Conflicts of Interest in Research and Technology Transfer: AA 100.3

Purpose

In order to foster sponsored research and technology transfer while maintaining academic integrity, Morehouse College allows its investigators, under certain circumstances, to maintain relationships with research sponsors. The College may accept equity and other forms of consideration from licensees; however, individual investigators who wish to receive equity from any licensee of Morehouse technology must fully disclose the proposed terms of such arrangement. No part of proceeds from Morehouse College’s equity interest shall be distributed to Morehouse investigators who hold equity interests in licensees of Morehouse technology. Conflicts of interest are to be avoided.

Applicability

All employees involved in sponsored research and technology transfers.

Source

The Office of Sponsored Programs and 42 Code of Federal regulations § 50.604.

Definitions

The following terms as used in this policy shall have the following meaning:

1. Investigator - The principal investigator/project director, co-principal investigator or co-project director, other Morehouse investigators, or any Morehouse research collaborator, including visiting scientists, and any other persons who are responsible for the design, conduct or reporting of research, educational or service activities or responsible for preparing a proposal for research funding.

2. Research - Any systematic investigation designed to develop or contribute to generally recognizable knowledge relating broadly to public health or well-being, including behavioral and social sciences
research. The term encompasses basic and applied research and product development. The term further includes any such activity for which funding is available from a Public Health Services (PHS) Awarding Component or through a grant or cooperative agreement whether authorized under the PHS Act or other statutory authority.

3. Compensation - Anything of monetary value including, but not limited to, salary, consulting fees, honoraria or other payments for services.

4. Equity Interest - Stocks, stock options, or other ownership interests.

5. Financial Interest - Any interest of economic or monetary value of an investigator/inventor and/or a member of that person's immediate family (spouse, parent, child, grandparent, grandchild, or sibling) that could reasonably appear to affect or to be affected by the particular research or technology transfer transaction under consideration including, but not limited to, those listed in this policy.

Policy

Morehouse investigators involved in sponsored research or technology transfer are expected to comply with all federal regulations and laws pertaining to the conduct of research and the sale and purchase of securities.

I. Investigator’s Requirement to Disclose Significant Financial Interests:

Prior to submitting a formal proposal to the sponsor, each investigator who intends to participate in the research or program must disclose to his/her dean any of the following arrangements:

i. A proposal to a research sponsor: (1) from which any investigator receives, or anticipates receiving, compensation in excess of $10,000 during a calendar year; or (2) in which an investigator has an equity interest greater than 1% or worth more than $10,000; or (3) from which an investigator is entitled to receive royalties under a license or assignment of an investigator's intellectual property rights to such proposed sponsor;
ii. A proposal to evaluate technology that is owned by a business: 
(1) from which the investigator receives, or anticipates receiving, compensation in excess of $10,000 during a calendar year; or (2) in which an investigator has an equity interest greater than 1% or worth more than $10,000;

iii. A proposal to a research sponsor involving a waiver or preferential reduction of College direct or indirect costs to benefit to such sponsor: (1) from which the investigator receives, or anticipates receiving, compensation in excess of $10,000 during a calendar year; or (2) in which an investigator has an equity interest greater than 1% or worth more than $10,000.00

iv. A proposal involving the purchase of equipment or other materials from a vendor or supplier: (1) from which the investigator receives, or anticipates receiving, compensation in excess of $10,000 during a calendar year; or (2) in which an investigator has an equity interest greater than 1% or worth more than $10,000;

v. For clinical trial, any financial interest;

vi. For human subjects research other than a clinical trial: (1) any financial interest exceeding $5,000 in value, (2) any equity interest, or (3) any intellectual property interest.

In cases in which investigators are not aware of the existence of such arrangements at the time of the proposal, or in which such arrangements arise after submission of a proposal, investigators shall notify the dean within three (3) business days of learning of such arrangement. An investigator who is the person to whom disclosure would normally be made shall disclose such an arrangement to the next superior official.

A "company" shall not include the interest of a diversified mutual fund in which an investigator is an investor.
Morehouse investigators involved in technology transfer activities shall disclose in writing any relationship with a prospective licensee to the dean, the provost and to the Office of Institutional Advancement office of Licensing, before Morehouse or the investigator commences negotiations with such party.

Prior to submitting a proposal for sponsored research or programs, and/or prior to becoming involved in technology transfer activities, Morehouse investigators must complete annually the Morehouse College Financial Conflict of Interest Screening/Disclosure Form for 2007/2008* (COIF). (See "Forms" below.)

Any Morehouse investigator who is engaged in sponsored research, or who wishes to be eligible to engage in sponsored research, shall complete and file a COIF with his/her department chair or director at least once each year. Each department chair/director must provide a copy of the COIF to the division dean or area vice president.

Research investigators must update the COIF's financial disclosure statement more often than annually, as any new reportable significant financial interests are obtained. Research investigators have an obligation to update the COIF immediately upon obtaining reportable significant financial interests.

II. Conflict of Interest Panel:

The College shall maintain a panel to review, govern and ensure compliance with this conflict of interest policy. The Conflict of Interest Panel shall consist of not fewer than three nor more than five members who shall be appointed by the provost and senior vice president for academic affairs, and shall include a member recommended by the vice president for business and finance.

The Conflict of Interest Panel shall be responsible for investigating and resolving any alleged violations of this policy and shall take appropriate action to enforce this policy, including, but not limited to, imposing sanctions upon investigators who violate the policy. The Conflict of Interest Panel shall notify promptly the provost, general counsel and the Office of Sponsored Programs of any conflicts not resolved to the satisfaction of Morehouse college policy. At the direction of the provost
and/or general counsel, OSP shall notify the federal sponsor of unresolved conflicts.

Unless circumstances warrant otherwise, the review of a proposal for any potential conflict of interest by the dean, and when necessary by the Conflict of Interest Panel, will occur within ninety (90) days after the proposal is submitted to the sponsor. When a conflict of interest is determined, the dean and/or the Conflict of Interest Panel will inform the principal investigator that a conflict has been determined and implement an action for managing, reducing, or eliminating the conflict. The dean will notify OSP that a conflict has been determined and that an action has been implemented. OSP will inform those sponsors that require notification of the conflict and action.

III. Conditions the Dean and/or the Conflict of Interest Panel May Impose:

Conditions that the dean and/or the Conflict of Interest Panel may impose to manage potential or actual conflicts of interest involving sponsored research shall include, but not be limited to:

1. Public disclosure of any financial interest of an investigator in a research sponsor or the commercial success of any therapeutic strategy or product that is the subject of any research results being reported;

2. Monitoring of any research project by independent reviewers;

3. Modification of any research proposal or plan;

4. Disqualification of any investigator from participating in all, or a portion of, any sponsored research;

5. Divestiture by an investigator of any financial interest in any research sponsor or severance of any relationship between an investigator and a research sponsor that may create actual or potential conflicts of interest.

The dean and/or Conflict of Interest Panel will be responsible for ensuring that the investigator complies with the recommended action.
IV. **Clinical Research:**

Special precautions must be taken to avoid the appearance of or actual bias with respect to clinical research involving the evaluation of therapeutic strategies or products, the commercial success of which may be certain to benefit Morehouse or Morehouse investigators. A Morehouse investigator shall not ordinarily participate in any clinical trial of a therapeutic strategy or product if the investigator is in a position to receive royalties or other compensation as a result of the commercial success of such strategy or product. Morehouse will not ordinarily participate in any clinical trial of a therapeutic strategy or product if Morehouse has, as a part of a licensing arrangement, acquired equity in the company sponsoring such trial. If Morehouse, or the investigator, or both, hold equity in a sponsoring company, and Morehouse is also the preferred or only feasible site for a clinical trial, the Conflict of Interest Panel may, with the approval of the senior vice president for academic affairs/provost and the dean, allow such trial to proceed. In such situations, the Conflict of Interest Panel may establish an ad hoc committee that includes at least one individual having no affiliation with Morehouse to review, approve and oversee the clinical trial.

V. **Fiscal Matters:**

Fiscal matters pertaining to a sponsored research or license arrangement that is subject to review by the dean and/or the Conflict of Interest Panel shall be approved by the senior vice president for academic affairs/provost and the vice president for business and finance.

VI. **Licensing:**

Any proposals to license Morehouse technology to a company in which a Morehouse inventor of the technology holds equity shall be referred to the Office of General Counsel for review and recommendations.

VII. **Morehouse Investigators as Corporate Board Members:**

Service by an investigator on the governing board of, or as an officer of, any sponsor of the investigator's research shall require the prior
approval of the Conflict of Interest Panel through the investigator's dean.

VIII. Maintenance of Records:

The dean shall be responsible for maintaining records, identifiable to each award, of all disclosures of relationships between investigators and potential research sponsors and all actions taken by the dean and/or the Conflict of Interest Panel to manage any actual or potential conflicts of interests for at least three (3) years beyond the termination or completion of the award or until resolution of any action by any federal agency involving the records, whichever is longer.

Procedure

I. Process for Review:

If the dean determines that a proposal, as initially disclosed, or as modified with the agreement of the investigators and the dean, complies with this policy, the proposal may go forward. Alternatively, the dean may refer a proposal to the Conflict of Interest Panel for further review.

Upon receipt of a proposal for external funding, the dean will review the proposal to determine if the principal investigator has certified on the Morehouse College Financial Conflict of Interest Screening/Disclosure Form for 2007/2008* (see "Forms" below) that there is or is not a financial interest that could be a potential and/or real conflict of interest.

II. Grounds for Review:

Proposals involving the following arrangements shall be reviewed by the dean to determine whether a financial interest poses a potential or real conflict of interest:

1. A proposal to a sponsor to perform research involving a technology that has been licensed, or offered under an option to the sponsor or other commercial entity, under an arrangement that will result in the investigator receiving royalties or other compensation from the commercial exploitation of the technology;
2. A proposal for research support from a sponsor in which the investigator holds equity in excess of one percent (1%);
3. A proposal for research support from a sponsor in which an investigator's immediate supervisor, co-investigator on the project, or any laboratory staff, or students who are directly supervised by that investigator and who would be engaged in the proposed project or their immediate family individually or collectively hold equity in excess of one percent (1%);
4. Proposals for external research support involving non-faculty employees or students to whom the circumstances described in "a" through "c" apply;

A conflict of interest exists when the reviewer(s) reasonably determines that a financial interest will directly and significantly affect the design, conduct, or reporting of the sponsored research or educational activities.

III. Post-Review Action:

If a conflict is determined, the dean shall determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce, or eliminate such conflict of interest. (See "Conditions the Dean and/or the Conflict of Interest Panel May Impose" above.)

If the dean cannot determine the action to be taken to manage, reduce, or eliminate the conflict of interest, the matter will be referred to the College’s Conflict of Interest Panel for review and recommendations.

Forms

See the pages immediately following for the Morehouse College Financial Conflict of Interest Screening/Disclosure Form for 2007/2008*.

Revision History

Last revision completed on 1.1.2008