



SPONSORED PROJECTS CONFLICT OF INTEREST POLICY

PURPOSE:

To comply with the California Code of Regulations (2 CCR § 18755); CSU Policy; the Code of Federal Regulations (2 CFR 200.112; 42 CFR Part 50 Subpart F); and sponsor policies, as applicable.

SCOPE:

Individuals subject to this policy are CSUSM Corporation and CSUSM employees, and in some cases, contractors or subawardees, with responsibility for the design, conduct, or reporting of a research or sponsored project funded, in whole or in part, by a contract or grant. The disclosure process for principal investigators and other personnel differs from the Conflict of Interest filing requirements of other employees. As a result, responsibility for the oversight and administration of the Sponsored Projects Conflict of Interest Policy is shared between CSUSM Human Resources, the Office of Graduate Studies and Research, and the Office of Sponsored Projects.

POLICY:

I. General Requirements

Non-governmental sponsors – CA Political Reform Act: Principal investigators are required to disclose financial interests when the project is funded or supported, in whole or in part, by a contract or grant that is from a non-governmental source. See 2 CCR § 18755 for the list of sponsors for which disclosure is not required.

National Science Foundation (NSF), Public Health Service (PHS) Sponsors, Department of Energy (DoE), National Aeronautics and Space Administration (NASA): Investigators are required to disclose all financial interests related to their institutional responsibilities. “Investigators” includes principal investigator or project director, co-principal investigator, and any other personnel who would be responsible for the design, conduct, or reporting of research or educational activities funded by NSF, several PHS sponsors, DoE, or NASA. Investigators may also include consultants, investigators on subawards, and unpaid collaborators. For purposes of this policy, regardless of funding source, “Investigator” also includes the investigator’s spouse/domestic partner and dependent children. Additional federal and non-federal sponsors may adopt similar requirements.

Disclosures of financial interests: To comply with the CA Political Reform Act for non-governmental sponsors, the 700-U Statement of Economic Interests for Principal Investigators is required before final acceptance of a contract, grant, or gift and its collection will be facilitated by the Grants and Contracts Development (submitted to CSUSM Human Resources). For NSF, several PHS sponsors, DoE, or NASA, the appropriate disclosure form must be completed and submitted to Grants and Contracts Development (during the proposal stage) or the Office of

Sponsored Projects (during the award period) as described in the Sponsored Projects Conflict of Interest Procedure. Disclosures must be updated according to the requirements of the sponsor as described in the Sponsored Projects Conflict of Interest Procedure.

II. Financial Interest

Non-governmental sponsors – CA Political Reform Act: Title 2, Division 6, California Code of Regulations § 18755 (Statements of Economic Interests: Person or Persons at an Institution of Higher Education with Principal Responsibility for a Research Project) describes the content of the disclosure statement and what constitutes a conflict based on positions, investments/equity, income, gifts, and travel payments from the sponsor.

NSF/PHS/DoE/NASA: A financial conflict of interest is a Significant Financial Interest (SFI) that could directly and significantly affect the design, conduct, or reporting of the funded research. The definition of SFI according to NSF, PHS, DoE, and NASA, can be found in the Sponsored Projects Conflict of Interest Procedure.

III. Disclosure Forms

Non-governmental sponsors – CA Political Reform Act: The 700-U form is required for all persons employed by the CSU who have principal responsibility for a research project if the project is to be funded or supported, in whole or in part, by a contract or grant (or other funds earmarked by the donor for a specific research project or for a specific researcher) from a nongovernmental agency.

NSF/PHS/DoE/NASA: All persons who will have a significant role in the design, conduct, and reporting of a NSF, PHS, DoE, NASA-funded project must file a disclosure form of all financial interests related to their institutional responsibilities that would reasonably appear to be directly or significantly affected by their activities.

IV. Training

Non-governmental sponsors – CA Political Reform Act: In accordance with Fair Political Practices Commission requirements and consistent with CSU Policy - Sponsored Programs Administration, Principal Investigators who receive funding must complete the training module, *Avoiding Conflicts of Interest in the CSU*. Grants and Contracts Development will require training certificates prior to sharing proposal records with the Office of Sponsored Projects for award set-up. Subsequent training is required as least once each consecutive period of two (2) calendar years that the grant is in place.

PHS and DoE: Such persons who have a significant role in the design, conduct, and reporting of the project funded by one of the PHS sponsors or DoE are required to complete Conflict of Interest training in CITI. Grants and Contracts Development will require training certificates prior to sharing proposal records with the Office of Sponsored Projects for award set-up. The training must be repeated every four (4) years.

V. Review of Financial Disclosures

Non-governmental sponsors – CA Political Reform Act: CSUSM Human Resources serves as the filing officer for the 700-U.

NSF, PHS, DoE, NASA: Disclosure forms submitted during the proposal stage and prior to award finalization will be reviewed by Grants and Contracts Development. Disclosure forms submitted once the award has been established will be reviewed by the Office of Sponsored Projects. If the Investigator states on the form that there are no reportable financial interests related to the project, no further action will be taken and the form will remain in the project file.

If a related financial interest is reported on the form, the disclosure will be reviewed by the Associate Executive Director, CSUSM Corporation Sponsored Projects and the Dean of Graduate Studies and Research to determine if it is a Significant Financial Interest (SFI), in which case it will be shared with the Conflict of Interest Review Committee (CIRC)¹ to determine if the nature of the Investigator's financial interest is such that a conflict of interest is unlikely to occur and would not compromise the quality and objectivity of the research, including not causing harm to the University or the misuse of state resources. See Sponsored Projects Conflict of Interest Procedure for determination process and management plans as well as procedures for notification of the sponsor when required.

VI. Enforcement Mechanisms and Sanctions

No grant or contract will be accepted nor administered by CSUSM Corporation without full disclosure by the Investigator(s) as detailed in the applicable procedures. Failure to comply with this policy and its implementing procedures will result in non-acceptance by CSUSM Corporation of the grant or contract. Potential violations of the Conflict of Interest Resolution Plan shall be handled by the Dean of Graduate Studies and Research, who monitors the state of academic freedom and professional responsibility at CSUSM. The CSUSM Corporation Executive Director or designee, in consultation with the Provost or designee, will establish and enforce appropriate sanctions based on the specific conduct of an investigator failing to follow the approved Resolution Plan.

VII. Record Maintenance

All financial disclosure statements and records of all actions taken in reviewing statements plus any actions taken to resolve actual or potential conflicts of interest will be retained for a minimum of three (3) years after the termination or completion of the related grant or contract. If any litigation, government action, or other controversy exists after such termination or completion, the records shall be retained for a minimum of three (3) years after any such litigation, government action or controversy has concluded. In those cases where a granting or contracting agency requires a longer period of record retention, CSUSM Corporation Office of Sponsored Projects will comply with that agency's requirements.

¹ The CIRC consists of two faculty selected in consultation with Academic Senate, one administrator from CSUSM Corporation, Dean of Graduate Studies and Research, and VPFAS or designee.

REFERENCES

1. Sponsored Projects Conflict of Interest Procedure
2. CSU Policy – Sponsored Programs Administration
3. California Code of Regulations (2 CCR § 18755)
4. Code of Federal Regulations (2 CFR 200.112 and 42 CFR Part 50 Subpart F)
5. NASA Grant Information Circular 23-07
6. Department of Energy Financial Assistance Letter (FAL 2022-02)