

ADMINISTRATIVE ACTIONS, PENALTIES AND REPORTS OF VIOLATIONS

Administrative Sanctions

Failure to disclose conflicts of interest in an appropriate and timely manner, or failure to comply with procedures to resolve conflicts of interest as recommended by the Departmental Chair/Supervisor or the University Conflict of Interest Committee shall result in administrative sanctions determined by the Vice President for Research with advice from the appropriate Dean or other administrative officials.

Sanctions and penalties for those who knowingly and willfully disregard this policy, failure to adhere to a management plan, or refuse to comply with its terms, will be determined by the Dean of the Faculty or Director, Office of Research Compliance and Assurance.

Penalties for non-compliance with this policy may include, but are not restricted to:

- Letter of reprimand
- Notification to professional and/or scientific societies, funding agencies and/or professional journals
- Reassignment of duties
- Termination of grant support
- Adjustment of research space allocation
- Adjustment of salary
- Suspension
- Dismissal

Reporting and Investigation of Violations

Reports of violations of this policy, including violations of a prescribed management plan, shall be presented to the University Conflicts of Interest Committee through the College Dean or Director, Office of Research Compliance and Assurance. Within five (5) business days of receiving a report, the University Conflicts of Interest Committee shall provide a copy of the report to the subject of the allegations and request a written response for the Committee's consideration. Within thirty (30) days of receiving notice of an alleged violation, the Committee shall conduct an investigation into the allegations and determine whether the policy has been violated. During the investigation, the Committee shall review the report of violation, any response, and any other relevant documentary material. The Committee may also conduct interviews of the person submitting the report, the subject of the allegations, and any other persons believed to have factual knowledge of the allegations.

In situations involving the health or safety of individuals or the potential loss of significant University resources, the Committee may recommend and/or the Vice President for Research may implement any administrative action necessary to protect these persons and resources pending the outcome of the foregoing procedures. Otherwise, no disciplinary or administrative action shall occur until the conclusion of the violation evaluation process set forth in this policy.

Notification of Federal Agencies

If the failure of the investigator to comply with this conflict of interest policy has biased the design, conducting, or reporting of federally funded research, USA shall promptly notify the awarding agency of the corrective action taken or to be taken.

PROCEDURES FOR HANDLING CONFLICTS OF INTERESTS

The Departmental Chair/Supervisor, and if warranted in consultation with the College Dean, determine the course of action that is in the best interests of the University.

In making this determination, the Reviewer may take into account the following factors:

- any possible harm to the University or its employees, officers or others acting on its behalf if the conflict is allowed;
- any possible harm to the interests of students, clients of University services, or others served by the University, if the conflict is allowed;
- whether reasonable alternative arrangements are possible which do not create a conflict of interest;
- the consequences to the University, its reputation and future activities if the conflict of interest is not allowed;
- the consequences to the University and its reputation and future activities if the conflict of interest is permitted to continue;
- the educational, research, economic and other interests of the University; and
- the rights and interests of the Employee.

The Reviewer may request from the Employee additional information that relates directly to and is necessary to assess and decide the real or potential conflict. The Reviewer may consult with others before making a decision relating to a real or potential conflict of interest.

The Reviewer will issue in writing a report to the Employee who has declared the real or potential conflict of interest, setting out the issues assessed during the review, the decision made and the reasons for the decision. Where the decision is to manage the conflict, a process for doing so will be implemented. If the activity is related to PHS or NSF funding, for reporting purposes, a copy of the report will be forwarded by the Reviewer to the Director, Office of Research Compliance and Assurance.

A decision concerning an ongoing conflict of interest may be reviewed by the Reviewer at appropriate intervals. The original decision may be reversed or altered.

MANAGEMENT AND OVERSIGHT

The Departmental Chair or Supervisor and if warranted, in conjunction with the University Conflict of Interest Committee, consider potential conflicts of interest and determine whether to Manage, Reduce or Eliminate the conflict. The Departmental Chair or Supervisor, in consultation with the University Employee ultimately responsible for the proposed research or activity, will develop a Management, Monitoring and Implementation Plan (the "Plan"). The Plan is subject to approval by the College Dean and/or University Conflict of Interest Committee. The Employee and Departmental Chair/Supervisor must sign the plan, and a copy of the plan must be sent to the applicable dean or director. All identified Conflicts of Interest must be handled by one of the following three approaches:

1. A conflict can be **MANAGED** if the conflict does not seem to be of such a degree that the research or activity as proposed would be compromised in regards to academic freedom, integrity or objectivity; or
2. The conflict must be **REDUCED** if there is a serious possibility that the research or other activity as proposed would be compromised or a serious concern that there could be a conflict with University policies. or
3. The conflict must be **ELIMINATED** if the research or activity as proposed would be compromised by the conflict. If the conflict cannot be eliminated, the Employee shall eliminate the conflict by either divesting him/herself from all external financial interests or by not proceeding with the research or activity.

If a disclosure is forwarded to the University Conflict of Interest Committee, the committee shall:

Review the disclosure(s) and make recommendations for resolution. If necessary, a member of the committee will be appointed to work with the individual having a conflict of interest to develop a Plan, which becomes a Memorandum of Understanding (MOU) between the individual and the university. The University Conflicts of Interest Committee will review and recommend approval, disapproval, or changes in the Plan.

The Conflicts of Interest Committee may recommend incorporation of such measures in the Plan such as:

Modification of the research plan,

Disqualification of the investigator with the conflict of interest from participation in all or a portion of the research,

Divestiture of significant financial interests,

Severance of relationships with the business enterprise or entity that create actual or potential conflicts of interest,

Disclosure of the conflict to the sponsor.