Financial Conflict of Interest Policy

Division of Research and Economic Development

DRED Policies

Last Revision Date

N/A

Responsible Party

Office of Research Compliance, coi@boisestate.edu

Office of Sponsored Programs, osp@boisestate.edu

Scope and Audience

This policy on Financial Conflict of Interest (FCOI) operates under the umbrella of the Boise State University-wide policy on Conflict of Interest and Conflict of Commitment (Boise State University Policy 1110). While the university Conflict of Interest and Conflict of Commitment (COIC) policy sets the standard for conflict of interest and commitment for all university personnel, this policy provides the specific, mandatory procedures required for financial conflict of interest compliance with federal sponsoring agencies (e.g., PHS, NIH, DOE, NSF). Investigators awarded sponsored project funding for research are required to comply with this policy; failure may lead to suspension of funding and notification to the sponsors. In instances where research-specific FCOI regulations are more stringent than general university COIC requirements, the research-specific regulations shall prevail.

To ensure transparency and regulatory adherence, this policy outlines the administrative requirements and technical steps for Investigators, the Office of Research Compliance and the Office of Sponsored Projects to do the following:

- **Disclosure of Significant Financial Interests (SFI):** Requirements for Investigators to disclose SFIs related to their institutional responsibilities annually, at the time of application, and within 30 days of acquiring or discovering new interests, or within 30 days of reimbursed or sponsored travel.

- **Review and Determination:** The process by which the Designated Official (DO) reviews disclosures to determine if an SFI relates to sponsored research and constitutes a Financial Conflict of Interest (FCOI).
- **Management and Monitoring:** Strategies to manage identified FCOIs, including the development of management plans and ongoing compliance monitoring for the duration of the award.
- **Training Requirements:** Mandatory FCOI training for Investigators prior to engaging in research and every four years thereafter, and retraining under prescribed circumstances.
- **Reporting and Public Accessibility:** Guidelines for submitting required reports and responding to public requests for information regarding identified FCOIs held by Senior/Key Personnel.
- **Record Maintenance:** Standards for retaining all disclosure and review records for at least three years following the final project expenditure report.

Additional Authority:

42 CFR Part 50 Subpart F Promoting Objectivity in Research

45 CFR Part 94, "Responsible Prospective Contractors"

FAL2022-02 Department of Energy Interim COI Policy

NSF 24-1, NSF Proposal and Award Policies and Procedures Guide

GCAM section 3.3, NASA Conflict of Interest Policy

University Policy 1110 (Conflict of Interest and Conflict of Commitment)

1. Policy Purpose

The purpose of this policy is to maintain the integrity of research conducted by Boise State Researchers and to promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research performed under sponsored projects will be free from bias resulting from Investigator's financial conflicts of interest

This Financial Conflicts in Research Policy is compliant with applicable federal Conflict of Interest regulations and policies.

2. Policy Statement

Boise State University is committed to ensuring the integrity of its research and maintaining university compliance with state and federal laws or regulations, and Idaho State Board of Education policies. This policy establishes standards to promote objectivity in research by providing a reasonable expectation that the design, conduct, and reporting of research will be free from bias resulting from Investigator financial conflicts of interest.

Conflicts of interest in research arise when an Investigator's personal, financial, or professional interests could potentially influence, or appear to influence, the integrity of their research activities.

A conflict of interest does not necessarily imply improper conduct; however, such interests must be identified, managed, reduced, or eliminated to protect the integrity of scientific investigations and preserve public trust in academic research.

3. Definitions

3.1 Designated Official (DO)

The individual designated by the university to oversee the financial conflicts of interest process, including solicitation and review of disclosures of significant financial interests, identification of FCOIs per the regulatory criteria provided in 42 CFR 50.604(f), and monitoring staff FCOI training requirements. The Vice President for Research selects the individual who will serve as the Designated Official (DO).

3.2 Financial Conflict of Interest (FCOI)

A significant financial interest that is reasonably determined to be related to Sponsor Funded Research and could directly and significantly affect the design, conduct, or reporting of Sponsor Funded Research.

3.3 Financial Interest

Anything of monetary value, whether or not the value is readily ascertainable.

3.4 Institution

Any domestic or foreign, public or private, entity or organization (excluding a federal agency) that is applying for, or that receives, sponsored funding.

3.5 Institutional Responsibilities

Specific responsibilities or particular professional activities performed on behalf of the university that directly establish the substantive basis for supervisory assessment of an individual's university job performance. For faculty, this includes activities such as research, research consultation, outreach, administrative duties, teaching, professional practice, or institutional committee memberships (see University Policy 4000). For non-faculty, this includes the particular duties and responsibilities assigned to one's position of appointment as expressed in one's job description. University personnel are expected to meet the specific responsibilities and particular professional activities that constitute their corresponding commitments to their respective schools, colleges, academic units, or administrative units.

3.6 Investigator

The Project Director or Principal Investigator (PD/PI) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by an award or proposed for funding, which may include collaborators or consultants. The university will consider the individual's role, rather than the title, and the degree of independence with which the individual works when determining who is responsible for the design, conduct, or reporting of the Sponsor Funded Research.

3.7 PHS

The Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated, including the National Institutes of Health (NIH).

3.8 Research

Any systematic investigation, study, or experiment designed to develop or contribute to generalizable knowledge, including basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test, drug or device). The developing or contributing generalizable knowledge includes development, testing, reporting. Research includes, but is not limited to, creative activities and projects such as training, clinical services, educational conferences, exhibitions, performances, archives, workshops, and library projects for which external funding is received. Accordingly, Research also includes any such activity for which a proposal is submitted for funding from external sources through a grant, contract or agreement, including, but not limited to, research grants, career development awards, center grants, individual fellowship awards, infrastructure awards, institutional training grants, program projects and research resources awards.

3.9 Senior/Key Personnel

The Principal Investigator and any other person identified in the proposal, progress reports or reports submitted to the sponsor.

3.10 Significant Financial Interest (SFI)

A domestic or foreign financial interest consisting of one or more of the following interests of the Investigator(and those of the Investigator's spouse and dependent children) that reasonably appear to be related to the Investigator's institutional responsibilities(e.g., teaching, research, consulting, board membership etc.) performed on behalf of the university:

- **Publicly Traded Entity.** A significant financial interest 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. 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.
- **Non-Publicly Traded Entity**. A significant financial interest 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).
- **Intellectual Property Rights and Interests**. A significant financial interest exists upon receipt of income in excess of $5,000 related to intellectual property rights and interests (e.g., patents, copyrights). Royalties received by the Investigator from the university would be excluded from the definition of Significant Financial Interest if the Investigator is currently employed or otherwise appointed by the university.
- **Reimbursed or Sponsored Travel.** Investigators must disclose the occurrence of any reimbursed or sponsored travel (i.e., paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available) related to the Investigator's institutional responsibilities. The initial disclosure of reimbursed or sponsored travel must include income received over the previous twelve months. The details of this disclosure will include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration.

  The disclosure requirement does not apply to travel reimbursed or sponsored by the following:

  - A federal, state, or local government agency located in the United States,
  - A United States Institution of higher education,
  - An academic teaching hospital,
  - A medical center, or
  - A research institute affiliated with a United States Institution of Higher Education.

The term SFI does not include, and therefore, Investigators are not required to disclose, 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.
- 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.
- Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency located in the United States, a U.S. Institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with a U.S. Institution of higher education.
- Income from service on advisory committees or review panels for a federal, state, or local government agency located in the United States, a U.S. Institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with a U.S. Institution of higher education.

NOTE: Exclusions above do not apply to Foreign Financial Interests. Investigators must disclose all foreign financial interests (including income from seminars, lectures, or teaching engagements, income from service on advisory committees or review panels, and reimbursed or sponsored travel) received from any foreign entity, including foreign Institutions of higher education or a foreign government (which includes local, provincial, or equivalent governments of another country) when such income meets the threshold for disclosure (e.g., income in excess of $5,000).

3.11 Signing Official (SO)

The SO is designated by the Vice President of Research and is the individual with the authority to submit FCOI reports to federal agencies.

3.12 Sponsor Funded Research

Any activity for which research funding is available from a sponsor through a grant, cooperative agreement, or contract, whether authorized under the PHS Act or other statutory authority.

4. University Financial Conflict of Interest Policy

The university will maintain an up-to-date, written, enforced policy on financial conflicts of interest and make such policy available via a publicly accessible website. The university will inform each Investigator of the university's policy on financial conflicts of interest, the Investigator's responsibilities regarding disclosure of significant financial interests, and require each Investigator to complete training regarding the same prior to engaging in Sponsor Funded Research.

5. Investigator Disclosure Requirements

Investigators must disclose their Significant Financial Interests that are related to their "Institutional Responsibilities" as defined in this policy. The disclosure will not be limited to an Investigator's research responsibilities or their funded research as this is too narrow in scope and not consistent with the regulations. The Investigator's SFI disclosures will be retained by the university as part of the record maintenance requirements. Investigators will disclose their SFIs at the following times:

5.1 At the Time of Application

The Principal Investigator and all other individuals who meet the definition of 'Investigator' must disclose their SFIs to the university's DO at the Office of Research Compliance. Any new Investigator who, after applying for funding or during the course of the research project, plans to participate in the project must similarly disclose their SFI(s) to the DO promptly and prior to participation in the project.

5.2 Annually

Each Investigator participating in Sponsor Funded Research must submit an updated disclosure of SFI at least annually, during the period of the Sponsor Funded Research award. The annual disclosure must include any information not disclosed initially to the university pursuant to this Policy or in a subsequent disclosure of SFI (e.g., any FCOI identified on a funded project directly as a Grantee and/or indirectly through a sub-award) that was transferred from another institution, and must include updated information regarding any previously disclosed SFI (e.g., the updated value of a previously disclosed equity interest).

5.3 Ad Hoc Basis

Each Investigator participating in Sponsor Funded Research must submit an updated disclosure of SFI within thirty (30) days of discovering or acquiring a new SFI (e.g., through purchase, marriage, or inheritance). Investigators must also submit an updated disclosure of reimbursed or sponsored travel within 30 days of each occurrence. **Note: T**he Department of Energy requires Ad Hoc Disclosure within 15 days.

6. Review of SFI Disclosures by Designated Official

The DO will conduct reviews of any SFIs identified in a disclosure. The SFI disclosures will be reviewed as described below:

- Prior to the expenditure of awarded funds.
- A review of each Investigator's updated SFI disclosure at least annually.
- A review conducted following an Investigator's ad hoc disclosure of a new SFI as described above.

The DO will determine whether an Investigator's SFI is related to the research under an award and, if so, whether the SFI is a FCOI.

7. SFI Relatedness Test

An Investigator's SFI is related to the Sponsor Funded Research when the DO reasonably determines the SFI:

(1) could be affected by the Sponsor Funded Research; or

(2) is in an entity whose financial interest could be affected by the funded research.

The DO may involve the Investigator in determining whether an SFI is related to the Sponsor Funded Research.

A FCOI exists when the DO reasonably determines that the SFI could directly and significantly affect the design, conduct, or reporting of the Sponsor Funded Research. 'Significantly' means that the financial interest would have a material effect on the Sponsor Funded Research.

8. Management when FCOI

If a FCOI exists, the DO will determine what management conditions and/or strategies will be put in place to manage the FCOI. Examples of conditions that might be imposed to manage an FCOI include, but are not limited to:

- Public disclosure of financial conflicts of interest (e.g., when presenting or publishing the research, to research personnel working on the study, to the university's Institutional Review Board, Institutional Animal Care and Use Committee, Data Safety and Monitoring Board, etc.).
- For research projects involving human subjects research, disclosure of financial conflicts of interest directly to human participants in the informed consent document.
- 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.
- Modification of the research plan.
- Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research.
- Reduction or elimination of the financial interest (e.g., sale of an equity interest).
- Severance of relationships that create financial conflicts.

If the DO determines that a conflict exists, they will communicate their determination and the means developed for managing the FCOI in writing to the individual.

No expenditures on a Sponsor Funded Research award will be permitted until the Investigator has complied with the Disclosure requirements of this Policy and has agreed, in writing, to comply with any plans determined by the DO necessary to manage the FCOI.

9. Monitoring Investigator Compliance

The university will monitor Investigator compliance with the management plan for the duration of the award or until the FCOI no longer exists. Monitoring of public disclosure requirements will include review of publications and presentations in accordance with the management plan to confirm that the Investigator disclosed the FCOI in such communications. To facilitate additional monitoring, Investigators will be required to disclose the FCOI in writing to research personnel in the study and send a copy of the communication to the DO which will serve as documentation for compliance with the management plan.

10. Training Requirements

Each Investigator will be informed about this policy and trained on the Investigator's responsibility to disclose foreign and domestic SFIs per this policy, and state and federal laws or regulations, including the FCOI regulation at 42 CFR Part 50 Subpart F. FCOI training will occur prior to an Investigator engaging in Sponsor Funded Research, at least every four years, and immediately when any of the following circumstances apply:

- An Investigator is new to Sponsor Funded Research under an award (training is to be completed prior to his/her participation in the research);
- The university revises this Policy, or procedures related to this Policy, in any manner that affects the requirements of Investigators; or
- The university finds that an Investigator is not in compliance with this Policy or a management plan issued under this Policy (training is to be completed within 30 days in the manner specified by the DO).

To fulfill the FCOI training requirement, the university requires its Investigators to complete the FCOI training module via the CITI Program Platform. Training must be renewed every four years (DOE sponsored investigators must renew training every two years). Expenditure of awarded funds will not be permitted until the Investigator or Senior/Key Personnel have completed the required FCOI training. No costs incurred prior to the completion of training will be permitted to be transferred to the sponsored project.

11. Failure to Comply

Whenever the university identifies an SFI that was not disclosed, identified, reviewed or managed in a timely manner, the DO will within 60 days: review the SFI, determine whether the SFI is related to research; determine whether an FCOI exists, and, if so, 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 FCOI going forward.

12. Subrecipient Requirements

A subrecipient relationship is established when sponsored funds flow down from or through the university to another individual or entity, and the subrecipient will be conducting a substantive portion of a funded research project and is accountable to the university for programmatic outcomes and compliance matters. Subrecipients are subject to the terms and conditions of the subaward agreement, including terms that establish whether the Financial Conflict of Interest policy of the university or that of the subrecipient will apply to the subrecipient's Investigators. The university will take reasonable steps to ensure that any subrecipient Investigator is in compliance with the relevant federal FCOI regulation applicable to the subaward.

12.1 If the subrecipient's FCOI policy applies

The subrecipient institution will certify as part of the subaward with the university that its policy is in compliance with federal regulations or policies. The subaward shall specify the time period for the subrecipient to report all identified FCOIs to the university (e.g., within 45 days of identification to allow the university to report within 60 days) to enable the university to provide timely FCOI reports to the applicable sponsor as required by the regulation.

12.2 If the subrecipient cannot provide certification

The subaward shall state that the subrecipient is subject to the university's FCOI Policy. If the subrecipient adopts the university's FCOI policy, the university will require the submission of all Investigator disclosures of SFIs to the university and completion of university FCOI training prior to releasing subaward funds to the subrecipient. When an FCOI is identified, the university will develop a management plan, monitor subrecipient Investigator's compliance with the plan, and submit an FCOI report if required by regulation or policy.

13. Maintenance of Records

The university will keep all records of all Investigator disclosures of significant financial interests and the university's review of, or response to, such disclosures (whether or not a disclosure resulted in the determination of an FCOI), and all actions under this policy or retrospective review, if applicable. Records of financial disclosures and any resulting action will be maintained for at least three years from the date of submission of the final expenditures report or, where applicable, from other dates specified in 2 CFR 200.334 for different situations. The university will retain records as provided in the regulation.

14. Enforcement Actions When an Investigator Fails to Comply

Compliance with this policy is a condition of employment and/or participation for all applicable Investigators. Investigators who fail to comply with this policy are subject to discipline, including letters of reprimand, restriction on the use of funds, termination of employment, or disqualification from further participation in any Sponsor Funded Research, as deemed appropriate.

15. Requirements for Research Awarded by Federal Agencies

Although this policy applies to all Sponsor Funded Research, guidance or regulations issued by the Public Health Service (PHS) (and its various offices and institutes), the Department of Energy (DOE), the National Science Foundation (NSF), and other agencies or programs set specific requirements for university Research that they fund. This policy is intended to provide a framework to facilitate compliance with those regulations as applied to the university Research that they fund. University personnel are required to comply with the standards set forth by the relevant funding agency or program, and may be required to disclose information in addition to that required by this policy during the course of applying for, receiving, using, or reporting on such funding. For any FCOI that is identified and involves an award not covered by this policy, the university will follow any requirements specified in the terms and conditions of the award.

15.1 Additional Requirements for PHS Research Awards *42 CFR Part 50 Subpart F*

15.1.1 Reporting

- The university will assign an institutional official to serve as the FCOI Signing Official (SO) within the eRA Commons FCOI Module. The FCOI SO has the authority to submit FCOI reports to the NIH. FCOI reports are submitted to the NIH only when a grant or cooperative agreement is active and an FCOI is identified.

- Initial or Original FCOI Reports
    - When an FCOI is identified upon the issuance of a new NIH award, the FCOI SO will submit a NIH "2011 FCOI" Original report prior to the expenditure of any funds under an NIH award. The Original FCOI report will include the information required in the regulation at 42 CFR Part 50.605(b)(3).
    - When an FCOI is identified during the period of an NIH-funded award (e.g., a new SFI is identified for an Investigator, or upon the participation of a new Investigator). The university will provide to NIH within 60 days of identifying the FCOI, an Original FCOI report regarding the FCOI.
- Annual FCOI Reports
    - While the award is ongoing (including any extensions with or without funds), the university will provide NIH with an annual FCOI report that addresses the status of the previously reported FCOI (i.e., whether the FCOI is still being managed or if it no longer exists) and any changes in the management plan, if applicable.
    - The Annual FCOI report will be submitted at the same time as when the Research Performance Progress Report or multi-year progress report is due and at the time of

grant extension, if applicable. The NIH will send an annual report email notification to the university when an annual report is due.
    - Annual FCOI reports are not submitted as part of grant closeout.
- Revision (or Mitigation) FCOI Reports
    - Following the completion of a retrospective review, the university will provide NIH with a Revision if new information is discovered or a Mitigation Report if bias is found.

In addition, the university will make information available, promptly upon request, to the HHS relating to any Investigator disclosure of financial interests and the university's review of, and response to such disclosure whether or not the disclosure resulted in the university's determination of an FCOI per the regulation 42 CFR 50.606(b).

15.1.2 Identified FCOIs held by Senior/Key Personnel

Prior to the expenditure of any funds under a PHS award, the university will ensure public accessibility by providing a written response to any requestor within five business days of a request for information concerning any SFI disclosed that meets the following three criteria:

- The SFI was disclosed and is still held by the senior/key personnel (PD/PI and any other person identified as senior/key personnel by the university in the award application, progress report, or any other report submitted to the PHS);
- The university has determined that the SFI is related to the research funded through an award; and
- The university has determined that the SFI is an FCOI.

The information will be made available in a written response in accordance with 42 CFR Part 50.605(5)(ii). The written response will note that the information provided is current as of the date of the correspondence and is subject to updates on at least an annual basis and within 60 days of the university's identification of a new FCOI which should be requested subsequently by the requestor.

Information concerning the significant financial interests of an individual subject to this section shall remain available, for responses to written requests for at least three years from the date that the information was most recently updated.

15.1.3 Non-Compliance

Non-compliance will be determined whenever an FCOI 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 university to constitute a FCOI;
- Failure by the university to review or manage such an FCOI;
- Failure by the Investigator to comply with a management plan;

The university will, within 120 days of determining non-compliance:

- Complete a retrospective review of the Investigator's activities and the PHS/NIH- funded research project to determine whether any NIH-funded research, or portion thereof, conducted during the period of the noncompliance was biased in the design, conduct, or reporting of research.
- Document the retrospective review consistent with the regulation at 42 CFR 50.605(a)(3)(ii)(B).

If bias is found, the university shall notify NIH promptly and submit a mitigation report per the regulation at 42 CFR 50.605(a)(3)(iii) to NIH via the eRA Commons FCOI Module that shall address:

- The impact of the bias on the research project.
- The university' plan of action or actions taken to eliminate or mitigate the effect of the bias.

15.2 Additional Requirements for Department of Energy (DOE) Research Awards Interim Conflict of Interest Policy Requirements for Financial Assistance in FAL 2022-02

The interim COI policy is largely aligned with the long-standing conflict of interest regulations established by the Public Health Service at 42 CFR part 50, Subpart F. Additional Requirements that apply to PHS funded projects will also apply to DOE funded projects if required by the Interim Policy.

Effective as of August 17, 2026 DOE has revised its conflict of interest and commitment policies found at 2 CFR Part 910 Subpart C which include:

- That any non-Federal entity that is an applicant to or recipient of a DOE Federal financial assistance award must maintain a written and enforced policy addressing actual, apparent, and potential COI and COC, both foreign and domestic.
- That a new COI or COC must be reported as soon as practicable, but not later than 15 days after it arises (see Section 5.3 Ad Hoc Basis).
- Each covered individual completes COI and COC training prior to engaging in projects funded under a DOE Federal financial assistance award and completes refresher training at least every two years (see Section 10 Training Requirements).
- Requires that applicants and recipients of DOE financial assistance to disclose to DOE any actual, apparent, or potential COI or COC if such conflict cannot be eliminated or appropriately managed or reduced in accordance with the non-Federal entity's policy. In addition, requires disclosure of any actual, apparent, or potential COI or COC involving any foreign governments, their instrumentalities, or any other entities owned, funded, or otherwise controlled by a foreign government, as well as any measures the entity has taken to eliminate or, where appropriate, manage or reduce the COI or COC.

15.3 Additional Requirements for National Science Foundation (NSF) and National Aeronautics and Space Administration (NASA) Research Awards

The NSF and NASA requires organizations receiving funding to maintain a written, enforced policy that ensures all conflicts of interest (COI) are managed, reduced, or eliminated before any funds are spent.

15.3.1 Significant Financial Interest

The NSF and NASA include in their definition of Significant Financial Interest private equity and venture capital financing. When an Investigator is funded by NSF or NASA, they must also disclose any venture or other capital financing.

15.3.2 Reporting

The university must notify the NSF Office of the General Counsel or NASA Grant Officer(s) listed on the related award in writing of any Financial Conflict of Interest that cannot be satisfactorily managed, reduced, or eliminated in accordance with this FCOI policy.

16. Related Information

Office of Research Compliance COI webpage