period of three years from the date the final expenditures report is submitted to the sponsor.
- Respond to written requests for information concerning any significant financial interest disclosed to the University in accordance with sponsor requirements.

POLICY

For all federally-funded research, Mississippi State University requires that investigators disclose on the Financial Conflict of Interest Disclosure Form (FCOI) (https://www.orc.msstate.edu/sites/www.orc.msstate.edu/files/inline-files/DisclosureFormv.4_3_v3.pdf) any Significant Financial Interests, Other Support, or participation in a Foreign Government Talent Recruitment Program related to their institutional responsibilities, or certify that none exist, at the time of proposal submission. All conflicts of interest must be managed prior to the expenditure of award funds.

Each Financial Conflict of Interest Disclosure Form must be updated throughout the course of the award either on an annual basis, or within 30 days of obtaining a new reportable Significant Financial Interest.

For all federally-funded research, Mississippi State University requires that investigators complete FCOI training prior to proposal submission and every four years thereafter.

For all other non-federal externally-funded research, Mississippi State University requires that investigators disclose any financial conflicts of interest related to the proposed research, or certify on the Internal Approval Sheet that none exist, at the time of proposal submission. All conflicts of interest for each award must be managed prior to the expenditure of award funds.

The Conflict of Interest Review Committee (CIRC) is appointed by the Vice President for Research and Economic Development and has the authority to develop management plans for FCOIs. The CIRC is charged with ensuring that a researcher's personal interest in, or commitment to, entities outside the University's purview does not compromise or appear to compromise his/her objectivity in performing a research project, in mentoring students involved in a research project, or in reporting the results of a research project conducted under the auspices of Mississippi State University.

The CIRC is not a punitive body. Its purpose is not to discourage industry/university partnerships, personal investments, or consulting, but to protect the integrity of the research related to these activities. When an FCOI is unable to be properly managed, the matter will be referred to the Vice President for Research and Economic Development.

Failure to make the necessary disclosure or follow an agreed upon management plan is a violation of this policy. Sanctions for non-compliance may include reprimands or other appropriate measures, up to and including termination.

Additionally, Mississippi law requires all Mississippi State University employees to abide by certain conflict of interest and ethical standards as public employees which differ from those outlined in this policy. In addition to this policy, employees should see also HRM 60-416, Conflict of Interest/Ethics.

REVIEW

This OP will be reviewed as needed, but at least every four years, by the Director of Research Compliance with recommendations for revisions presented to the Vice President for Research and Economic Development.

REVIEWED BY:

/s/ Julie Jordan
Vice President for Research and Economic
Development

03/03/2020

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research and Effectiveness

03/05/2020

/s/ Joan Lucas
General Counsel

03/08/2020

APPROVED BY:

/s/ Mark Keenum
President

03/12/2020