

## **Applicability**

This policy applies to all Covered Individuals on external awards (sponsored research) administered by The Research Foundation for SUNY at Binghamton University and other Covered Individuals, as defined.

## **Background**

Binghamton University is committed to promoting objectivity in research and to maintaining high ethical standards to ensure that the design, conduct, and reporting of research is not biased by the financial interests of Covered Individuals. The responsibilities and obligations of Covered Individuals as they relate to the University must be clearly separate from their personal financial interests and obligations. Covered Individuals must disclose significant financial interests and non-university significant obligations for themselves and their immediate family members to ensure that the design, conduct and reporting of sponsored research activity will not be biased.

## **Definitions**

*Covered Individuals*-Project Directors, Principal Investigators, Co-Investigators, Senior Key Personnel on an award responsible for the design, conduct, or reporting of externally supported activities. Principal Investigators (faculty) on IRB protocols, those that have a current COI on file, those engaged in start-up companies or other external activities that may create real and/or perceived conflicts of interest, and/or those in positions of upper management in order to comply with our accreditation with the Association for the Accreditation of Human Research Protection Programs are also Covered Individuals. Employment status with Binghamton University or The Research Foundation is not a requisite to this definition or Policy. Individuals who do not make independent decisions regarding the design, conduct, or reporting of the activities, and/or engaged strictly in an administrative supporting role do not meet the definition of a Covered Individual.

*Conflict of Interest* - Occurs when a Covered Individual is, or may be, in a position to influence activities or decisions in ways that could lead to personal gain for the Covered Individual or their immediate family members, or give an improper advantage to third parties in their dealings with the University. Conflicts may also arise when Covered Individuals have outside obligations of any kind that are in substantial conflict with their responsibilities or the public interest.

*Significant Financial Interest (SFI)* - Appears when a financial interest, in-kind support, or other engagements consisting of one or more of the following interests of the Covered Individual (or those of their immediate family members) that reasonably appears to be related to the Covered Individual's responsibilities:

- with regard to any publicly traded entity, 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 if, when aggregated, exceeds \$5,000
- with regard to any non-publicly traded entity, the value of any remuneration received from the entity in the twelve months preceding the disclosure if, when aggregated, exceeds \$5,000, or when the Covered Individual or his/her immediate family members hold any equity interest (e.g., stock, stock option, or other ownership interest)
- intellectual property rights and interests (e.g., patents, copyrights), and royalties from such rights, upon receipt of income related to such rights and interest;
- reimbursed or sponsored travel of any amount (e.g. travel paid on behalf of the

- Covered Individual);
- any unpaid positions/obligations that are held by you or your spouse or domestic or civil union partner. Examples are officer, trustee, board member, director, consultant, advisor, visiting/affiliated faculty (whether full-time, part-time, adjunct, honorary or voluntary), or scientific advisor for a for profit or not-for-profit entity, whether domestic or foreign. For clarity, this includes affiliations or appointments with foreign entities or governments, inclusive of a *foreign government-sponsored talent recruitment program*;
  - income received from foreign entities for seminars, lectures, teaching engagements, or service on advisory committees or review panels;
  - contracts associated with participation in programs sponsored by foreign governments, instrumentalities, or entities, including support provided through an intermediary not requiring membership in a *foreign government-sponsored talent recruitment program*; and
  - other foreign government sponsored or affiliated activity.

The CHIPS and Science Act of 2022 requires federal research funding agencies establish a policy that requires Covered Individual certify that individual does not participate in a Malign Foreign Talent Recruitment Program (MFTRP) in each research and development award proposal, and annually thereafter for the duration of the award. Under these federal policies, The Research Foundation for SUNY at Binghamton University must also certify that it has made Covered Individuals aware of this requirement and full compliance, therein. In addition, U.S. Department of Defense, under its “Policy for Risk-Based Security Reviews of Fundamental Research” will deny funding proposals if the proposing institution does not have a policy prohibiting participation in a MFTRP.

*A foreign government-sponsored talent recruitment program* is a program sponsored by, or benefit offered (whether in the form of remuneration or in-kind support) by a foreign researcher, foreign government, foreign institution, or foreign government-controlled entity for the purpose of facilitating the transfer or acquisition of expertise, technical know-how, research results/data/designs, or technology. These programs may involve entering into a contract with a foreign institution or entity and may be accompanied by an honorary, adjunct, or temporary appointment. Non-disclosure clauses associated with foreign contracts are not acceptable exemptions from this disclosure requirement

*SFI Exclusions* - The following types of financial interests are excluded from the definition:

- salary, royalties, or other remuneration paid by SUNY, The Research Foundation for SUNY, if the Covered Individual is currently employed or otherwise appointed by SUNY or the RF
- intellectual property rights assigned to SUNY or the RF and agreements to share in royalties related to such rights
- income from investment vehicles, such as mutual funds and retirement accounts, as long as the Covered Individual does not directly control the investment decisions made in these vehicles
- income received from U.S. based organizations for seminars, lectures, teaching engagements, or service on advisory committees or review panels sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education;

*Financial Conflict of Interest (FCOI)* - when a Covered Individual’s SFI, external obligation, or \_\_\_\_\_

sponsored travel could directly and significantly affect the design, conduct, or reporting of research or creative activity. SFIs that could directly and significantly affect the design, conduct, or reporting of funded research are considered a FCOI.

## **Policy**

As part of its commitment to promoting objectivity in research, and consistent with federal regulations, Research Foundation policy, and the requirements of external agencies, Binghamton University has formulated this policy to identify and address potential, actual and apparent conflicts of interest.

### **Disclosures**

Real and apparent FCOI may arise from any number and type of external commitments and financial interests. Covered Individuals are **required** to report fully and accurately all external commitments and financial interests they hold, as well as the commitments and interests of their spouse, domestic partner and dependent child(ren).

Covered Individuals must complete and submit a *COI Disclosure*:

- at the time of application for external funding or prior to the activation of an award;
- annually thereafter during the period of the funded award;
- when required by the sponsor or by the terms and conditions of an award; and
- within 30 days of discovering or acquiring a new SFI, or when an existing SFI materially changes.

### **Training**

Conflict of interest (COI) training is recommended for all Covered Individuals engaged in sponsored research activities. COI training is **required** for each Covered Individual involved in federally sponsored research programs. Sponsoring agencies of other funded research may also require COI training, COI training may also be mandated by the Office of Research Compliance when circumstances warrant.

Required COI training must be completed:

- prior to engaging in the sponsored research and at least once every four years thereafter;
- when a Covered Individual is under a management plan

Covered Individuals found out of compliance with this Policy may be required to complete COI training as determined by the Office of Research compliance.

### **Requirements for Subrecipients**

When funding from federal agencies/awards that impose FCOI regulatory requirements is sub-allocated to another institution, the subrecipient must comply with all requirements set forth. Subrecipients must certify in the written agreement that their policy is in compliance. If the subrecipient does not have a policy that complies with the awarding agency regulations, the written agreement must state that the subrecipient will comply with Binghamton University's Policy, as stated in this document.

### **Management of Conflicts**

Real or apparent COI are addressed through a management plan. The plan must be designed to remove the bias, or the reasonable perception of bias. Real and apparent COI often can be managed, in whole or in part, by:

- public disclosure of the implicated external commitments and financial interests, specifically to journal publishers, granting agencies, conference organizers, audiences at

- presentations, colleagues, collaborators, and students;
- monitoring by independent reviewers of the related research and/or of the student participation;
- modification of the research plan;
- disqualification from participation in all or a portion of the research project;
- removal of the Covered Individual as the Principal Investigator or the appointment of a co-Investigator;
- declination of the sponsored award.

Special attention is paid when research personnel have academic oversight responsibilities for undergraduates, graduate students, or postdoctoral associates who are working on projects that are funded by, or conducted in collaboration with, an external entity in which the Covered Individual has a financial interest or relationship.

### Reporting and Management Plan Compliance

Persons subject to this policy are required to report fully and accurately their external commitments and financial interests and to comply with any plans developed to manage their real or apparent COI. Failure to comply with this policy may result in:

- suspension of the establishment of all new awards;
- suspension of expenditure allowance of all sponsored and infrastructure funds;
- institutional disapproval the submission of any new proposals to external sponsors; and/or
- suspension of internal financial support for Covered Individual initiated projects.

### Non-Compliance in Annual Reporting

Conflict of Interest Disclosures and COI Management for the Binghamton University Research Foundation is facilitated by the Office of Research Compliance via the Pre Award and Compliance System (PACS). All Covered Individuals on projects will be asked annually to review and update, as applicable, their certification for the life of the award. Each September Covered Individuals will

receive a notice from PACS prompting the completion and submission of the Conflict of Interest *Annual Disclosure Certification* and must submit this disclosure no later than November 1<sup>st</sup>.

A Covered Individual who has not completed by the certification by the November 1<sup>st</sup> deadline will be notified by the Assistant Vice President for Research Compliance that their certification must be submitted via PACS immediately. Failure to complete the *Annual Disclosure Certification* by the November 1<sup>st</sup> deadline will result in a suspension of funds until the disclosure is submitted, reviewed, and accepted. Continued *Annual Disclosure Certification* delinquency may result in further actions including but not limited to reporting of non-compliance to the Research Foundation Operations Manager, the Vice President for the Division of Research, and the sponsor.

### **Contact**

Any questions regarding this information should be directed to the Office of Research Compliance at (607) 777-3532.