



CONFLICT OF INTEREST POLICY

Effective: June 2007

Revised: January 2009

I. GENERAL PRINCIPLES

All decisions made in the course of their professional responsibilities by members of the Board of Trustees, administrators, faculty, and other employees of Dartmouth College (including the Professional Schools) are to be made solely on the basis of a desire to promote the best interests of the College. A potential conflict of interest occurs when an individual's personal or private interests might lead an independent observer reasonably to question whether the individual's professional actions or decisions are influenced by considerations of significant personal interest, financial or otherwise.

College wide reporting requirements: In the event that a Trustee, faculty member, administrator or other employee of the College shall have a significant financial, personal or professional interest that could potentially create a conflict of interest or the perception of one in any transaction involving the College or being considered by the Board of Trustees (including any committee of the Board) or College administrators and faculty (including any committee or other group of administrators or faculty), such person shall, as soon as he or she has knowledge of the transaction, take the following actions:

- a. *Disclosure.* Disclose fully in writing the precise nature of his or her interest in such transaction to those at the College involved with the transaction, or to his or her Dean, Department Chairperson, Supervisor, or other independent responsible authority; and
- b. *Non-Participation.* Refrain from participation (including acting individually or as a member of a committee or other group) in the College's consideration of the proposed transaction unless expressly permitted to do so by a responsible authority of the College.

In addition to the College wide requirements there are specific reporting requirements described herein for Trustees and Certain Administrators, and Investigators engaged in externally-sponsored research. Please also note Dartmouth College has a supplemental Conflict of Interest Policy including specific disclosure requirements for investigators involved in human subject research.

II. DEFINITIONS

For purposes of this policy:

"The College" shall mean all of Dartmouth College, including its three professional schools and affiliated organizations controlled by it (e.g. Dartmouth Educational Loan Corporation).

"Trustee" shall include any current Trustee and any active Trustee Emeritus serving on any committee of the Board of Trustees.

"Faculty member" shall include any person who has a faculty appointment with the College.

"Investigator" shall mean a principal investigator and any other person who is responsible for the design, conduct, or reporting of research funded by any external governmental or private organization, or proposed for such funding. For purposes of financial interest, "Investigators" includes the Investigator's spouse and dependent children.¹

"Externally sponsored activities" shall mean all sponsored activity administered through the Office of Sponsored Projects or the Technology Transfer Office.

"Research" means a systematic investigation designed to develop or contribute to generalizable knowledge including behavioral and social-sciences research. The term encompasses basic and applied research and product development." This includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement.¹

"Significant financial interest" shall mean any direct or indirect interest with monetary value, including but not limited to:

- a. salary, other payments for services (e.g., consulting fees or honoraria), royalties or other payments that, when aggregated for the individual and the individual's spouse and dependent children over the next twelve months, are expected to exceed \$10,000;
- b. equity interests (e.g. stocks, stock options or other ownership interests) that, when aggregated for the individual and the individual's spouse and dependent children, either exceeds \$10,000 in value (as determined through reference to public prices) or represents more than five percent (5%) ownership interest in any single entity;
- c. intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term "significant financial interest" does *not* include:

- a. salary, royalties, or other remuneration from the College;
- b. income from seminars, lectures, or teaching engagements sponsored by US Federal, state, or local entities;
- c. income from service on advisory committees or review panels for public or nonprofit entities.

III. ADDITIONAL REQUIRED DISCLOSURE

Trustees and Certain Administrators

The following persons shall also disclose in writing to the Office of College Counsel on a continuing basis on disclosure forms provided by that Office all significant financial interests in non-Dartmouth business organizations and all affiliations as an officer, director, trustee, partner, employee, consultant, or agent of any organization other than Dartmouth College or the person's principal employer:

- a. the Trustees (including the President);
- b. the Provost, the Vice Presidents, the Treasurer, the Dean of the College, the Deans of the Faculty of Arts and Sciences and the Professional Schools, and their respective principal financial officers;
- c. department chairs;
- d. administrators in the Purchasing Department, and senior administrators in the offices of the Vice Presidents and Sponsored Projects;
- e. such other employees, as the President shall designate as being employees, from whom, because of their respective duties and responsibilities, the College should receive a continuing disclosure of such outside relationships and business affiliations.

Investigators Engaged in Externally-Sponsored Research

As a recipient of externally funded sponsored activities, Dartmouth has an obligation to assure that the principles of objectivity in research are upheld to ensure that there is no reasonable risk that the design, conduct, or reporting of research will be biased by any conflicting financial interests of an Investigator. ²

Investigators engaged in externally sponsored activity must, in accordance with Federal ³ and College policy, disclose to the Director of Sponsored Projects (or designee) on disclosure forms provided by the Director all significant financial interests (including those of their spouse and dependent children) that would reasonably appear to affect or be affected by the sponsored activity. Investigators may choose to disclose any other financial or related interest that could present an actual or perceived conflict of interest. Any such disclosure should provide sufficient detail to permit an accurate and objective evaluation. Such disclosure form must be completed and submitted before the contract or grant application is submitted, and the disclosure must be reviewed to determine if further action is required before the College's expends any awarded funds or issues a purchase order or subcontracts for the acquisition of goods and services related to that project.

Such disclosure forms must be updated at least annually or more frequently, if new reportable information is obtained during the period of an award.

If the Director of Sponsored Projects (or designee) determines, after reviewing the disclosure form and other available information, that financial or other interests may affect the design, conduct or reporting of research activities or teaching/mentoring activities, the Director shall consult with the Vice Provost for Research (or designee). If this review confirms a potential conflict the project may be referred to the subcommittee of the Council on Sponsored Activities (CSA) referred to as the Conflict of Interest Committee (COIC) comprised of senior faculty members from each of the four faculties, the Dean of the respective faculty, and the Director of the Sponsored Projects as a non-voting ex-officio member. Following review of the matter, unless there is no further action needed, the COIC will recommend in writing to the Investigator, Vice Provost for Research (or designee), and respective Dean; one of the following actions:

- a. Accept the proposed sponsored project;
- b. Do not accept the proposed sponsored project;
- c. Accept the proposed sponsored project *provided* certain conditions or restrictions are imposed so that the conflict will be managed, reduced or eliminated.

Examples of possible conditions or restrictions are:

- monitoring of research by independent reviewers
- public disclosure of significant financial interests
- modification of the research plan
- disqualification from participation in the portion of the sponsored funded research that would be affected by the significant financial interest
- divestiture of significant financial interest
- severance of relationships that create actual or potential conflicts

If the Investigator is dissatisfied with the COIC's recommendations, the Investigator may, within ten (10) calendar days of such recommendation, appeal to the Provost (designee) who will consult with the faculty member and the COIC, as appropriate. After such review, the Provost (designee) will make the final decision.

Prior to the expenditure of funds under the award, the College will report to the appropriate Federal Agency the existence of a conflicting interest (but not the nature of the interest or other details) found by the College and assure that the interest has been managed, reduced, or eliminated in accordance with this subpart; and, for any interest that the College identifies as conflicting subsequent to the College's initial report under the award, the report will be made and the conflicting interest managed, reduced, or eliminated, at least on an interim basis, within sixty days of that identification.⁴

All records, including all financial disclosures and all actions taken by the College with respect to each conflicting interest, will be maintained for a period of no less than seven (7) years from the date of submission of the final expenditure report or, where applicable, from other dates specified in 45 CFR 74.53 (b) for different situations. Upon written request of a sponsoring agency, disclosure documents and related records pertaining to the specific sponsored project will be made available.⁵

Collaborators/sub-recipients/subcontractors from other institutions involved in externally-sponsored research of the College must either comply with this policy or provide a certification from their institutions that they are in compliance with Federal policies regarding disclosure of conflicts of interests and that their portion of the project is in compliance with their institutional policies.

IV. Compliance

All persons subject to this policy are expected to comply fully and promptly with it. Instances of deliberate breach of policy, including failure to file or knowingly filing incomplete, erroneous, or misleading disclosure forms, violation of this policy, failure to comply with prescribed monitoring procedures, will be reported to the appropriate senior officer and, in the case of investigators also to the Vice Provost (designee).

All known violations, disputes and other issues arising out of the application of this policy to employees shall be referred to the President for appropriate action. Matters under this policy concerning Trustees shall be reported to the Chairman of the Board of Trustees for appropriate action.

In the event of non-compliance by an Investigator, the Provost (designee) will consult with the COIC regarding possible sanctions to be imposed on an investigator that may include, but are not limited to:

- a. Formal admonition,
- b. A letter from the appropriate Dean to the person's file,
- c. Ineligibility for (i) grants, (ii) IRB approval, or (iii) supervision of graduate students,
- d. Non-renewal of appointment,
- e. Dismissal.

The Provost (designee) will then recommend an appropriate sanction to the President, who will make the final decision.

In addition, the College shall follow Federal regulations regarding the notification of the sponsoring agency in the event an Investigator has failed to comply with this policy. The sponsor may take its own action, as it deems appropriate, including the suspension of funding for the Investigator until the matter is resolved

¹ Title 42CFR Part 50.601 Subpart F

² 42CFR50.601 Subpart F Objectivity in Research

³ NSF Grant Policy Manual 02-151_5 Grantee Standards 510; 42CFR50

⁴ NIH Grant Policy Statement Part II: Terms & Conditions of NIH Grant Awards, Subpart A: General

⁵ 42 CFR 50.604 (e) Maintenance