

NIAGARA UNIVERSITY	CONFLICT OF INTEREST POLICY & PROCEDURE	Date: 03.18.09	No.
		Replaces:	

POLICY

Trustees, administrators, faculty, and other employees of Niagara University must perform their duties solely on the basis of a desire to promote the best interests of the university. Conflicts of interest, defined below, are contrary to this expectation, while the unresolved appearance of a conflict of interest can erode an atmosphere conducive to promoting the best interests of the university.

PROCEDURE

In the event that a Trustee, faculty member, administrator or other employee of the University shall have a significant financial, personal or professional interest that could potentially create a conflict of interest, or the appearance of one, in any transaction involving the university or being considered by the Board of Trustees (including any committee of the board) or university administrators and faculty (including any committee or other group of administrators or faculty), such person shall, as soon as he or she has knowledge of the transaction, take the following actions:

- a. *Disclosure.* Disclose fully in writing the precise nature of his or her interest in such transaction to those at the university involved with the transaction, or to his or her dean, department chairperson, supervisor, or other independent responsible authority; and
- b. *Non-Participation.* Refrain from participation (including acting individually or as a member of a committee or other group) in the university's consideration of the proposed transaction unless expressly permitted to do so by a responsible authority of the university.

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In addition to the university-wide requirements there are specific reporting requirements described herein for trustees and certain administrators, and investigators engaged in externally-sponsored research. Niagara University also has supplemental policies that apply to funded research, including specific disclosure requirements for investigators involved in human subject research (*see* “Institutional Review Board”).

DEFINITIONS

A “*conflict of interest*” can occur when an individual's personal or private interests might lead an independent observer reasonably to question if the individual's professional actions or decisions are influenced by considerations of significant personal interest, financial or otherwise, rather than the best interest of the institution they serve.

“*The University*” shall mean all of Niagara University, including subsidiary and affiliated organizations controlled by it (Niagara University Ice Complex, Inc.).

“*Trustee*” shall include any current Trustee and any active Trustee Emeritus serving on any committee of the Board of Trustees.

“*Faculty member*” shall include any person who has a faculty appointment with the University.

“*Investigator*” shall mean a principal investigator and any other person at the University who is responsible for the design, conduct, or reporting of research funded by any external governmental or private organization, or proposed for such funding, including those referred to as “project directors.”

“*Externally sponsored activities*” shall mean all sponsored activity administered through the Office of Sponsored Projects and Research (“OSPR”) or the Office of Corporate and Foundation Relations (“OCFR”).

“*Research*” means a systematic investigation designed to develop or contribute to generalizable knowledge including behavioral and social-

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sciences research. The term encompasses basic and applied research and product development.

"Significant financial interest" shall mean any direct or indirect interest with monetary value, including but not limited to:

- a. salary, other payments for services (e.g., consulting fees or honoraria), royalties or other payments that, when aggregated for the individual and the individual's spouse and dependent children over the next twelve months, are expected to exceed \$10,000;
- b. equity interests (e.g. stocks, stock options or other ownership interests) that, when aggregated for the individual and the individual's spouse and dependent children, either exceeds \$10,000 in value (as determined through reference to public prices) or represents more than five percent (5%) ownership interest in any single entity;
- c. intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term "significant financial interest" does *not* include:

- a. salary, royalties, or other remuneration from the University;
- b. income from seminars, lectures, or teaching engagements sponsored by US Federal, state, or local entities;
- c. income from service on advisory committees or review panels for public or nonprofit entities.

Additional Required Disclosures

Trustees and Certain Administrators

The following persons shall also disclose in writing to the university's General Counsel on a continuing basis on disclosure forms provided by that Office all significant financial interests in non-Niagara business organizations and all affiliations as an officer, director, trustee, partner, employee, consultant, or agent of any organization other than Niagara University or the person's principal employer:

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- a. the trustees (including the President);
- b. the vice presidents, the Controller, the deans of the colleges;
- c. administrators in Business Services, Student Accounts, and Accounts Payable, and senior administrators in the offices of the Vice Presidents and the OSPR and OCFR;
- d. such other employees and volunteers, as the President shall designate as being employees, from whom, because of their respective duties and responsibilities, the University should receive a continuing disclosure of such outside relationships and business affiliations.

Investigators Engaged in Externally-Sponsored Research

As a recipient of externally funded sponsored activities, Niagara University has an obligation to ensure that the principles of objectivity in research are upheld, the goal of such obligation being that there is no reasonable risk that the design, conduct, or reporting of research will be biased by any conflicting financial interests of an Investigator.

Investigators engaged in externally sponsored activity must, in accordance with Federal and university policy, disclose to the General Counsel and, as applicable, the Director of OSPR (or designee), or the Director of OCFR (or designee) (collectively, “Directors”), on disclosure forms located on the University’s Grants Management Database, all significant financial interests (including those of their spouse and dependent children) that would reasonably appear to affect or be affected by the sponsored activity.

Investigators may choose to disclose any other financial or related interest that could present an actual or perceived conflict of interest. Any such disclosure should provide sufficient detail to permit an accurate and objective evaluation. Such disclosure form must be completed and submitted before the contract or grant application is submitted, and the disclosure must be reviewed to determine if further action is required before the university expends any awarded funds or issues a purchase order or subcontracts for the acquisition of goods and services related to that project.

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Such disclosure forms must be updated at least annually or more frequently, if new reportable information is obtained during the period of an award. If the General Counsel and the responsible Director (or designee) determines, after reviewing the disclosure form and other available information, that financial or other interests may affect the design, conduct or reporting of research activities or teaching/mentoring activities, the Director shall consult with the dean of the relevant college, or, if none applies, to an Associate Vice President for Academic Affairs (AVPAA). If this review confirms a potential conflict the project may be, the dean or AVPAA may issues instruction to the Investigator and the Director to:

- a. Accept the proposed sponsored project;
- b. Not accept the proposed sponsored project;
- c. Accept the proposed sponsored project provided certain conditions or restrictions are imposed so that the conflict will be managed, reduced or eliminated.

Examples of possible conditions or restrictions are:

- monitoring of research by independent reviewers
- public disclosure of significant financial interests
- modification of the research plan
- disqualification from participation in the portion of the sponsored funded research that would be affected by the significant financial interest
- divestiture of significant financial interest
- severance of relationships that create actual or potential conflicts

For HHS funded sponsored activities, the OSPR Director will notify the awarding component of any conflict information as outlined by the awarding component.

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All records will be maintained for a period of no less than seven (7) years. Upon written request of a sponsoring agency, disclosure documents and related records pertaining to the specific sponsored project will be made available.

Collaborators/sub-recipients/subcontractors from other institutions involved in externally-sponsored research of the university must either comply with this policy or provide a certification from their institutions that they are in compliance with Federal policies regarding disclosure of conflicts of interests and that their portion of the project is in compliance with their institutional policies.

COMPLIANCE

All persons subject to this policy are expected to comply fully and promptly with it. Instances of deliberate breach of policy, including failure to file or knowingly filing incomplete, erroneous, or misleading disclosure forms, violation of this policy, failure to comply with prescribed monitoring procedures, will be reported to the appropriate senior officer and, in the case of investigators also to the AVP (or designee).

All known violations, disputes and other issues arising out of the application of this policy to employees shall be referred to the President for appropriate action, including referral to the General Counsel, retained counsel, or another. Matters under this policy concerning trustees shall be reported to the Chairman of the Board of Trustees for appropriate action. Any violation may also be reported via the university's Whistleblower Policy.

In the event of non-compliance by an Investigator (as defined above), the reporting party will consult with the General Counsel, who will report the possible violation to the Dean or the AVPAA for sanctions. Regarding possible sanctions to be imposed on an investigator that may include, but are not limited to:

- a. Formal admonition,

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- b. A letter from the appropriate Dean to the person's file,
- c. Ineligibility for (i) grants, (ii) IRB approval, or (iii) supervision of graduate students,
- d. Non-renewal of appointment,
- e. Initial of the procedure for dismissal per the University Statutes.

The dean or AVPAA (designee) will then recommend an appropriate sanction to the Executive Vice President, who will make the final decision. In addition, the University shall follow Federal regulations regarding the notification of the sponsoring agency in the event an Investigator has failed to comply with this policy. The sponsor may take its own action, as it deems appropriate, including the suspension of funding for the Investigator until the matter is resolved.