



Approved By:	Christopher E. Hopey, President
Effective Date:	April 1, 2021
Supersedes:	January 1, 2017
Official Responsible:	Provost; Director of Sponsored Programs

## POLICY STATEMENT AND RATIONALE

This policy is designed to ensure compliance with National Science Foundation (NSF) and Public Health Service (PHS) requirements regarding research, financial conflicts and to clarify the position of Merrimack College regarding research.

### *Financial Conflict of Interest Policy Merrimack College*

#### I. Purpose and Scope

The teaching, research, and service mission of Merrimack College must be conducted in an objective manner, free from undue influence arising from private or other special interests. The purpose of this policy is to establish guidelines for recognizing, disclosing, and managing significant financial conflicts of interest in relation to all federally funded sponsored research and to fulfill the requirements stipulated by the [National Science Foundation](#) (NSF) and the Public Health Service (PHS) via the [National Institutes of Health](#) (NIH). The policy promotes objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research will be free from bias resulting from financial conflicts of interest.

This policy sets forth procedures and guidelines that are to be followed in resolving actual and potential conflicts of financial interest related to research funded by the federal government.

#### II. Definitions

- A. **Conflict of Interest** is when an investigator or his or her immediate family has significant financial interests that could lead an independent observer to reasonably question whether the design, conduct, or reporting of federally funded research might be influenced by the possibility of financial gain.
- B. **Immediate family** is defined as spouse/domestic partner and dependent children.
- C. **Federally funded** means any funding *i.e.*, grant, cooperative grant, contract, received from any United States government agency, department or entity.
- D. **Institutional Responsibilities** means an Investigator's professional responsibilities. That is, all activities that derive or descend from the investigator's standing or expertise and are tied to those responsibilities and activities the investigator was hired to perform and for



which the investigator is paid by the College. Some examples are, research, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards.

- E. **Investigator** refers to all personnel, regardless of title or position, responsible for the design, conduct, or reporting of research under the terms of a federal grant or contract, or the subaward to a federal grant or contract. All Investigators are required to disclose to the Provost any of their own “Significant Financial Interests” or those of their spouses, partners, or dependent children. This disclosure will be accomplished by completing the Financial Disclosure Form on the Provost’s website.
- F. **Significant Financial Interest (SFI)** means one or more of the following interests of the investigator and those of his/her immediate family that reasonably appears to be related to the investigator’s institutional responsibilities:
  - a. A significant financial interest exists if the value of any remuneration received for services exceeded \$5,000 in the twelve months prior to the disclosure (e.g., speaking or consulting fees, paid authorship); Equity interest exceeding \$5,000 in the twelve months prior to disclosure (e.g., stock, stock options, other ownership instruments); Gains from intellectual property rights (e.g., patents, copyrights, royalties)
  - b. A significant financial interest includes any travel related to an investigator’s institutional responsibilities that is paid for directly or reimbursed by an organization other than a government agency, college or university, or academic medical institution.

The following are excluded from the definition of Significant Financial Interests:

- a. Salary, royalties or other remuneration paid by Merrimack College to the investigator;
- b. Income from investment instruments (e.g., retirement account, mutual funds) in which the Investigator does not control investment decisions;
- c. Income from speaking or teaching engagements sponsored by any government agency, college or university, or academic medical institution;
- d. income from service on a review panel or advisory committee affiliated with any government agency, college or university, or academic medical institution.

Having Significant Financial Interests does not necessarily entail a Financial Conflict of Interest. A potential financial conflict of interest (FCOI) exists when the Director of Sponsored Programs or his/her designee reasonably determines that an SFI could directly or indirectly affect the design, conduct, and reporting of federally-funded research, teaching, or mentoring.

- G. A **Subrecipient** is an entity that receives a subaward from the prime recipient under an award and is accountable to the prime recipient for the use of the Federal funds provided by the subaward.



### III. Policy

The College, its employees, and the public 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 the employee's legitimate outside interests. Employees, however, must ensure that their outside obligations, financial interests, and activities do not conflict or interfere with the integrity of the research, and their obligations to the federal government and the College. This obligation pertains to both full-time and part-time employees.

General Principles:

- A. Employees must arrange their financial interests so as not to impede or conflict with their duties and responsibilities to Merrimack.
- B. All employees must notify the College of potential conflicts of interest, and employees may not maintain unacceptable conflicts of interest.
- C. No person employed by the College may have interests incompatible with the College.

Employees must disclose potential financial conflicts of interest that could affect the design conduct, or reporting of federally funded research.

### IV. Additional Information (Procedures)

#### Timing of Disclosures

Investigators must provide the required Significant Financial Interest disclosures by filling out the Financial Disclosure Form immediately prior to the submission of a proposal. The form may be obtained on the College's Sponsored Programs link on the Provost website. Investigators must update financial disclosures within thirty days of acquiring or discovering any new Significant Financial Interest. Investigators must update their financial disclosure forms annually within the period of the grant, beginning with the anniversary date of the original disclosure. Individuals who are grant recipients at the effective date of this policy should complete this form within thirty days and then annually in subsequent years.

Completed and signed Financial Disclosure Forms should be returned to the Director of Sponsored Programs for review. If you have questions or need assistance completing the form, contact Erin Mathis at [mathise@merrimack.edu](mailto:mathise@merrimack.edu) or 978-837-5000.

#### Investigator Obligations

Investigators must complete the College's Financial Disclosure Form prior to submitting a federal grant proposal. Investigators must also complete the Conflict of Interest Mini-Course developed by the Collaborative Institutional Training Initiative (**CITI**) prior to submitting an application to the National Institutes of Health (NIH) Investigators applying for funding from NSF or any other federal agency are strongly encouraged to take the CITI mini-course.

Before the hard copy disclosure forms are submitted to Sponsored Programs they must be reviewed and signed by the investigator's department chairperson. If the department chairperson is directly involved in the research, the Dean must review and sign the disclosure form. Deans must



submit their own disclosure forms to the Provost. In the event the Investigator has nothing to disclose or there is no COI, then the Chair or Dean's signature is not required.

## **Provost and Director of Sponsored Programs Obligations**

The Director of Sponsored Programs will review every Financial Disclosure Form. If there are no Significant Financial Interests or the Director of Sponsored Programs or his/her designee determines that none of the disclosed Significant Financial Interests are relevant to the federally-funded research or present any potential conflict of interest for the research, the Director will present the Form to the Provost for his/her review and signature.

If there is an indication on the form that a COI is being disclosed, the Provost and Director will then decide what conditions or restrictions should be imposed to manage, eliminate, or reduce the conflict. This will ordinarily entail the convening of an ad hoc Financial Conflict of Interest committee of faculty, senior staff, and one community member to provide oversight to ensure the integrity of the research. In any instance of a disclosed COI, the Provost will consult with the Office of the General Counsel.

A potential conflict of interest exists when the Provost and Director reasonably determine that a Significant Financial Interest could directly or indirectly affect the design, conduct, or reporting of federally-funded research, teaching, or mentoring.

## **FCOI Committee Obligation**

If an ad hoc FCOI committee is convened at the behest of the Director and Provost, the committee will be charged to develop a plan to allow the research to proceed free of the conflict. Some of the elements of such a plan may include (but are not limited to): review and/or monitoring of the design, conduct, and reporting of the research by independent reviewers; modification of the research protocol; disqualification of the Investigator from that part of the research to which the Significant Financial Interest is relevant; divestiture of the Significant Financial Interest; Severance of the relationships that create the conflict; and, public disclosure of the Significant Financial Interests. The plan will be created in consultation with the Investigator. Investigators must participate in and comply with any FCOI management plan, including any retrospective review and/or mitigation plan. For the research project to proceed, the Provost must approve the plan developed by Committee. If the FCOI committee and the Investigator are unable to agree on a plan, the college will notify relevant regulatory bodies and funding agencies.

## **Retrospective FCOI Determinations**

In some cases, the Provost and Director may determine retrospectively that a Financial Conflict of Interest was not identified or managed in a timely manner, including but not limited to an Investigator's failure to disclose a Significant Financial Interest that is determined to be a Financial Conflict of Interest, or an Investigator's failure to materially comply with a management plan for a Financial Conflict of Interest. In such cases, in consultation with the Office of the General Counsel, a committee appointed by the Provost will complete a retrospective review of the Investigator's activities and the research project to determine whether the research conducted during the period of non-compliance was biased in its design, conduct, or reporting.



The Director of Sponsored Programs will update any previously submitted report to the funding agency, specifying the actions that will be taken to manage the Financial Conflict of Interest going forward. If bias by the investigator is found, the report will include a mitigation report in accordance with the applicable regulations, including a description of the impact of the bias on the research project and the plan of action to eliminate or mitigate the effect of the bias.

Federal regulations require the College to impose sanctions or take other administrative actions where appropriate. Merrimack College maintains the right to impose sanctions on Investigators for failure to disclose Significant Financial Interests and for failure to abide by this Policy. Sanctions may include restrictions on future submission of research proposals and other disciplinary actions up to and including dismissal.

Except to the extent required by law and federal regulations, the information disclosed throughout these processes will be kept confidential. The College, however, is required to report the existence of real or potential conflicts of interest to certain federal agencies. Specifically, the NIH requires institutions to report the existence of any conflicting interests and to assure that the interest has been managed, reduced, or eliminated. NSF requires that only conflicts that have not been managed, reduced, or eliminated prior to the expenditure of funds under an award be reported to NSF.

## **Reporting Financial Conflicts of Interest**

Significant Financial Interests determined to be Financial Conflicts of Interest will be reported to the sponsoring agency within sixty (60) days of their disclosure. This disclosure and report will be done in coordination with the Office of the General Counsel.

As required by federal regulations, the Director of Sponsored Programs will make information about Financial Conflicts of Interest concerning federally-funded research available to members of the public in response to inquiries specifying the Investigator name and research project within five business days of requests for such information.

The College shall maintain a record of all financial disclosures and all actions taken to resolve Conflicts of Interest for at least three (3) years beyond the termination or completion of the grant to which they relate.

## **Training**

Each Investigator on a currently funded NIH grant must complete the Conflict of Interest Mini-Course developed by [CITI](#). Each Investigator of a new or previously unfunded NIH grant must take the CITI mini-course prior to the submission or resubmission of his/her proposal. Those currently funded by, or about to submit a proposal to other federal agencies (including NSF) are strongly encouraged to complete the CITI mini-course. Those funded by a private, for-profit entity are also encouraged to take the mini-course. If you need assistance accessing the CITI mini-course, contact the Director of Sponsored Programs in the Office of Development and Alumni Relations ([research@merrimack.edu](mailto:research@merrimack.edu); 978-837-5000).

## **Subrecipients**



## MERRIMACK COLLEGE

Merrimack College is responsible for ensuring that all subrecipients are compliant with federal regulations regarding Financial Conflict of Interest. The College shall enter a written agreement with all subrecipients that shall specify that they have fulfilled these regulations through their home institutions.

Merrimack affiliated Investigators who are currently subrecipients via another institution with NIH (or other federal agency) funding, and those who plan to submit such a subaward via another institution for NIH (or other federal agency) funding, must complete Merrimack's Financial Disclosure Form and should (must, if NIH) also take the CITI Conflict of Interest mini-course.

ACKNOWLEDGED AND ACCEPTED THIS 1 DAY OF APRIL, 2021.

Signature on file \_\_\_\_\_

Christopher E. Hopey, Ph.D.  
President

Signature on file \_\_\_\_\_

Jeffrey Doggett, Ed.D.  
Executive Vice President, Chief Financial Officer and Chief Operating Officer

Signature on file \_\_\_\_\_

Nicholas I. McDonald  
Vice President and General Counsel