



# Conflict of Interest and Conflict of Time Commitment

March 3, 2020

Vice President for Research

# Failing to Disclose COIs Has Consequences



Prof. Charles Lieber, a prominent Harvard University chemist and nanoscientist has been charged with making false statements to the US government about receiving research funding from China.  
*Nature*, Feb. 3, 2020.

- Managed \$15M in Federal funding since 2008 (NIH, DOD)
- Allegedly had a relationship with Wuhan University of Technology in related research areas.
- Allegedly participated in China's "Thousand Talents" program.
- Allegedly provided with \$1.5M to build a lab in Wuhan, 9 month contract in Wuhan.
- Hosted staff scientists/faculty in his lab at Harvard.



# University Handbook, Appendices D & S, and KBOR, KSU Policies

- K-State's policy on Conflict of Interest, Conflict of Time Commitment, Consulting and other Employment is located in Appendix S of the University Handbook and in the Policies Manual: <https://www.k-state.edu/conflict/policies/>.
- The goals of this policy are the elimination, reduction, and management of real or apparent conflicts of interest and time commitment.
- The Provost's Office oversees implementation.  
<https://www.k-state.edu/provost/universityhb/fhxs.html>



# Conflict of Interest , Conflict of Time Commitment, and Consulting: K-State Reporting

- Annual completion of the K-State declaration on the HRIS Portal is required at the time employees accept their appointment.
- Employees are required to disclose any actual or potential conflict of interest, conflict of time commitment, consulting, and other employment.
- Employees must disclose to the university whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g., corporations) have consulting arrangements, significant financial (SFI) or managerial interests, or employment in an outside entity.
- When a conflict of time or interest is identified, either the conflict should be eliminated or a management plan should be developed and agreed upon by the employee and unit head or immediate supervisor. Supervisors/unit heads are responsible for determining whether a conflict can be adequately managed.



# Foreign Influence and COI: How Did We Get Here?

August 20, 2018: NIH Memo to Extramural Research Community

June 7, 2019: Department of Energy Foreign Government Talent Recruitment Program

July 10, 2019: NIH Dear Colleagues Disclosure Memo

July 11, 2019: NSF Disclosure Requirements Memo

September 16, 2019: Letter to the United States Research Community from Kelvin Droegmeier

December 2019: National Science Foundation JASON Report "Fundamental Research Security"

TBD: New Research Funding Guidelines

# July, 2019 NIH Policy Updates

1. List all positions and scientific appointments both domestic and foreign held by senior/key personnel that are relevant to a [grant] application including affiliations with foreign entities or governments. This includes titled academic, professional, or institutional appointments whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary).
2. Report all resources and other support for all individuals designated as senior/key personnel. Information must be provided about all current support for ongoing projects, irrespective of whether such support is provided through the applicant organization, through another domestic or foreign organization.
3. Report all current projects and activities that involve senior/key personnel, even if the support received is only in-kind (e.g. office/laboratory space, equipment, supplies, employees). All research resources including, but not limited to, foreign financial support, research or laboratory personnel, lab space, scientific materials, selection to a foreign “talents” or similar-type program, or other foreign or domestic support must be reported.



# What does this mean for PHS Reporting?

- Investigators must disclose their significant financial interests (SFIs) over the previous twelve-month period no later than at the time of application for PHS-funded research.
  - This is in addition to the annual K-State COI declaration on HRIS Portal at time you accept your appointment.
- Each Investigator who is participating in PHS-funded research must submit an updated disclosure of SFIs at least annually during the period of award.
- Each Investigator who is participating in the PHS-funded research must submit an updated disclosure of SFIs within 30 days of discovering or acquiring a new SFI.
- Must report sponsored or reimbursed travel related to the PI's institutional responsibilities within 30 day of return.
- Must complete PHS COI training on CITI Online.
- FAQs on PHS Conflict of Interest reporting can be found at:  
<https://www.k-state.edu/comply/phs-fcoi/faq/index.html>



# Conflict of Interest Example

I am on a 9-month appointment and will travel internationally to lecture at another university during the summer. I will be lecturing on research funded by NIH. What items do I need to consider?

1. Is my travel sponsored or reimbursed – who is paying for your time?
2. Is my research export controlled or publication restricted?
3. Have I completed my annual COI declaration in HRIS?
4. Have I completed my annual PHS COI/FCOI declaration?

A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and their professional obligations to the university or the funding agency where there is:

- potential or actual personal gain that could (appear to) influence objectivity in professional obligations.
- More than one entity is providing financial support for the same research.





# What's coming next (short-term)?

- The NSF has issued its new Proposal & Award Policies & Procedures Guide, identifying new & specific requirements for disclosure of external activity (effective June 1, 2020). [https://www.nsf.gov/funding/pgm\\_summ.jsp](https://www.nsf.gov/funding/pgm_summ.jsp)
- The U.S. Department of Energy will extend its “foreign talent recruitment” disclosure requirement to grants and cooperative agreements.
- The U.S. Department of Defense may increase disclosure requirements and may impose additional restrictions on performance of fundamental research.
- New Federal Research Funding Guidelines to be issued.
- We are planning brown bag lunches to share best practices and case studies.

# Mitigating the Risks

- Ensure all employees in your division complete HRIS declaration annually, at time of appointment.
- We will send reminders about funding agency specific COI disclosures, but reminders from you will help.
- Don't just sign – review each COI disclosure.
- If there are conflicts, work with employee to develop a management plan.
- Encourage employees to complete export control travel review forms if they have any foreign travel:
  - Export control review sheet for international travel
  - Use loaner laptop borrowed from IT – protect your data and our systems
  - Complete export exemption forms for laptops, equipment, etc.
- <https://www.k-state.edu/comply/ecp/travel/index.html>