Bryn Mawr College Policy: Conflict of Interest

Trustees, executives officers, deans, directors, faculty and staff all serve the educational and public purposes to which the College is dedicated. Accordingly, all such members of the College community have a clear obligation to conduct the affairs of the College in a manner consistent with those purposes and to make all decisions based on the desire to promote the best interests of the College.

This statement recognizes and affirms the tradition and expectation that members will conduct their relationships with each other and the College with candor and integrity. It confirms the College policy that faculty and other employees who accept full-time appointments have a primary commitment to the College and that they will be sensitive to the possible adverse effects of their external activities. It is recognized, however, that the quality of teaching, research, and the administration of College programs may be enhanced when members participate in extramural activities, so long as their primary commitment to the College is not adversely affected.

The following policies and procedures will permit members of the faculty, staff, and administration to identify, evaluate, and correct or remove real, apparent, and potential conflicts of interest and commitment. The appearance that a conflict may be present may be as important as the reality. These guidelines define general College policy and procedures regarding conflicts of interest in relationship to sponsored projects involving research, education, and college service. Their purpose is to protect the credibility and integrity of the College’s faculty and staff so that public trust and confidence in the College’s sponsored activities is ensured.

In accordance with Federal regulations, the College has a responsibility to manage, reduce, or eliminate any actual or potential conflicts of interest that may be presented by a financial interest of an investigator. Thus, the College requires that investigators disclose any Significant Financial Interest that would reasonably appear to be directly and significantly affected by an actual or potential conflict of interest in relationship with a sponsored project.

A. Background - Technology Transfer and Conflict of Interest

Effective interaction between universities conducting research and industry is essential to ensure the rapid application of scientific discoveries to the needs of the Nation and to maintain the international competitiveness of domestic industry. Nonetheless, prudent stewardship of public funds includes protecting sponsored research from being compromised by the conflicting financial interests of any investigator responsible for the design, conduct, or reporting of sponsored research.

Numerous statutes and programs demonstrate Federal interest in the promotion of interactions among Government, academia and industry. For example, the Stevenson-Wydler Technology
Innovation Act of 1980 (Public Law (P.L.) 96-480) encourages technology transfer, particularly through industrial-academic collaborations. The Patent and Trademark Act Amendments of 1980 (P.L. 96-517) allow universities and other funding recipients to apply for patents developed with Federal funding, and expressly promote collaboration between commercial concerns and nonprofit organizations. The Economic Recovery Tax Act of 1981 (P.L. 97-34) is aimed at fostering research and development by small companies and associated university partners. The Federal Technology Transfer Act of 1986 (P.L. 99-502), which amended P.L. 96-480, and Executive Order 12592 provide similar patent and licensing authority to Federal laboratories, and encourage them to participate in cooperative research and development agreements with the private sector and nonprofit organizations, including universities. These legal authorities facilitate the movement of intellectual capital between the Federal Government, academic institutions, and the private sector. This kind of cross-fertilization is critical to the development of U.S. industry. However, these and other inducements for collaboration have created a climate in which the stewardship of public funding for research is increasingly complex and challenging.

The value of the results of sponsored research to the health and the economy of the Nation must not be compromised by any financial interest that will, or may be reasonably expected to, bias the design, conduct, or reporting of the research. This policy seeks to maintain a reasonable balance between these competing interests by giving the College the ability to identify and manage financial interests that may bias the research, and minimizing reporting and other burdens on the investigators.

B. Definitions

A potential Conflict of Interest occurs when there is a divergence between an individual’s private interests and his or her professional obligations to the College such that an independent observer might reasonably question whether the individual’s professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

Investigator means the principal investigator/project director, co-principal investigators, and any other person at the College who is responsible for the design, conduct, or reporting of research, educational, or service activities funded, or proposed for funding, by an external sponsor. In this context, the term “Investigator” includes the investigator’s spouse and dependent children.

Significant Financial Interest means anything of monetary value, including, but not limited to:
• salary or other payments for services (e.g., consulting fees or honoraria)
• equity interests (e.g., stocks, stock options or other ownership interests)
• intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does not include:
1. Salary, royalties, or other remuneration from the College;
2. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
3. Income from service on advisory committees or review panels for public or nonprofit entities;
4. An equity interest that when aggregated for the Investigator and the Investigator’s spouse and
dependent children, meets both of the following tests: does not exceed $10,000 in value as
determined through reference to public prices or other reasonable measures of fair market value,
and, does not constitute more than a five percent ownership interest in any single entity; or
5. Salary, royalties or other payments that when aggregated for the Investigator and the
Investigator’s spouse and dependent children over the next twelve months, are not expected to
exceed $10,000.
Provided, however, that the exclusions in items (1), (4), and (5) shall not apply if the
compensation or transfer of an equity interest is conditioned upon a particular outcome in a
sponsored research project.

C. Guidelines

1. Each Investigator is required to disclose the following Significant Financial Interests:
A. Any Significant Financial Interest of the Investigator that would reasonably appear to be
affected by the research or educational activities funded, or proposed for funding, by an external
sponsor; or
B. Any Significant Financial Interest of the Investigator in an entity whose financial interest
would reasonably appear to be affected by the research or educational activities funded, or
proposed for funding, by an external sponsor.

Regardless of the above minimum requirements, a faculty or staff member, in his or her own best
interest, may choose to disclose any other financial or related interest that could present an actual
conflict of interest or be perceived to present a conflict of interest. Disclosure is a key factor in
protecting one’s reputation and career from potentially embarrassing or harmful allegations of
misconduct.

2. Each Investigator who has any Significant Financial Interest requiring disclosure shall
complete a Financial Interests Disclosure Form and attach all required supporting
documentation. The completed Disclosure Form must be submitted with the proposal and the
Proposal Transmittal and Approval Form to the Office of Faculty Grants.

3. As required by Federal regulation, all Significant Financial Interests must be disclosed prior to
the time a proposal is submitted. All financial disclosures must be updated by Investigators
during the period of the award, either on an annual basis or as new reportable Significant
Financial Interests are obtained.

4. The Director of Faculty Grants, or official designee, shall perform an initial review of all
financial disclosures to determine whether an actual or potential conflict of interest exists. An
actual or potential conflict of interest exists when the review reasonably determines that a
Significant Financial Interest could directly affect the design, conduct, or reporting of the
proposed sponsored project. If the initial determination is made that a Significant Financial
Interest exists that could affect the design, conduct or reporting of federally funded activities,
then the Disclosure packet will be referred to the Provost. The Provost shall determine what
conditions or restrictions, if any, should be imposed by the institution to manage actual or
potential conflicts of interest arising from disclosed Significant Financial Interests.
5. Prior to consideration by the Provost, the Investigator, in cooperation with the College, shall develop and present to the Provost a Conflict of Interest Resolution Plan that details proposed steps that will be taken to manage, reduce, or eliminate any actual or potential conflict of interest presented by a Significant Financial Interest. At a minimum the Resolution Plan shall address such issues as:
   a. Public disclosure of Significant Financial Interests;
   b. Review of research protocol by independent reviewers; and
   c. Monitoring of research by independent reviewers.

The Provost shall review the Resolution Plan and approve it and add conditions or restrictions which may include the following:
   a. Modification of the research plan;
   b. Disqualification from participation in all or a portion of the research funded;
   c. Divestiture of Significant Financial Interests; or
   d. Severance of relationships that create actual or potential conflicts of interest.

If the Provost determines that imposing the above referenced conditions or restrictions would be inequitable, or 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 Provost may recommend that, to the extent permitted by Federal regulations, the research go forward without imposing such conditions or restrictions.

6. The approved Resolution Plan shall be incorporated into a Memorandum of Understanding, between Bryn Mawr College and the faculty member, that details the conditions or restrictions imposed upon the Investigator in the conduct of the project or in the relationship with the Business Enterprise or Entity. The Memorandum of Understanding shall be signed by the Investigator, the Department Chair and the Provost. The Director of Faculty Grants will certify that actual or potential conflicts of interests will be satisfactorily managed, reduced, or eliminated in accordance with these Guidelines prior to expending any funds from the applicable federal award, or they will be disclosed to the sponsoring agency for action.

7. Records of investigator financial disclosures and of actions taken to manage actual or potential conflicts of interest, shall be retained by the Office of Faculty Grants until three (3) years after of the termination or completion of the award to which they relate, or the resolution of any government action involving those records, whichever comes later.

8. Whenever an Investigator has violated this policy or the terms of the Memorandum of Understanding, the Provost shall recommend sanctions which may include disciplinary action ranging from a public letter of reprimand to dismissal and termination of employment. If the violation results in a collateral proceeding under College policies regarding misconduct in science, then the Provost shall defer a decision on sanctions until the misconduct in science process is completed. The Provost’s recommendations on sanctions shall be presented to the President who, in consultation with the Provost shall enforce any disciplinary action.
9. Collaborators from other institutions must provide a certification that their institutions are in compliance with Federal policies regarding investigator Significant Financial Interest disclosure and that their portion of the project is in compliance with their institutional policies.