

**FLORIDA INSTITUTE OF TECHNOLOGY**  
**POLICIES AND PROCEDURES TO ENSURE OBJECTIVITY IN RESEARCH**  
**"CONFLICT OF INTEREST"**

**I. PURPOSE**

The purpose of this document is: (1) to set forth guidelines for ensuring objectivity in all research, development and technology transfer activities on the part of all university participants, and (2) to set forth procedures for disclosure, review, confirmation and management of situations that are identified as presenting actual or potential conflicts. The policies and procedures herein recognize that such actual or potential conflicts are often inevitable in the course of fulfilling the University's mission goals.

These policies and procedures apply to all *sponsored projects* (e.g., research, educational, and service) and to all employees of the University, including student employees. The University will also make reasonable efforts to ensure compliance with this policy by employees of sub-grantees and subcontractors. However, the provisions of this policy do not apply to Program Phase I applications under the Small Business Innovation Research Program or the Small Business Technology Transfer Program.

**II. POLICIES AND PROCEDURES**

**A. *Disclosure of Significant Financial Interests***

1. It is the responsibility of those faculty/staff members of the University, either full-time or part-time, who will be participating in a sponsored project, to initiate the disclosure process at the time of proposal submission if they have external affiliations which could constitute a Conflict of Interest.
2. Each Investigator is required to disclose the following Significant Financial Interests (SFI):
  - a) Any SFI of the Investigator or his/her Immediate Family that would reasonably appear to be affected by the research, educational or service activities funded, or proposed for funding, by an External Sponsor.
  - b) Any SFI of the Investigator or his/her Immediate Family in an entity that would reasonably appear to be affected by the research, educational or service activities funded, or proposed for funding, by an External Sponsor.
3. Regardless of the above minimum requirements, a faculty or staff member, in his or her own best interest, may choose to disclose any other financial or related interest that could present an actual Conflict of Interest or be perceived to present a Conflict of Interest. Disclosure is a key factor in protecting reputations and careers from potentially embarrassing or harmful allegations of Conflict of Interest.

4. Each Investigator shall complete the check-off portion of the “Florida Institute of Technology Internal Budget Form” prior to submission of a proposal to an external funding source of any type. Each Investigator will indicate on the check-off portion of the form that he/she has read the “Florida Institute of Technology Policies and Procedures to Ensure Objectivity in Research” and that all SFIs have been disclosed.
5. The Investigator will inform all other persons who are responsible for the design, conduct and reporting of the proposed project, including students, of their responsibility to do likewise.
6. If the Investigator indicates on the check-off portion of the “Disclosure Form” that there are SFIs to be disclosed, the Investigator shall complete a “Disclosure Form” and shall attach all required supporting documentation (the “Disclosure Packet”). The “Disclosure Packet” must be submitted with the proposal to the College/School Dean who will forward the document - with a recommendation - to the Vice President for Research (VPR). The supporting documentation may be sealed in an envelope marked “FLORIDA TECH CONFIDENTIAL.”
7. All SFIs must be disclosed prior to the time a proposal is submitted to an External Sponsor. All financial disclosures must be updated by the investigators during the period of the award, either on an annual basis or as changes occur that affect previously reported SFIs. If a newly reportable SFI arises at anytime during the period after the submission of the proposal through the entire period of any resulting award, the filing of a revised “Disclosure Packet” is required.
8. On an annual basis, each Investigator, who has completed a disclosure statement will report any change in his/her SFI status that may affect the project.
9. The process of reviewing disclosures and the reduction, elimination or management of any disclosed Conflicts of Interest may take place following the submission of a proposal but must be completed prior to any expenditure of funds of an award for a specific project.
10. To the extent permitted by law, all records of financial interest submitted by an Investigator shall be maintained in the relevant Dean's office for three (3) years after either the termination or completion of the award to which the records relate, or the resolution of any government actions involving those records, whichever is later.

**B. *Review of Disclosures***

1. The Vice President for Research (VPR) shall review all financial disclosures to determine whether any disclosed SFI could affect the design, conduct, or reporting of the proposed sponsored project.

2. If, after reviewing the “Disclosure Packet”, the VPR determines that there is no actual or potential Conflict of Interest, the “Disclosure Packet” will be filed in the respective Dean’s office.
3. If the initial determination is that there may be a potential for a Conflict of Interest as defined by this policy, the “Disclosure Packet” shall be reviewed. If an actual or potential Conflict of Interest is determined to exist, the respective Dean will communicate to the Investigator the nature of the conflict and suggest ways to manage, reduce or eliminate the conflict.
4. The Investigator shall develop and present to his/her Dean a Resolution Plan that details proposed steps that will be taken to reduce, manage or eliminate any actual or potential Conflict of Interest. At a minimum, the Resolution Plan shall address issues such as:
  - a) Public disclosure of SFIs;
  - b) Review of research protocol by independent reviewers; and
  - c) Monitoring of research by independent reviewers.
5. The VPR shall review the Resolution Plan and may approve or modify it to add conditions or restrictions. Such conditions or restrictions could include, but are not limited to:
  - a) Modification of the research plan (e.g., changes in protocols);
  - b) Disqualification from participation in all or part of the funded project (e.g., appointment of a new Investigator to oversee the project);
  - c) Severance of relationships that create actual or potential conflicts (e.g., resignation from Board or executive position);
  - d) Divestiture of Significant Financial Interests (e.g., sale of equity interests).
6. The approved Resolution Plan shall be incorporated into a Memorandum of Understanding (MOU) that details the conditions for restrictions imposed upon the Investigator in the conduct of the project or in the relationship of the sponsoring entity. The MOU shall be signed by the Investigator, the Academic Unit Head, and the appropriate Dean. Conflicts of Interest will be satisfactorily managed, reduced or eliminated in accordance with these policies and procedures or they will be disclosed to the sponsoring agency for action.
7. The Investigator shall report annually to the respective Dean on his/her compliance with the terms of the MOU.

### **III. ENFORCEMENT**

- A. If the Dean determines that an Investigator has violated these policies or the terms of his/her MOU, the Dean shall recommend sanctions which may include disciplinary action ranging from a public letter of reprimand to dismissal and termination of employment. If

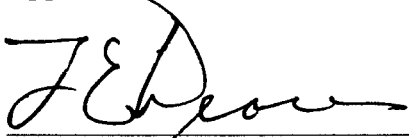
the violation results in a collateral proceeding under University policies regarding misconduct in science, the VPR shall defer a recommendation on sanctions until the misconduct inquiry/investigation process is completed. The VPR's recommendations on sanctions shall be presented to the President who shall determine the disciplinary action to be taken.

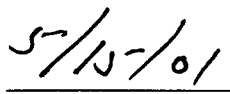
- B. If the Investigator is dissatisfied in regards to the determination of a conflict, the Resolution Plan, or any recommended sanctions, the Investigator may appeal, in writing, within five (5) working days, to the Vice President for Academic Affairs (VPAA). The VPAA will confer with the VPR to the extent necessary and will respond, in writing, to the Investigator with a decision within ten (10) working days. Decisions of the VPAA may be appealed to the President.
- C. Prior to the expenditure of any funds for a proposed project funded by federal or state sponsors, the University will disclose the existence of any Conflicts of Interest (but not the nature of the interest or other details) and provide written assurance that the interest has been appropriately managed, reduced or eliminated.
- D. For any interest that the Investigator identifies as conflicting subsequent to the University's initial report for an award, a revised report will be submitted to the relevant federal or state sponsor and assurance will be provided that the Conflict of Interest will be managed, reduced or eliminated, at least on an interim basis, within 60 days of that identification.
- E. If the failure of an Investigator to comply with this policy has resulted in bias in the design, conduct or reporting of research sponsored by a federal or state agency or a private sponsor, the University will promptly inform the federal or state agency or the private sponsor of the corrective actions to be taken.

#### IV. POLICY REVIEW

This policy will be reviewed by the VPAA and VPR at least annually and modified as necessary. Should this policy be at variance with a federal or state agency's policies at the time of an award, the agency's policies shall take precedence over this policy.

Approved:

  
\_\_\_\_\_  
Lynn Edward Weaver, Ph.D., P.E.  
President

  
\_\_\_\_\_  
Date Signed

## APPENDIX “A”

### DEFINITIONS:

**Business Entity** means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation or other organization or entity used in carrying on a business, including parent organizations of such entities or any other arrangement in which an entity operates through a subsidiary.

**Conflict of Interest** occurs when there is a divergence between an individual’s private interest and his/her professional obligations to the University. For purposes of this policy, this means any outside activity, commitment or interest that may reasonably appear to affect or to be affected by the design, conduct or reporting of proposed research or educational activities or which may adversely affect, compromise or be incompatible with the obligations of an employee to the University.

**External Sponsor** means any source of funding for research or educational projects that has no affiliation with the University including both governmental and non-governmental sponsors.

**Immediate Family** includes spouse and dependent children of an Investigator.

**Investigator** means the principal investigator/project director, co-principal investigator(s) or any other person at the University who is responsible for the design, conduct or reporting of research or educational activities funded or proposed for funding by an External Sponsor.

### **Memorandum of Understanding (MOU)**

means a document developed and agreed to by an Investigator and the Objectivity in Research committee which would constitute a plan for the resolution of an identified actual or potential Conflict of Interest.

### **Significant Financial Interest (SFI)**

means anything of monetary value including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties or other income from such rights).

**The term SFI excludes:**

- a) Salary, royalties or other remuneration from the University.
- b) Income from seminars, lectures or teaching engagements sponsored by public or non-profit entities provided that such entities have no connection with a for-profit entity.
- c) Income from service on advisory committees or review panels for public or non-profit entities, provided such entities have no connection with a for-profit entity.
- d) An equity interest, the value of which, when aggregated for the Investigator and the Investigator's Immediate Family, meets BOTH of the following tests:
  - 1) does not exceed \$10,000 as determined through reference to public prices or other reasonable measures of fair market value, and
  - 2) does not represent more than a five percent (5%) ownership interest for any one enterprise or entity.
- e) Salary, royalties or other payments that, when aggregated for the Investigator and the Investigator's Immediate Family, are not expected to exceed \$10,000.
- f) Interests held indirectly through funds, such as mutual funds and pension funds, in which the Investigator or his/her Immediate Family does not control the selection of investments.

**FLORIDA INSTITUTE OF TECHNOLOGY  
FACULTY/STAFF DISCLOSURE OF SIGNIFICANT FINANCIAL INTERESTS**

To disclose a conflict, this form must be completed by applicants (including the Principal Investigator, any Co-Principal Investigators, and any other employee of the University (including student employees) who are or will be responsible for the design, conduct or reporting of activities under the sponsored project, in compliance with Federal law and University policy. This form must be submitted with each application for Sponsored Research (from both public and private sponsors), and prior to each transfer of technology arising out of any faculty or staff member's research.

**NAME:** \_\_\_\_\_ **ACADEMIC UNIT:** \_\_\_\_\_

**COLLEGE/SCHOOL:** \_\_\_\_\_

**PROPOSAL SUBMITTED TO:** \_\_\_\_\_

**PLEASE NOTE:** Answering affirmatively to any of the questions below does not imply impropriety; it means only that disclosure and evaluation, and - if determined to be necessary - approval and oversight, are required. Please see "Policies and Procedures to Ensure Objectively In Research" for important information.

1. To the best of your knowledge and belief, do you or any member of your immediate family have or expect to acquire during the term of the sponsored project or technology transfer, a significant financial interest in any business entity:

a. Which is sponsoring the proposed research or substantially related research?

YES \_\_\_\_\_ NO \_\_\_\_\_

b. Whose business is substantially related to the subject matter of the proposal for sponsored research or the technology transfer?

YES \_\_\_\_\_ NO \_\_\_\_\_

c. Which is requesting rights to any university-owned technology?

YES \_\_\_\_\_ NO \_\_\_\_\_

d. That may compete for provision of goods or services to be paid for with funds from the sponsoring entity?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. Does the sponsored project or the technology transfer have the potential to limit the ability of students to publish research results or to direct their research for primarily commercial purposes?

YES \_\_\_\_\_ NO \_\_\_\_\_

3. Does the sponsored project involve the actual or potential restrictions on disclosure or publication of research results, or the evaluation of results?

YES \_\_\_\_\_ NO \_\_\_\_\_

4. Are you aware of any other sponsor or entity that has a claim of ownership or other legal interest granted by the university in the subject matter of the proposed sponsored project or technology transfer.

YES \_\_\_\_\_ NO \_\_\_\_\_

For any affirmative answer above please provide:

- details, including the name of the business entity,
- any positions in that entity you or your immediate family hold at the time of this disclosure, and
- the type and amount of financial interest. You may assign a value (e.g., \$510,000) to any financial interest that is +/- 10 %.

Please attach additional sheets if necessary. Details should be submitted, along with any appropriate supporting documentation, in an envelope marked **“FLORIDA TECH CONFIDENTIAL”**.



