

## Sponsored Activity Disclosure Policy for Investigators and Directors

### 1. POLICY STATEMENT

This Sponsored Activity Disclosure Policy (this “Policy”) supplements Chapman’s [Institutional Conflict of Interest and Conflict of Commitment Policy](#) and establishes additional requirements related to the disclosure and management of outside interests of those responsible for the design, conduct, and reporting of sponsored research and the leadership for Chapman’s research centers and institutes. “Covered Personnel,” as defined below, must disclose financial interests and professional relationships in outside entities that would reasonably appear to be related to their Institutional Responsibilities under this Policy and applicable sponsor policies. Chapman is responsible for managing and reporting conflicts to sponsors per this and other University policies.

Chapman will modify this Policy as necessary to maintain compliance with the requirements of external sponsors.

### 2. REASON FOR THE POLICY

Several sponsors have policies requiring the disclosure, management, and reporting of outside interests that may reasonably appear to introduce bias into an Investigator’s Institutional Responsibilities, including carrying out Sponsored Research projects. These policies are meant to protect the public’s investment in research, ensure responsible stewardship of Sponsored Research funds, and promote research free from bias resulting from real or perceived Financial Conflicts of Interest (FCOI). Sponsors with such requirements include:

- Public Health Service (PHS) and related components such as the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and the Food and Drug Administration (FDA) – 42 CFR Part 50 Subpart F
- National Science Foundation (NSF) – Proposal & Award Policies & Procedures Guide
- National Aeronautics and Space Agency (NASA) – Policy on Conflicts of Interest
- Department of Energy (DOE) – Interim Conflicts of Interest Policy Requirements for Financial Assistance Policy

Other sponsors may have additional requirements. Contact the Assistant Vice President for Integrity & Compliance with any questions about sponsor terms.

### 3. POLICY

#### 3.1 Definitions and Acronyms

Unless defined differently by a sponsor, the following definitions apply to this Policy.

**Covered Personnel** means Investigators and Directors together who are subject to this Policy.

**Designated Official (DO)** means the individual(s) specified by the University to review disclosures of significant financial interests and determine whether there is an FCOI. The DO at the University is the Associate Vice President for Research Integrity & Compliance.

**Director** means an employee in administrative leadership or the director of a recognized university research center or institute, where a regular job requirement is to make institutional decisions on behalf of the University regarding externally sponsored activities.

**Financial Conflict of Interest (FCOI)** means a significant financial interest (SFI) that could directly and significantly affect the design, conduct, or reporting of Sponsored Research.

**Financial interest** means anything of monetary value, whether or not the value is readily ascertainable.

**Immediate Family** means Covered Personnel's spouse, domestic partner, or dependent children.

**Institutional Responsibilities** means all Covered Personnel's professional responsibilities on behalf of the University, including, but not limited to, research, research consultation, creative activities, performance, teaching, advising, professional practice, institutional committee memberships, and service on panels, such as Institutional Review Boards or Data and Safety Monitoring Boards, and administrative duties.

**Investigator** means the principal investigator or project director, co-investigators, key personnel, and any other person at the University, regardless of title or position, who is responsible for the design, conduct, or reporting of Sponsored Research or proposed for such funding as designated by the principal investigator/project director.

**University** means Chapman University.

**Manage** means taking action to address an FCOI, which can include reducing or eliminating the FCOI, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

**Organization** means any domestic or foreign, public, governmental, private, for-profit or not-for-profit, legally constituted entity other than the University.

**Significant Financial Interest (SFI)** means Financial Interests Related to Covered Personnel's Institutional Responsibilities. An SFI is a Financial Interest consisting of one or more of the following interests of the Investigator. The Investigator (and those of the Investigator's Immediate Family) must disclose any such SFI that reasonably appears to be related to the Investigator's institutional responsibilities:

- (1) With regard to any publicly traded entity, an SFI 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, an SFI exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000 or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or
- (3) Intellectual property rights and interests (e.g., patents, copyrights), an SFI exists upon receipt of income related to such rights and interests.

The term SFI does not include the following types of Financial Interests: salary, royalties, or other remuneration paid by the University to the Investigator if the Investigator is currently employed or otherwise appointed by the University, including intellectual property rights assigned to the University and agreements to share in royalties related to such rights.

SFI also does not include 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; and

SFI also does not include income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency in the United States, a United States public or non-profit institution of higher education (as defined at 20 U.S.C. 1001(a)) or its affiliated hospital, medical center or research institute; or income from service on advisory committees or review panels for a Federal, state, or local government agency in the United States, or a United States institution of higher education.

**Sponsor** means the organizational unit of the Federal government or private sponsor that funds the Sponsored Research subject to this Policy, including the University in cases where the research is funded in whole or in part with University funds.

**Sponsored Research** means a systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge supported by a grant, cooperative agreement, sponsored research agreement, or internal award. The term encompasses basic and applied research, including human subject research and product development.

**Subrecipient** means an external entity that conducts substantive, programmatic work or an important or significant portion of a Sponsored Research project.

### 3.2 Administrative Controls

All Covered Personnel are expected to read and understand this Policy and seek answers or clarification whenever needed. Instances of noncompliance or subversion of this Policy may result in disciplinary action up to and including loss of facility and systems access privileges and termination of employment.

### 3.3 Investigator Training

Investigators are required to take the FCOI training per their sponsor's requirements or as required by the University. Training may include the University's policies and Covered Personnel's responsibilities. See agency-specific requirements in the Appendices for more information.

### 3.4 Disclosure

#### A. Who Must Disclose

The following individuals are considered Investigators on Sponsored Research projects and must disclose:

- The Principal Investigator (PI);
- All University faculty contributing effort to the Sponsored Research project; and
- Any other person that the PI or a contributing faculty member designates as responsible for the design, conduct, or reporting of research, including research staff and students in some cases.

#### B. When to Disclose

All Covered Personnel must update their existing disclosure or file a new disclosure of all outside interests, including those of their spouse, domestic partner, and dependent children, that could reasonably be related to the Investigator's Institutional Responsibilities, as follows:

- Prior to submitting new applications;
- On an annual basis;
- Within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new SFI;
- Within thirty (30) days of a significant change in an already disclosed interest; and
- When submitting proposals for funding and as required by sponsors.

### 3.5 Review and Determination of an FCOI

The Designated Official (DO) is responsible for reviewing all disclosures submitted by Covered Personnel to identify SFIs and activities that may reasonably appear to be related to the Investigator's Institutional Responsibilities. Project-specific disclosures will be reviewed by the DO prior to award and in accordance with specific sponsor requirements, as applicable (Appendices A-D).

The DO will determine whether there is an FCOI and, if so, whether it can be managed. Where the FCOI cannot be managed, it must be eliminated by divesting the equity interest, terminating the relationship that gives rise to the SFI, terminating the Sponsored Research or other research activity, or other similar measures. All FCOIs must be managed or eliminated before the expenditure of Sponsored Research funds.

### 3.6 FCOI Management and Monitoring

The DO will develop and implement a plan to manage the FCOI. Examples of conditions or restrictions that the University may impose to manage an FCOI include, but are not limited to:

- A. Public disclosure of FCOI (e.g., when presenting or publishing the research);
- B. For research projects involving human subjects research, disclosure of FCOI directly to participants;
- C. Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the FCOI;
- D. Modification of the research plan;
- E. Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;
- F. Reduction or elimination of the financial interest (e.g., sale of an equity interest); or
- G. Severance of relationships that create financial conflicts.

The management plan should include:

- H. A description of the SFI and the FCOI;
- I. Role and principal duties of the conflicted Investigator in the research project;
- J. Specific conditions of the management plan;
- K. A description of how the management plan is designed to safeguard objectivity in the research project;
- L. Confirmation of the Investigator's agreement to the management plan;
- M. How the management plan will be monitored to ensure Investigator compliance. The appropriate Investigator shall sign and certify each management plan, along with the DO.

Sample plans may be found on the [Financial Conflict of Interest in Research](#) website.

The Investigator will provide an update on the details of the management plan at least every six months and when circumstances related to the SFI change. Such plans shall remain in effect until the completion of the project or until the FCOI is eliminated, whichever comes first.

### 3.7 Reporting Conflicts to Sponsors

The University will report FCOIs to sponsors in accordance with sponsor policy. Where the sponsor does not have a policy that requires reporting, the University may report the existence of the FCOI on an information-only basis after the FCOI has been managed.

### 3.8 Subawards

When the University carries out Sponsored Research through subawardees where the sponsor requires contractors or collaborators to follow the same policy, the University, as the awardee, will take reasonable steps to ensure that all subawardees, contractors, and collaborating Investigators comply with the sponsor's conflict of interest requirements. The University will incorporate, as part of a written agreement with the subawardees, contractors, or collaborators, terms that establish that (1) their

conflicts of interest policy is compliant with the sponsor's requirements and (2) all their Investigators must comply with their conflicts of interest policy.

### 3.9 Remedies for Non-Compliance

The Associate Vice President for Research Integrity & Compliance and the Vice President for Research & Graduate Education are responsible for interpreting, coordinating, and enforcing this Policy. Failure to comply with this Policy may result in disciplinary actions as described in Section 8, Faculty Discipline, of the or the [Progressive Discipline of Staff and Administrators Policy](#), as applicable.

### 3.10 Records

The University will maintain records relating to all Covered Personnel disclosures of financial interests and the University's review of and response to such disclosures and all actions under this Policy for at least three years from the date the final expenditures report is submitted to the sponsor or, where applicable, from other dates specified in the sponsor's regulations.

## **APPENDICES**

Appendix A – PHS-Specific Requirements

Appendix B – NSF-Specific Requirements

Appendix C – NASA-Specific Requirements

Appendix D – DOE-specific Requirements

## **OFFICE RESPONSIBLE FOR THIS POLICY**

Office of Research & Graduate Education

## **WEBSITE ADDRESS FOR THIS POLICY**

<https://www.chapman.edu/research/integrity/financial-conflict-interest/index.aspx>

## **WHO APPROVED THIS POLICY**

Senior Staff member submitting this Policy: Dr. Martina Nieswandt, Vice President for Research & Graduate Education

Date approved: November 14, 2023

  
\_\_\_\_\_  
President

## RELATED MATERIALS

Institutional Conflict of Interest and Conflict of Commitment Policy -

<https://www.chapman.edu/campus-services/institutional-compliance-and-internal-audit/institutional-compliance/policies/institutional-conflict-of-interest-for-employees.aspx>

CITI Training for Financial Conflicts of Interest - <https://www.citiprogram.org/>

Conflicts of Interest in Human Subject Research -

<https://www.chapman.edu/research/integrity/irb/conflict-of-interest-in-human-research.pdf>

Public Health Service policy PHS Policy 42 CFR Part 50 Subpart F - <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-D/part-50/subpart-F>

National Science Foundation Proposal & Award Policies & Procedures Guide -

[https://www.nsf.gov/publications/pub\\_summ.jsp?ods\\_key=pappg](https://www.nsf.gov/publications/pub_summ.jsp?ods_key=pappg)

National Aeronautics and Space Administration Policy on Conflicts of Interest -

[https://www.nasa.gov/sites/default/files/atoms/files/gic\\_23-07\\_-\\_conflict\\_of\\_interest\\_policy\\_.pdf](https://www.nasa.gov/sites/default/files/atoms/files/gic_23-07_-_conflict_of_interest_policy_.pdf)

Department of Energy Interim Conflicts of Interest Policy Requirements for Financial Assistance -

<https://www.energy.gov/sites/default/files/2021-12/Interim%20COI%20Policy%20FAL2022-02%20to%20SPEs.pdf>

## Appendix A – Public Health Service (PHS)-Specific Requirements

This information supplements the Sponsored Activity Disclosure Policy and brings Chapman University into compliance with Public Health Service policy PHS Policy 42 CFR Part 50 Subpart F - <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-D/part-50/subpart-F>

### 1. Definitions

**Significant Financial Interests (SFI)** In addition to the definition of Significant Financial Interest above, PHS considers Sponsored Travel of \$5,000 or more paid by a single Organization over a 12-month period to be an SFI when the travel is related to an Investigator's Institutional Responsibilities.

**Sponsored Travel** means travel expenses paid for directly or reimbursed to you for travel by you, your spouse, or immediate family when the travel or the sponsoring Organization could be related to your Institutional Responsibilities.

Investigators must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) of \$5,000 or more received over a 12-month period. The disclosure must take place within 30 days of completion of the trip. Sponsored travel does not include travel reimbursed or sponsored by a Federal, state, or local government agency in the United States, or a United States public or non-profit institution of higher education (as defined at 20 U.S.C. 1001(a)) or its affiliated hospital, medical center, or research institute. The Investigator's disclosure must include the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration.

### 2. Training

All Investigators are required to take the University's PHS-compliant FCOI training, which includes reviewing the University's policy, the Investigator's responsibilities, and federal requirements. Training must be completed before engaging in research and refreshed at least every four years. In addition, Investigators may need to complete training when:

- (1) FCOI policies are revised in a manner that changes Investigator requirements;
- (2) an Investigator is new to the University; and
- (3) an Investigator is non-compliant with FCOI policies and procedures.

### 3. FCOI Reports to PHS

Prior to the expenditure of any PHS funds, the University shall provide to the PHS awarding component through the NIH eRA Commons an FCOI report regarding an Investigator's SFI found to be an FCOI, describing the SFI and the management plan in accordance with the PHS regulations. This shall apply to FCOIs related to University and subrecipient Investigators. In cases in which the University identifies an FCOI and eliminates the conflict prior to the expenditure of PHS-awarded funds, the University will not submit an FCOI report.



For any SFI identified as conflicting after the initial FCOI report and during an ongoing PHS-funded research project (e.g., upon the participation of an Investigator who is new to the research project), the University shall provide an FCOI report to the PHS awarding component, within sixty days.

After the initial submission of an FCOI report, the University shall provide the PHS Awarding Component an annual FCOI report that addresses the status of the FCOI and any changes to the management plan for the duration of the PHS-funded research project. The annual FCOI report shall specify whether the financial conflict is still being managed or explain why the FCOI no longer exists. The University shall provide annual FCOI reports to the PHS Awarding Component for the duration of the project period (including extensions with or without funds) in the time and manner specified by the PHS Awarding Component.

The FCOI report shall include sufficient information to enable the PHS Awarding Component to understand the nature and extent of the financial conflict and to assess the appropriateness of the University's management plan. Elements of the FCOI report shall include, but are not necessarily limited to, the following:

- A. Project number;
- B. PD/PI or Contact PD/PI if a multiple PD/PI model is used;
- C. Name of the Investigator with the FCOI;
- D. Name of the entity with which the Investigator has an FCOI;
- E. Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium); Value of the financial interest (dollar ranges are permissible: \$0-\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value;
- F. A description of how the financial interest relates to the PHS-funded research and the basis for the University's determination that the financial interest conflicts with such research; and
- G. A description of the key elements of the University's management plan, including:
  1. Role and principal duties of the conflicted Investigator in the research project
  2. Conditions of the management plan
  3. How the management plan is designed to safeguard objectivity in the research project
  4. Confirmation of the Investigator's agreement to the management plan
  5. How the management plan will be monitored to ensure Investigator compliance; and
  6. Other information as needed.

#### 4. Publicly Available Information

This policy will be posted on a publicly available website. In addition, Chapman will provide information about FCOIs related to PHS-funded projects upon written request. The Designated Official or their designate will respond to such inquiries and provide the required information within five business days of receipt of such request.

## 5. Retrospective Review

Whenever the University identifies an SFI that was not disclosed timely by an Investigator or, for whatever reason, was not previously reviewed by the University during an ongoing PHS-funded research project (e.g., was not timely reviewed or reported by a subrecipient), the DO shall, within sixty days:

- A. review the significant financial interest;
- B. determine whether it is related to PHS-funded research;
- C. determine whether a financial conflict of interest exists, and, if so:
- D. implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest going forward;

Whenever an FCOI under a PHS-funded research project is not identified or managed in a timely manner, including failure by the Investigator to timely disclose an SFI that is later determined by the University to constitute an FCOI; failure by the University to timely review or manage such an FCOI; or failure by the Investigator to comply with an FCOI management plan, the University shall, within 120 days of the University's determination of noncompliance, complete a retrospective review of the Investigator's activities and the PHS-funded research project to determine whether any PHS-funded research, or portion thereof, conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research.

Under PHS policy, the University is required to document the retrospective review; such documentation shall include, but not necessarily be limited to, all of the following key elements:

- A. Project number;
- B. Project title;
- C. PD/PI or contact PD/PI if a multiple PD/PI model is used;
- D. Name of the Investigator with the FCOI;
- E. Name of the entity with which the Investigator has an FCOI;
- F. Reason(s) for the retrospective review;
- G. Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
- H. Findings of the review; and
- I. Conclusions of the review.

Based on the results of the retrospective review, if appropriate, the University shall update the previously submitted FCOI report, specifying the actions that will be taken to manage the FCOI going forward.

If bias is found, the University must notify the PHS Awarding Component promptly and submit a mitigation report to the PHS Awarding Component. The mitigation report must include, at a minimum, the key elements documented in the retrospective review above and a description of the impact of the bias on the research project and the University's plan of action or actions taken to eliminate or mitigate the effect of the bias (e.g., impact on the research project; extent of harm done, including any

qualitative and quantitative data to support any actual or future harm; analysis of whether the research project is salvageable).

The PHS Awarding Component will consider the situation and, as necessary, take appropriate action, which may include directing the University on how to maintain appropriate objectivity in the PHS-funded research project, requiring the University to submit records, submit to on-site review, accept special award conditions, suspension of funding, or other enforcement actions until the matter is resolved.

Thereafter, the University will submit FCOI reports annually, as specified elsewhere in this policy.

#### 6. PHS Subawards

The University will take reasonable steps to ensure that all subrecipient Investigators comply with PHS FCOI policy, including those of any subrecipient institutions. The University will incorporate, as part of a written agreement with the subrecipient, terms that establish that:

- A. the subrecipient's financial conflicts of interest policy is compliant with the PHS FCOI policy,
- B. all subrecipient's Investigators must comply with the subrecipient's financial conflicts of interest policy and
- C. there is a specified time period for the subrecipient to report all identified conflicts of interest to the University, where this time period is sufficient to enable the University to provide timely FCOI reports to the PHS as required.

## Appendix B – National Science Foundation (NSF)-Specific Requirements

This policy supplements the Sponsored Activity Disclosure Policy and brings Chapman University into compliance with the National Science Foundation Proposal & Award Policies & Procedures Guide - [https://www.nsf.gov/publications/pub\\_summ.jsp?ods\\_key=pappg](https://www.nsf.gov/publications/pub_summ.jsp?ods_key=pappg)

### 1. Definitions

**Significant Financial Interest (SFI)** In addition to the definition included in the overall policy above, the definition of Significant Financial Interest also includes equity interests in private equity, or other ownership interests, and venture or other capital financing.

SFI does not include Income from seminars, lectures, or teaching engagements sponsored by a public or nonprofit entity or Income from service on advisory committees or review panels for a public or nonprofit entity.

\*NOTE: Although current NSF regulations specify a higher threshold for SFI than PHS, the University policy identifies \$5,000 as the monetary threshold. Similarly, in non-publicly traded companies, PHS and University policy identify any equity amount as the threshold.

**Responsible Representative** means the individual identified and appointed by the University to assume the review responsibility for its own Investigators. The Responsible Representative is the Designated Official.

### 2. NSF-Specific Requirements

Overview of NSF-specific review, management, reporting, and remedies for non-compliance

When a conflict of interest is identified by the Designated Official, efforts must be made to manage, reduce, or eliminate the conflict. Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate conflicts of interest include, but are not limited to:

- A. Public disclosure of significant financial interests;
- B. Monitoring of research by independent reviewers;
- C. Modification of the research plan;
- D. Disqualification from participation in the portion of the NSF-funded research that would be affected by significant financial interests;
- E. Divestiture of significant financial interests;
- F. Severance of relationships that create conflicts.

If the Responsible Representative determines that imposing conditions or restrictions would be either ineffective or inequitable and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the reviewer(s) may allow the research to go forward without imposing such conditions or restrictions.

If it is determined that there is no way to manage an FCOI satisfactorily, and if the University finds that research will proceed without the imposition of conditions or restrictions when an FCOI exists, the University must notify NSF through their AOR representative using NSF's electronic systems. The responsible representative should also coordinate with the University's Designated Official to keep NSF's Office of the General Counsel appropriately informed.

## Appendix C – National Aeronautics and Space Administration (NASA)-Specific Requirements

This policy supplements the Sponsored Activity Disclosure Policy and brings Chapman University into compliance with the National Aeronautics and Space Administration GIC 23-07 Policy on Conflicts of Interest - <https://www.nasa.gov/wp-content/uploads/2023/09/gic-23-07-conflict-of-interest-policy-0.pdf> NASA modeled its policy largely on the NSF policy outlined in Appendix B.

### 1. NASA-Specific Definitions

**Conflict of Interest (COI)** is defined as a situation in which an investigator, or the investigator's spouse, partner or dependent children, has a significant financial interest that could directly and significantly affect the design, conduct, or reporting of NASA-funded research.

**Significant Financial Interest (SFI)** is defined as anything of monetary value, including, but not limited to, salary and any payment for services not otherwise identified as salary (e.g., consulting fees or honoraria), equity interest (e.g., stock, stock options, private equity, or other ownership interests), venture or other capital financing, and intellectual property rights (e.g., patents, copyrights, and royalties from such rights). The term does not include the following:

- A. Salaries, royalties, or other remuneration paid by the proposing institution to the investigator if the investigator is currently employed or otherwise appointed by the institution;
- B. Any ownership interests in the proposing institution if the institution is a commercial or for-profit organization;
- C. 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;
- D. Income from seminars, lectures, or teaching engagements sponsored by a public or nonprofit entity;
- E. Income from service on advisory committees or review panels for a public or nonprofit entity;
- F. An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: (1) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value and (2) does not represent more than a 5 percent ownership interest in any single entity; or
- G. Salaries, royalties, or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$10,000 during the prior twelve-month period.

\* NOTE: Although current NASA regulations specify a higher threshold for SFI than PHS, the University policy identifies \$5,000 as the monetary threshold. Similarly, in non-publicly traded companies, PHS and University policy identify any equity amount as the threshold.

## 2. NASA-Specific Policy

All recipients of NASA research grants and cooperative agreements (hereinafter “award”) shall maintain a written and enforced policy addressing COI. Pass-through entities shall be responsible for ensuring that (1) subaward recipients have their own policies in place that meet the requirements of NASA’s COI policy or (2) investigators working for subaward recipients follow the COI policies of the pass-through entity.

## 3. NASA-Specific Management Strategies

Institutions or subrecipients will impose appropriate conditions or restrictions to manage, reduce, or eliminate a conflict, including but not limited to:

- A. Public disclosure of the COI (e.g., when presenting or publishing the research),
- B. Monitoring of research by independent reviewers,
- C. Modification of the research plan,
- D. Change of personnel or personnel responsibilities,
- E. Disqualification of personnel from participation in all or a portion of the NASA-funded activity,
- F. Divestiture of significant financial interests that create the COI (e.g., sale of an equity interest) or
- G. Severance of relationships that create the COI.

## 4. NASA Subawards

Institutions and subrecipients will:

- A. Establish adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure investigators’ compliance as appropriate, and
- B. May apply COI disclosure standards that are more stringent than section 3.3 of the NASA Manual (e.g., standards that require more extensive disclosure of financial interests).

All recipients of NASA research grants and cooperative agreements (hereinafter “award”) shall maintain a written and enforced policy addressing COI. Pass-through entities shall be responsible for ensuring that (1) subaward recipients have their own policies in place that meet the requirements of NASA’s COI policy or (2) investigators working for subaward recipients follow the COI policies of the pass-through entity.

## 5. Notifications to NASA and NASA Actions

When an institution notifies a NASA Grant Officer(s) of a COI that cannot be eliminated, managed, or reduced, the cognizant Grant Officer or one of their delegates will report the conflict to NASA’s Office of the General Counsel (OGC) as follows:

- A. Grant Officers will report the conflict to the NASA Shared Services Center's (NSSC) OGC and copy the award's Technical Officer. The NSSC OGC then will inform HQ OGC of the reported conflict. In consultation with OGC and the relevant Technical Officer, the Grant Officer must review the COI and take appropriate action, as necessary.
- I. When an institution notifies NASA of a COI that involves any foreign governments, their instrumentalities, or any other entities owned, funded, or otherwise controlled by a foreign government, the cognizant Grant Officer must review the COI and take appropriate action, as necessary, in consultation with the award's Technical Officer, OGC, and the NASA Office of International and Interagency Relations (OIIR).
  - II. If fraud, misrepresentation, or related misconduct is suspected in relation to any COI notification submitted to NASA, then the Grant Officer or Technical Officer also will refer the matter to the NASA Office of Inspector General and OGC's Acquisition Integrity Program.
- B. If a Grant Officer must take appropriate actions after conducting the reviews described above, then they will do so in accordance with the remedies for noncompliance and termination provisions in 2 CFR § 200.339 through § 200.343. Remedies for noncompliance include but are not limited to:
- i. Temporarily withholding payment,
  - ii. Disallowing all or part of the cost of an award activity,
  - iii. Wholly or partly suspending or terminating the award,
  - iv. Initiating referrals for consideration of suspension or debarment proceedings, and
  - v. Withholding further Federal awards for the project or program.
- C. A Grant Officer intending to take action Section 5(b) of the NASA policy, will notify each institution about the specific reason for the action and will adhere to the requirements in GCAM section 7.13, Appealing a Suspended or Terminated Award, as necessary. However, notice of suspension or debarment proceedings will be issued consistent with 2 CFR Part 180, as adopted by NASA at 2 CFR Part 1880. Additionally, if NASA determines that an investigator will be disqualified from participating on an award due to a COI that cannot be managed, reduced, or eliminated, then NASA will offer the institution an opportunity to address the COI prior to taking action on the award.



## Appendix D – Department of Energy (DOE)-Specific Requirements

This policy supplements the Sponsored Activity Disclosure Policy and brings Chapman University into compliance with the Department of Energy Interim Conflicts of Interest Policy Requirements for Financial Assistance - <https://www.energy.gov/sites/default/files/2021-12/Interim%20COI%20Policy%20FAL2022-02%20to%20SPEs.pdf> The DOE modeled its policy largely on the PHS policy outlined in Appendix A.

### 1. Applicability of DOE Policy

This DOE Interim COI Policy is applicable to each non-Federal entity that is applying for or that receives a DOE financial assistance award and, through the implementation of this policy by the non-Federal entity, to each Investigator who is planning to participate in or is participating in the project funded wholly or in part under the DOE financial assistance award, and to each non-federal entity sub-recipient under the award. The DOE Interim COI Policy does not apply to Office of Indian Energy and Phase I Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) applications and awards.

### 2. DOE-Specific Definitions

**Investigator** means the principal Investigator (PI) and any other person, regardless of title or position, who is responsible for the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. DOE program offices have the discretion to expand the definition to include any person who participates in the purpose, design, conduct, or reporting of a project funded by DOE or proposed for funding by DOE. Such expansion will be specified in the applicable funding opportunity announcement and/or terms and conditions of the financial assistance award.

**Organizational conflict of interest** means a situation where, because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. 2 CFR 200.318(c)(2).

**Potential COI** exists when an impartial observer reasonably believes that actual or apparent past, present, or currently planned interests could constitute a conflict of interest with a project funded under a DOE award.

**Significant Financial Interests (SFI)** In addition to the definition of Significant Financial Interest above, DOE considers Sponsored Travel to be an SFI when the travel is related to an Investigator's Institutional Responsibilities.

**Sponsored Travel** means that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available, when the travel is related to their institutional responsibilities.

Investigators must disclose the occurrence of any reimbursed or Sponsored Travel related to their institutional responsibilities that is not otherwise disclosed in current and pending or other support

disclosures, provided that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency of the United States; a domestic Institution of Higher Education; or a domestic research institute that is affiliated with a domestic Institution of Higher Education. The non-Federal entity's FCOI policy will specify the details of this disclosure, which will include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. In accordance with the non-Federal entity's FCOI policy, the non-Federal entity official(s) will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes a FCOI with the project funded under the DOE award.

### 3. DOE Training

All Investigators are required to take the University's PHS-compliant FCOI training, which includes reviewing the University's policy, the Investigator's responsibilities, and federal requirements. Training must be completed before engaging in research and refreshed at least every four years. In addition, Investigators may need to complete training when:

- A. FCOI policies are revised in a manner that changes Investigator requirements;
- B. an Investigator is new to the University; and
- C. an Investigator is non-compliant with FCOI policies and procedures.

### 4. DOE-Specific Review of SFIs

The Designated Official will determine whether an Investigator's SFI is related to a project funded under a DOE award and, if so related, whether the SFI is a financial conflict of interest. An Investigator's SFI is related to a project funded under a DOE award when the non-Federal entity, through its Designated Official, reasonably determines that the SFI could be affected by the project, could affect the project, is in an entity whose financial interest could affect the project, or is in an entity whose financial interest could be affected by the project. The non-Federal entity may involve the Investigator in the designated official(s)'s determination of whether a significant financial interest is related to the project funded under the DOE award. A financial conflict of interest exists when the non-Federal entity, through its Designated Official, reasonably determines that the SFI could directly and significantly affect the purpose, design, conduct, or reporting of the project funded under a DOE award.

### 5. DOE-Specific Management of FCOIs

One or more of the following conditions or restrictions may be imposed to manage a financial conflict of interest:

- A. Public disclosure of the financial conflict of interest (e.g., when presenting or publishing the project);
- B. For projects involving human subjects, disclosure of financial conflicts of interest directly to participants;
- C. Appointment of an independent monitor or oversight committee capable of taking measures to protect the purpose, design, conduct, and reporting of the project against bias resulting from the financial conflict of interest;
- D. Modification of the project plan;

- E. Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the project;
- F. Reduction or elimination of the financial interest (e.g., sale of an equity interest); or
- G. Severance of relationship(s) that create financial conflicts of interest.

## 6. Reporting FCOIs to DOE

A. Prior to the non-Federal entity's expenditure of any funds under a DOE-funded project, the non-Federal entity shall provide to the DOE program office a FCOI report regarding any Investigator's unmanaged or unmanageable significant financial interest found by the non-Federal entity to be conflicting. DOE program offices may, by language in FOAs or term and condition of award, require a non-Federal entity's FCOI report also list any Investigator's significant financial interest found by the non-Federal entity to be conflicting and addressed by a management plan in accordance with this Policy. The non-Federal entity shall provide, on request, FCOI reports and supporting documentation about any significant financial interest found by the non-Federal entity to be conflicting, regardless of whether or not the conflict has been managed, mitigated, or eliminated. In cases in which the non-Federal entity identifies a financial conflict of interest and eliminates it prior to the expenditure of DOE-awarded funds, the non-Federal entity need not submit a FCOI report to the DOE program office.

B. For any significant financial interest that the non-Federal entity identifies as conflicting subsequent to the non-Federal entity's initial FCOI report during an ongoing project funded under a DOE award (e.g., upon the participation of an Investigator who is new to the project), the non-Federal entity shall:

(i) [Applicable when a DOE program office requires the non-Federal entity to include only unmanaged or unmanageable Investigator FCOIs in the FCOI Report] Provide to DOE within sixty days an FCOI report regarding the financial conflict of interest if the non-Federal entity's designated official determines that the FCOI is unmanageable. Pursuant to paragraph (a)(3)(ii) of section V. Management and reporting of financial conflicts of interest, where such FCOI report involves a significant financial interest that was not disclosed timely by an Investigator or, for whatever reason, was not previously reviewed or managed by the non-Federal entity (e.g., was not timely reviewed or reported by a subrecipient), the non-Federal entity also is required to complete a retrospective review to determine whether any project funded under a DOE award or portion thereof conducted prior to the identification of the financial conflict of interest was biased in the purpose, design, conduct, or reporting of such project. Additionally, pursuant to paragraph (a)(3)(iii) of section V. Management and reporting of financial conflicts of interest, if bias is found, the non-Federal entity is required to notify the DOE program office promptly and submit a mitigation report to the DOE program office.

(ii) [Applicable when a DOE program office requires the non-Federal entity to include all Investigator FCOIs – including managed and unmanaged/unmanageable FCOIs – in the FCOI Report] Provide to DOE within sixty days, an FCOI report regarding the financial conflict of interest and ensure that the non-Federal entity has implemented a management plan in accordance with this Policy. Pursuant to paragraph (a)(3)(ii) of section V. Management and reporting of financial conflicts of interest, where such FCOI report involves a significant financial interest that was not disclosed timely by an Investigator or, for whatever reason, was not

previously reviewed or managed by the non-Federal entity (e.g., was not timely reviewed or reported by a subrecipient), the non-Federal entity also is required to complete a retrospective review to determine whether any project funded under a DOE award, or portion thereof, conducted prior to the identification and management of the financial conflict of interest was biased in the purpose, design, conduct, or reporting of such project. Additionally, pursuant to paragraph (a)(3)(iii) of section V. Management and reporting of financial conflicts of interest, if bias is found, the non-Federal entity is required to notify the DOE program office promptly and submit a mitigation report to the DOE program office.

C. Any FCOI report required under paragraphs (b)(1) or (b)(2) of section V.(b) reporting of financial conflicts of interest, shall include sufficient information to enable DOE to understand the nature and extent of the financial conflict, and to assess the appropriateness of the non-Federal entity's management plan. Elements of the FCOI report shall include, but are not necessarily limited to the following:

- (i) DOE award number;
- (ii) PI or Contact PI if a multiple PI model is used;
- (iii) Name of the Investigator with the financial conflict of interest;
- (iv) Name of the entity with which the Investigator has a financial conflict of interest;
- (v) Nature of any applicable financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium) and/or applicable external relationships or activities;
- (vi) Value of any applicable financial interest (dollar ranges are permissible: \$0 -\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value;
- (vii) A description of how the financial interest relates to the project funded under a DOE award and the basis for the non-Federal entity's determination that there is a conflict with such project; and
- (viii) [Applicable when a DOE program office requires the non-Federal entity to include all Investigator FCOIs – including managed and unmanaged/unmanageable FCOIs – in the FCOI Report] A description of the key elements of the non-Federal entity's management plan, including:
  - a. Role and principal duties of the conflicted Investigator in the project;
  - b. Conditions of the management plan;
  - c. How the management plan is designed to safeguard objectivity in the project;
  - d. Confirmation of the Investigator's agreement to the management plan;
  - e. How the management plan will be monitored to ensure Investigator compliance; and
  - f. Other information as needed.

D. For any financial conflict of interest previously reported by the non-Federal entity with regard to an ongoing project funded under a DOE award, the non-Federal entity shall provide DOE with an annual FCOI report that addresses the status of the financial conflict of interest and, if applicable, any changes to the management plan for the duration of the DOE award. The annual FCOI report shall specify whether the financial conflict is still being managed or if it remains unmanaged/unmanageable. Alternatively, the annual FCOI report shall explain why the financial conflict no longer exists. The non-Federal entity shall provide annual FCOI reports to DOE for the duration of the project period (including extensions with or without funds) in the time and manner required by term and condition of award.

E. In addition to the annual FCOI report, DOE may require a non-Federal entity to routinely submit all or some Investigator disclosures of financial interests. Circumstances when DOE may require a non-Federal entity to submit all or some of such Investigator disclosures include but are not limited to:

- (i) As part of monitoring the non-Federal entity's compliance with this Policy;
- (ii) Bankruptcy of the non-Federal entity;
- (iii) Other legal winding down of the non-Federal entity;
- (iv) Acquisition of the non-Federal entity by a foreign entity, where "acquisition" includes a foreign entity obtaining a controlling interest in the non-Federal entity; or
- (v) As otherwise set forth in 2 CFR 200, as amended by 2 CFR 910.

F. In addition to the types of financial conflicts of interest as defined in this Policy that must be reported pursuant to this section, a non-Federal entity may require the reporting of other conflicts of interest in its policy as the non-Federal entity deems appropriate.

#### 7. DOE Retrospective Review

Whenever a non-Federal entity identifies a significant financial interest that was not disclosed timely by an Investigator or, for whatever reason, was not previously reviewed by the non-Federal entity during an ongoing project funded under a DOE award (e.g., was not timely reviewed or reported by a subrecipient), the designated official(s) shall, within sixty days: review the significant financial interest; determine whether it is related to the project funded under a DOE award; determine whether a financial conflict of interest exists; and, if so:

A. Implement, on at least an interim basis, a management plan that shall specify the actions that have been and will be taken to manage such financial conflict of interest going forward;

B.

- i. In addition, whenever a financial conflict of interest is not identified or managed in a timely manner, including failure by the Investigator to disclose a significant financial interest that is determined by the non-Federal entity to constitute a financial conflict of interest; failure by the non-Federal entity to review or manage such a financial conflict of interest; or failure by the Investigator to comply with a financial conflict of interest management plan, the non-Federal entity shall, within 120 days of the non-Federal entity's determination of noncompliance, complete a retrospective review of the Investigator's activities and the project funded under the DOE award to determine whether any project activity, or portion thereof, conducted during the

time period of the noncompliance, was biased in the purpose, design, conduct, or reporting of such project.

ii. The non-Federal entity is required to document the retrospective review; such documentation shall include, but not necessarily be limited to, all of the following key elements:

- (1) DOE award number;
- (2) Project title;
- (3) PI or contact PI if a multiple PI model is used;
- (4) Name of the Investigator with the FCOI;
- (5) Name of the entity with which the Investigator has a financial conflict of interest;
- (6) Reason(s) for the retrospective review;
- (7) Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
- (8) Findings of the review; and
- (9) Conclusions of the review.

C. Based on the results of the retrospective review, if appropriate, the non-Federal entity shall update the previously submitted FCOI report, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, the non-Federal entity is required to notify the DOE program office promptly and submit a mitigation report to the DOE program office. The mitigation report must include, at a minimum, the key elements documented in the retrospective review above, a description of the impact of the bias on the project, and the non-Federal entity's plan of action or actions taken to eliminate or mitigate the effect of the bias (e.g., impact on the project; extent of harm done, including any qualitative and quantitative data to support any actual or future harm; analysis of whether the project is salvageable). Thereafter, the non-Federal entity will submit FCOI reports annually, as specified elsewhere in this Policy. DOE program offices may, by language in Funding Opportunity Announcements (FOAs) or by term and condition of award, require more frequent reporting for awards. Depending on the nature of the financial conflict of interest, a non-Federal entity may determine that additional interim measures are necessary with regard to the Investigator's participation in the project funded under the DOE award between the date that the conflict of interest or the Investigator's noncompliance is determined and the completion of the non-Federal entity's retrospective review.

#### 8. DOE Subawards

The University will take reasonable steps to ensure that all subrecipient Investigators comply with PHS FCOI policy, including those of any subrecipient institutions. The University will incorporate, as part of a written agreement with the subrecipient, terms that establish that:

- A. the subrecipient's financial conflicts of interest policy is compliant with the PHS FCOI policy,
- B. all subrecipient's Investigators must comply with the subrecipient's financial conflicts of interest policy and

- C. there is a specified time period for the subrecipient to report all identified conflicts of interest to the University, where this time period is sufficient to enable the University to provide timely FCOI reports to the PHS as required.

#### 9. Publicly Available Information

This policy will be posted on a publicly available website. In addition, Chapman will provide information about FCOIs related to PHS-funded projects, upon written request. The Designated Official or their designate will respond to such inquiries and provide the required information within five business days of receipt of such request.

#### 10. Responsibilities of non-Federal entities regarding organizational conflicts of interest.

A. The existence of written policies or procedures requiring that certain procurements or transactions be made with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe is an effective manner of mitigating an organizational conflict of interest.

B. The non-Federal entity must disclose in writing any potential or actual organizational conflict of interest to the DOE program office. The non-Federal entity must provide the disclosure to DOE in an application for financial assistance or prior to engaging in a procurement or transaction using DOE funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe. The elements of the disclosure shall include, but are not limited to the following:

- (i) The name, address, and website (as applicable) of the entity that presents a potential or actual organizational conflict of interest;

- (ii) The relationship between the non-Federal entity and the entity at issue;

- (iii) The nature of the anticipated procurement or other transaction with the parent, affiliate, or subsidiary organization; the anticipated value of the procurement or other transaction; and the basis for making the procurement or other transaction with a parent, affiliate, or subsidiary organization;

- (iv) The basis for the non-Federal entity's determination regarding the existence of an organizational conflict of interest; and

- (v) How the non-Federal entity will avoid, neutralize, or mitigate the organizational conflict of interest.

C. If the effects of the potential or actual organizational conflict of interest cannot be avoided, neutralized, or mitigated, the anticipated procurement or other transaction using DOE funds may not be made. Where there is an organizational conflict of interest that cannot be avoided, neutralized, or mitigated, the non-Federal entity must procure goods and services from other sources when using DOE funds.

## 11. Remedies

A. If the failure of an Investigator to comply with a non-Federal entity's financial conflict of interest policy or a management plan appears to have biased the purpose, design, conduct, or reporting of the project funded under a DOE award, the non-Federal entity shall promptly notify the DOE of the failure to comply and of the corrective action taken or to be taken. DOE will consider the situation and, as necessary, take appropriate action, or refer the matter to the non-Federal entity for further action, which may include directions to the non-Federal entity on how to maintain appropriate objectivity in the project funded under the DOE award.

DOE may, for example, require non-Federal entities employing such an Investigator to enforce any applicable corrective actions prior to a DOE award or when the transfer of a DOE award involves such an Investigator.

B. DOE may inquire, at any time before, during, or after an award, into any Investigator's disclosure of financial interests and the non-Federal entity's review (including any retrospective review) of and response to such disclosure, regardless of whether the disclosure resulted in the non-Federal entity's determination of a financial conflict of interest. A non-Federal entity is required to submit or permit on-site review of, all records pertinent to compliance with this Policy. To the extent permitted by law, DOE will maintain the confidentiality of all records of financial interests. Based on its review of records or other information that may be available, the DOE program office may decide that a particular financial conflict of interest will bias the objectivity of or adversely impact the project funded under the DOE award to such an extent that further corrective action is needed or that the non-Federal entity has not managed the financial conflict of interest in accordance with this Policy. The DOE may determine that the imposition of specific award conditions under 2 CFR 200.208 is necessary. The DOE may also take one or more the actions specified under 2 CFR 200.339, as appropriate in the circumstances.

C. If a non-Federal entity fails to disclose an organizational conflict of interest to DOE prior to engaging in a procurement or transaction using DOE funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the costs of such procurement or transaction may be disallowed. If a non-Federal entity fails to disclose an organizational conflict of interest to DOE prior to engaging in a procurement or transaction using DOE funds with a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, and the organizational conflict of interest is not avoided, neutralized, or managed, DOE may determine that imposition of specific award conditions under 2 CFR 200.208 is necessary. DOE may also take one or more actions specified under 2 CFR 200.339, as appropriate in the circumstances.

D. Any false, fictitious, or fraudulent information, or the omission of any material fact, on a disclosure, report, or other record required under this Policy may be subject to criminal, civil, or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Sections 287 and 1001; and Title 31, 3729-3730 and 3801-3812).