Conflict of Interest Policy Pertaining to Sponsored Programs

Overview
It is the policy of Agnes Scott College (ASC) to comply with federal, state and other guidelines regarding the disclosure of conflicts of interest in sponsored research and to manage, reduce, or eliminate any conflicts of interest that are identified. This policy sets forth procedures and guidelines that are to be followed in resolving actual and potential employee conflicts of interest and commitment pertaining to sponsored programs. This policy applies to all sponsored programs funded by (A) commercial sponsors, (B) those federal agencies having specific conflict of interest requirements, (C) private foundations, and (D) subawards issued by Agnes Scott College under its sponsored programs irrespective of the source of funds.

Policy
The College and its employees often benefit from the employee’s participation in both public and private outside activities. The College has no interest in setting forth detailed rules that may interfere with employees’ legitimate outside interests. ASC employees, in turn, must also ensure that their outside obligations, financial interests, and activities do not conflict or interfere with their commitment to ASC. This obligation pertains to both full-time and part-time faculty and staff.

The areas of potential conflict may be divided into two categories:
1. Conflicts of interest are defined as situations in which employees may have the opportunity to influence ASC’s business decisions in ways that could lead to personal gain or give improper advantage to members of their families or to associates.
2. Conflicts of commitment are defined as situations in which employees’ external activities interfere or appear to interfere with their paramount obligations to their students, colleagues, and ASC.

In those circumstances in which ASC is engaged in or intends to engage in a sponsored program with a commercial organization, or has subcontracted or intends to subcontract to an external organization under one of ASC’s sponsored programs, a conflict of interest may occur when an employee’s affiliation with the external organization meets any one of the following criteria:
1. The employee is an officer, director, partner, trustee, employee, advisory board member, or agent of an external organization or corporation either funding a sponsored program or providing goods and services under a sponsored program on which the employee is participating in any capacity.
2. The employee is the actual or beneficial owner of more than five percent (5%) of the voting stock or controlling interest of such organization or corporation.
3. The employee has dealings with such organization or corporation from which he or she derives income of more than $10,000 per year, exclusive of dividends and interest.
4. The employee’s family members meet any of the criteria stated in 1-3 above. Family members include the employee’s spouse, domestic partner, children, stepchildren, siblings and parents.

Procedure
Each employee participating in a sponsored program 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 1-4 above. A disclosure must be completed prior to ASC’s acceptance of the sponsored program or issuance of a purchase order or subcontract for the acquisition of goods and services. The employee will complete and sign the COI Employee Disclosure Statement and return it to the Office of Sponsored Programs. Positive disclosures will be reviewed by ASC’s college officers.
Conflict of Interest

In reviewing the positive disclosures, the college officers will be guided by the following practices and apply them as may be appropriate:

1. Assure adherence to relevant College policies such as the Office of Sponsored Programs (OSP) Policies and Procedures Manual, the Faculty Handbook, the Staff Handbook, and other College documents the officers may deem appropriate.
2. Consider the nature and extent of the financial interest in the relationship of the employee and the external organization.
3. Give special consideration to the terms and conditions of sponsored program agreements that may mitigate or complicate the given situation.
4. Consult with and obtain additional information from the employee as either the college officers or the employee 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 program.
6. Conclude that ASC may take one of the following actions:
   a. Accept the sponsored program award.
   b. Do not accept the sponsored program award.
   c. Accept the sponsored program subject to suitable modifications in either the sponsored program award document or the external organizational affiliation(s) of the employee or employee’s family.

If the employee is dissatisfied with the officers’ conclusion, the employee may appeal to the president who will consult with the employee and college officers as the president deems necessary and appropriate to the particular circumstance. The decision of the president shall be final.

Violations of this policy in regard to sponsored programs, such as willful concealment of financial interests, are serious and may constitute unethical professional behavior. As such, allegations of violations by faculty members shall be communicated in writing to the Vice President for Academic Affairs, which may trigger the procedures set forth in the Dismissal of Teaching Faculty policy located within the Faculty Handbook. Allegations of violations by staff members shall be communicated in writing to the staff member’s supervisor, who will consult with the appropriate college officer. Violations of this policy by staff members may trigger the procedures set forth in the Progressive Discipline section of the Staff Handbook.

The OSP shall maintain the records pertaining to each disclosure in strict confidence. Access to such records will be limited to the sponsor, the employee, the college officers, and others who have a legal right to review the records, except in the case of an appeal in which case the college officers shall disclose to the investigator the other persons or entities with which it intends to consult. Certain sponsors, particularly federal agencies, may have requirements that differ from this policy with regard to the timing and frequency of employee disclosures and other conflict of interest considerations as well. In the case of such discrepancies, the sponsors’ requirements will generally prevail. The College will maintain records of financial disclosures and records relating to the management of actual and potential conflicts of interest until three years after the termination or completion of the award to which they relate or the resolution of any government action involving the records.

Example Scenarios
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 employees and ASC with difficulty.

1. Activities 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 paid or unpaid consultant to outside organizations, provided that the time commitment does not exceed the limits prescribed by the College policy in effect at the time, and that the arrangement in no way alters the employee’s role in ASC’s execution of a sponsored agreement on the employee’s behalf.
c. Voluntary or compensated service on boards and committees of organizations, public or private, that does not distract unduly from the employee’s obligations to ASC or that does not interfere or appear to interfere with an employee's ability to conduct work under sponsored agreements objectively.

2. Activities that present the potential for conflict.

   a. Relationships that might enable an employee to influence ASC’s dealings with an outside organization in ways leading to personal gain or improper advantage for the employee, or his or her associates or family members. For example, an employee or family member could have a financial interest in an organization with which ASC 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 an employee may devote to external activities appear substantial enough so as to compromise the amount or quality of his or her participation in the instructional, scholarly, or administrative work of ASC.

   c. Situations in which an employee directs students into a research area from which the employee may realize a financial gain. In such situations, the ability of an employee to render objective, independent judgment about the students' scholarly best interests may be diminished.

3. Activities that are very likely to present unacceptable conflicts.

   a. Situations in which an employee assumes executive responsibilities for an outside organization that might seriously divert his or her attention from College duties. The employee should consult with the officer of his/her division before accepting any outside management position.

   b. Use for personal profit of unpublished information emanating from sponsored agreements or confidential College sources, or assisting an outside organization by giving it exclusive access to such information; or consulting with outside organizations that impose obligations upon the employee or ASC that conflict with the College’s Intellectual Property Policy or with ASC’s obligations under sponsored programs.

   c. Circumstances in which a substantial body of research that could and ordinarily would be carried on within ASC is conducted elsewhere to the detriment of ASC and its legitimate interests.

   d. Any activity that a employee may wish to undertake on an individual basis that (a) involves or appears to involve ASC significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, (b) involves the use of ASC’s name or implied endorsement, or (c) violates any of the principles set forth in ASC’s OSP Policies and Procedures Manual.

Important Note

The Principal Investigator must also ensure that those responsible for the design, conduct, or reporting of project work will also complete and submit disclosures and updates as may be necessary. A new COI Employee Disclosure Statement will be signed and submitted to the OSP by the employee annually for each project.

This policy has been informed by similar policies at Boston College, Davidson College, Emory University, Howard University, Rochester Institute of Technology, and Vanderbilt University.