



SISTEMA UNIVERSITARIO ANA G. MÉNDEZ
Vice-Presidency for Financial Affairs
Sponsored Program Office

CONFLICT OF INTEREST POLICY

POLICY No. VPAF-13-003-005

Approved: Vice-President for Financial Affairs
Issued: April 4, 2003
Revised: January 29, 2013
Refer questions to: Coral A. Rodríguez Laboy / (787) 751-0178 ext. 7423 / corodriguez@suagm.edu

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1. PURPOSE:

POLICY VPFA-AVPSRPFM-01.01, CONFLICT OF INTEREST POLICY FOR SISTEMA UNIVERSITARIO ANA G. MÉNDEZ (SUAGM), sets forth University policy to comply with the requirements of the Public Health Service (PHS) as described in 42 CFR Part 50 Subpart F entitled, Promoting Objectivity in Research and 45 CFR Part 94 and with the National Science Foundation as described in the NSF Award and Administration Guide, Chapter V Section 510, Conflict of Interest.

This policy establishes the standards to disclosure, management and resolution of Conflicts of Interest (COI) related to SUAGM's operations, Sponsored Programs, and all related entities, business units and affiliated organizations.

The COI disclosure is designed to identify interests of personnel involved in SUAGM's business or the award or administration of Sponsored Programs that could bias, or give the appearance of biasing, the design, conduct and reporting of a sponsored project, so that a conflict can be appropriately, managed, reduced, or eliminated.

2. AUTHORITY:

Vice-President of Financial Affairs
Vice-President of Human Resources
Vice-President of Administrative Affairs
Vice-President of Planning and Academic Affairs
Assistant Vice-President of Sponsored Research and Programs Financial Management

3. POLICY STATEMENT:

The SUAGM will maintain an up-to-date, written, enforced policy on conflicts of interest that complies with federal regulations, and make such policy available via a publicly accessible Web site. SUAGM affiliated Institutions shall adhere to its policy and shall provide COI reports regarding identified conflicts of interest to SRPFM, in accordance with the Institution's own standards and within the timeframe prescribed by agency's guidelines.

Any existence or potential existence of conflict of interest will be referred to SRPFM, within ten days of the acquired knowledge, for investigation and resolution.

SUAGM will certify, in each application for funding to which this policy applies that SUAGM:

1. Have an up-to-date, written, and enforced administrative process to identify and manage conflicts of interest with respect to SUAGM's operations, Sponsored Programs, and all related entities, business units and affiliated organizations.
2. Shall promote and enforce compliance with this policy's requirements including those pertaining to disclosure of significant financial interests;
3. Shall manage conflicts of interest and provide initial and ongoing COI reports to SRPFM.
4. Agrees to make information available, promptly upon request, to agency's guidelines relating to any Investigator disclosure of financial interests and SUAGM review of, and response to, such disclosure, whether or not the disclosure resulted in the determination of a conflict of interest; and
5. Shall fully comply with Institution's own standards, the requirements of 42 CFR Part 50 Subpart F entitled, Promoting Objectivity in Research and 45 CFR Part 94 and with the National Science Foundation as described in the NSF Award and Administration Guide, Chapter V Section 510, Conflict of Interest.

4. DEFINITIONS:

AWARD AND/OR ADMINISTRATION – includes all activities related to the preparation, revision, packaging and/or submission of a proposal to a Sponsoring Agency; all activities involving the decision-making process regarding the subcontracting, purchasing of goods and/or services utilizing funding from a Sponsored Program; all procedures with respect to the financial management of a Sponsored Program including, but not limited to, budgeting, purchasing, reporting, accounting, travel preparation, disbursements, collections, inventory and Sponsored Program close-out; and all programmatic work performed directly on Sponsored Programs.

COI APPEALS COMMITTEE – is composed of two permanent members: the Controller and the Assistant Vice President of Sponsored Research and Programs Financial Management. The Committee shall also include the Institutional Official or Director of the Regulatory Compliance Office when the conflict of interest is about misconduct.

COI COMMITTEE – is composed of three permanent members: the Fiscal Compliance Director, the Associate Controller, and the Assistant Vice President of Human Resources at the SUAGM institution at which the conflict resides. The Committee shall also include a Faculty Member and the Vice Chancellor of Sponsored Research and Programs at a SUAGM institution other than where the conflict resides, who each shall serve a term of two years.

COI DISCLOSURE FORM – the form used to document the non-existence and/or disclosure of COIs for all SUAGM employees engaged in SUAGM's Business or the award or administration of Sponsored Programs.

CONFLICT OF INTEREST (COI) – is defined as a competing personal interest of an individual or Related Person that could affect, or could appear to affect, the individual's judgment or could cause the individual's impartiality to be questioned. Conflicts of interest include financial conflicts of interest, which are defined as any Significant Financial Interest that could directly and significantly affect the design, conduct, or reporting of a Sponsored Program. **A Sponsoring Agency or Sponsored Program agreement may have a definition of conflict of interest (including a conflict of interest or significant financial interest) that is different from the definitions contained in this policy. An employee engaged in the award or administration of Sponsored Programs must always comply with the more stringent of this Policy or the conflict of interest policies of the Sponsoring Agency or Sponsored Program agreement.**

COVERED PERSON – an individual engaged in SUAGM's Business or in the Award and/or Administration of Sponsored Programs. A Covered Person may be an Employee, as defined below, volunteer, or member of the SUAGM Board of Directors.

COVERED PERSON -VENDOR RELATIONSHIP - a relationship in which:

- (a) a Covered Person, acting alone, proposes for consideration to lease or sell goods or to provide services to SUAGM; or
- (b) a Covered Person owns or controls more than a 10% interest in any business which proposes for consideration to lease or sell goods or to provide services to SUAGM; or
- (c) a Former Employee, acting alone, proposes for consideration to lease or sell goods or to provide services to SUAGM; or
- (d) A Related Person, acting alone, proposes for consideration to lease or sell goods or to provide services to SUAGM, when the Covered Person has, in any connection with his or her University employment, any responsibility for or involvement in any manner in the University's decision to accomplish or approve the transaction; or
- (e) A Related Person owns or controls more than a 10% interest in a business, which proposes for consideration to lease or sell goods or to provide services to SUAGM, when the Covered Person has, in any connection with his or her University employment, any responsibility for or involvement in any manner in the University's decision to accomplish or approve the transaction.

DESIGNATED OFFICIAL - for the purpose of this policy is the Assistant Vice president for Sponsored Programs Management.

EMPLOYEE – any employee, officer, director, supervisor, coordinator, administrator, representative, or any other associate who is presently employed by SUAGM.

FORMER EMPLOYEE – an individual who has retired or separated from SUAGM, was dismissed, or was otherwise formerly employed by SUAGM.

INSTITUTIONAL OFFICIAL (IO) - is the individual who is legally authorized to act for AGMUS and, on behalf of the AGMUS, obligates AGMUS to the Terms of the Federal Wide Assurance in protecting the rights of human subjects in research. The IO is also authorized to legally commit AGMUS, on behalf of animal care and use, to pertinent federal regulations.

MITIGATION PLAN – the plan approved in accordance with this policy to manage, reduce, or eliminate a disclosed COI.

OFFICERS – refers to the following positions at SUAGM: President, Executive Vice President, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, Chancellors, Vice Chancellors and Deans.

OMB – acronym for the Executive Office of the President, Office of Management and Budget.

PROJECT – a collection of processes, activities, and supporting resources, whose objective is to carry out SUAGM's mission or specific program-associated element of the mission.

RELATED PERSONS – refers to any member of an individual's immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein. Related persons may, but do not necessarily, also include relationships similar those that exist between near relatives, such as close friends or personal associates; relationships of a romantic or sexual nature; and cases in which a person resides on a regular basis in the individual's domicile.

SIGNIFICANT FINANCIAL INTEREST – a significant financial interest means:

(1) A financial interest consisting of one or more of the following interests of a Covered Person (or the Covered Person's spouse or dependent children) that reasonably appears to be related to the Covered Person's institutional responsibilities:

(i) With regard to any 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. For purposes of this definition, 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;

(ii) With regard to any 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 Covered Person (or the Covered Person's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest) in the entity; or

(iii) Intellectual property rights and interests (e.g., patents, copyrights), [upon receipt of income related to such rights and interests].

(2) Covered Persons also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Covered Person and not reimbursed to the Covered Person so that the exact monetary value may not be readily available), related to their institutional responsibilities; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education. Covered Persons must disclose the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. The SRPFM office will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes a COI.

(3) The term Significant Financial Interest does not include the following types of financial interests: salary, royalties, or other remuneration paid by SUAGM to the Covered Person if the Covered Person is currently employed or otherwise appointed by SUAGM, including intellectual property rights assigned to SUAGM 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 Covered Person 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, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

SRPFM – acronym for the Assistant Vice-president of Sponsored Research and Programs Financial Management

SPONSORED PROGRAMS – all projects financed through external funding sources which involve the performance of work in the form of instruction, service and/or support.

SPONSORING AGENCY – an organization providing external funding for a Sponsored Program.

SUAGM – the acronym for Sistema Universitario Ana G. Mendez, Inc. ("University"), which refers to the Central Administration; all its Colleges, Universities and Centers, including, but not limited to, Universidad del Este (UNE),

SUAGM's BUSINESS – includes all activities involving any administrative, academic or financial process to do business on behalf of SUAGM, Inc. It includes all transactions generated as part of recruiting, purchases, contracts, awards or administration of Sponsored Programs.

5. OVERVIEW

This policy sets forth procedures and identifies responsible parties for the detection, reduction or elimination, certification, reporting and resolution of the existence or potential existence of a COI in SUAGM's Business or the award or administration of Sponsored Programs in accordance with funding agency guidelines.

Federal agency guidelines require an annual disclosure of the existence or potential existence of conflict. An individual engaged in SUAGM's Business or the award and/or administration of Sponsored Programs should disclose any COI preceding the transaction, or as soon as the COI arises. In cases of Board Members, the process is conducted by the Secretary of the Board and the forms are kept on file in the Board's Office.

A COI Disclosure Form (Attachment A) shall be completed to document the non-existence and/or disclosure of COIs for all Covered Persons engaged in SUAGM's Business or the award or administration of Sponsored Programs.

6. PROCEDURES

6.1 ORIENTATION

In those circumstances in which a Covered Person engages in or intends to engage in SUAGM's Business or the award and/or administration of Sponsored Programs, he/she is obligated to receive a complete orientation from the Vice President of Human Resources in coordination with the Assistant Vice President of Sponsored Research and Programs Financial Management. The orientation shall include dialogue pertaining to this policy, as well as acceptable standards of conduct.

It is the responsibility of all Covered Persons who engage in or intend to engage in SUAGM's Business or the award and/or administration of Sponsored Programs to request the orientation BEFORE submitting a proposal to a Sponsoring Agency and to refer cases to SRPFM Office for evaluation.

6.2 SITUATIONS GIVING RISE TO CONFLICTS OF INTEREST

A COI arises where a Covered Person is placed in a position in which he or she has the ability or capacity to influence the carrying out of SUAGM's Business or decision-making according to their own private interests and/or personal circumstances. Covered Persons should be aware that COIs may arise in regard to previous, concurrent, or successive interests held.

It is not possible to document all situations in which a COI might arise in the workplace, or in the course of a Covered Person's performance of his or her official duties. Common situations in which conflicts of interest might arise are as follows:

- **6.2.1 RECEIPT OF GIFTS**

A COI arises where a Covered Person has the opportunity or ability, through their status or position with SUAGM, to obtain or to encourage the receiving of any form of gift or benefit in connection with the performance of their duties. Such benefits include entertainment, gratuities, loans, favors, travel and

accommodation expenses, or anything of monetary value from contractors, or parties to sub-agreements in the amount of one hundred dollars (\$100) or more under circumstances in which it might be inferred that such action can be perceived as an inducement to act in a particular way, thus creating the existence or potential existence of conflict.

A Covered Person shall not give, solicit, or receive a gift or benefit that may, or may be perceived to:

- (a) compromise his or her judgment;
- (b) damage relationships with other persons or organizations; or
- (c) indicate favoritism or prejudice towards a person or a group of people.

- **6.2.2 PERSONAL AND FAMILY RELATIONSHIPS**

A COI arises where a Covered Person makes, participates in, or has the ability to influence, decisions affecting another person with whom the Covered Person has a family or personal relationship.

Conflicts of interest in relation to personal and family member relationships arise, for example, where a Covered Person:

- (a) participates in decisions relating to any recruitment, promotion, reclassification, evaluation or grievance process with prospective or current staff members or is in a supervisory role with respect to another staff member, with whom he/she has, or has had, a family member relationship;
- (b) has a family member with a direct or indirect financial interest, or who holds a directorship, in a company which supplies goods and/or services to SUAGM, or which operates in competition with SUAGM;
- (c) is appointed to an appeals committee and the Related Person is impacted by the decision under appeal; or
- (d) is appointed to a SUAGM committee established to select the recipient of a Sponsored Program award and the family member becomes a candidate for the award.

- **6.2.3 EMPLOYEES AND STUDENTS**

A COI arises where a Covered Person is involved in a close, personal, romantic or sexual relationship with a student in relation to whom the Covered Person has academic or administrative responsibilities.

Conflicts of interest respecting relationships between staff and students arise, for example, where a Covered Person:

- (a) who is responsible for the allocation of monies for student scholarships has, or attempts to have, a close, personal, romantic or sexual relationship with one or more students who are applicants for the scholarships;
- (b) is responsible for the assessment of a student who is a Related Person; or
- (c) involves a student to assist the Covered Person in his or her outside professional activities, where the nature of such activities are in conflict with the interests of SUAGM and have not been drawn to the attention of the student.

A COI also arises where a Covered Person enrolls in a SUAGM course or subject that would conflict with his/her official accountabilities and duties. For example, serving as a member of a committee that considers

issues such as admission, enrollment, credits, assessment, exclusion, graduation or general academic conduct that could directly affect the Covered Person's status as a student.

- **6.2.4 FINANCIAL INTERESTS AND AFFILIATIONS**

A COI arises where a Covered Person makes, participates in, or has the ability to influence decisions that could advantage his or her own personal and/or financial interests or affiliations. Financial interests include, but are not limited to, Significant Financial Interests as defined in this policy.

Conflicts of interest in relation to financial interests and affiliations arise, for example, where:

- (a) a Covered Person who has an interest, pecuniary or otherwise, in a company, holds a position within SUAGM where he or she could influence, or could be perceived to influence, the awarding or non-award of contracts by SUAGM to that company;
- (b) a Covered Person is in a position to influence the provision of services by SUAGM to an organization in which the employee has an interest, pecuniary or otherwise;
- (c) a Covered Person is required to perform an audit on a business activity of SUAGM in a business area in which he or she has an interest, pecuniary or otherwise;
- (d) a Covered Person who has been awarded a research grant wishes to authorize private payments to himself or herself from funds under SUAGM's control; or
- (e) a Covered Person is in a position to undertake an outside professional activity of a private nature that should be undertaken by SUAGM.

- **6.2.5 ACCEPTANCE OF OUTSIDE PROFESSIONAL WORK OR SECONDARY EMPLOYMENT**

A COI arises where a Covered Person participates in a private outside professional activity, consultancy or secondary employment that conflicts or may conflict with the carrying out of his or her official duties. Private outside professional work must not be accepted in such circumstances.

Conflicts of interest in relation to private outside professional activities or consultancies arise, for example, where a Covered Person:

- (a) has a significant interest in an organization with which SUAGM is involved, or is considering involvement, in respect to grants, contracts, agreements, sponsoring and licensing;
- (b) provides advice to other employees which is not independent of personal, commercial or other interests;
- (c) allows outside considerations to affect actions or decisions that are part of his or her responsibilities and obligations to SUAGM; or
- (d) devotes so much time to his or her outside professional activities, consultancy or secondary employment that the amount or quality of his or her work for SUAGM is compromised; provided that this subparagraph (d) shall not apply to members of the Board of Directors.

- **6.2.6 USE OF UNIVERSITY INFORMATION**

A COI arises where an individual who has access to information (in particular confidential or sensitive information) in the course of performing his or her duties and responsibilities uses such information to obtain an improper advantage or financial benefit for himself or herself or any other person or body.

Conflicts of interest in relation to the use of SUAGM information arise, for example, where an individual:

- (a) involved in the administration of tenders for SUAGM informs a family member of specific information, otherwise not available to the public, about the anticipated price sought by SUAGM for a tender; or
- (b) discloses or otherwise misuses confidential or sensitive information such as confidential student information, salaries, benefits, strategic plans, etc.

- **6.2.7 EXTERNAL ACTIVITIES AND PUBLIC COMMENT**

A COI arises where a Covered Person is involved in a private activity and expresses a public comment that purports to represent, or may be perceived as representing, the views of SUAGM.

Where a Covered Person comments publicly in connection with private activity, it should be clear that such comment is made in a private capacity, and not in his or her capacity as an employee or representative of SUAGM. If the situation is such that it might reasonably be assumed that the individual is speaking on behalf of SUAGM, the individual should explicitly state that he or she does not represent the views of SUAGM.

Conflicts of interest in relation to an external activity or public comment arise, for example, where a Covered Person:

- (a) associates his or her name or his or her work with a private external activity (such as consulting) in a way that implies endorsement or sponsorship by SUAGM; or
- (b) expresses a private opinion or comment on a research-related matter in which the Covered Person has no particular expertise, and the Covered Person fails to disclose that his or her opinion or comment is made in a private capacity and not as a representative of SUAGM.

- **6.2.8 CONDUCT OF RESEARCH**

A COI may arise where a Covered Person has the ability, opportunity or potential to gain a financial benefit or other advantage through the management of, or the outcomes achieved from, the conduct of research.

Conflicts of interest in relation to the conduct of research arise, for example, where a Covered Person:

- (a) publishes the results of research undertaken for and/or sponsored by an organization external to SUAGM, and the Covered Person's affiliation with the organization is not disclosed in the publication;
- (b) undertakes research for an organization external to SUAGM in which the Covered Person has a financial or other interest and such interest is not disclosed; or
- (c) accepts a research project for an organization external to SUAGM to which conditions are attached that are contrary to SUAGM's interests.

- **6.2.9 PURCHASE OR LEASE OF GOODS OR CONTRACTS**

A COI may arise where SUAGM makes any purchase (including encumbrance transactions) or leases goods from or contracts for services with a Covered Person, Former Employee, or a Related Person of such individual:

- (a) Covered Person - No purchase (including encumbrance transactions) or lease of goods or contract for services may be made with an individual who has a Covered Person -Vendor Relationship, as defined in this policy. However, SUAGM may enter into a contract for goods or services with an employee who has teaching or research responsibilities, provided that the Procurement Department or designee has made a specific determination that the goods or services are not available either from commercial sources or from within SUAGM. In such case, the commercial source must present the certificate of exclusivity.
- (b) Former Employee – SUAGM may not purchase (including encumbrance transactions) or lease goods from or contract for services with any Former Employee who has a Covered Person-Vendor Relationship as defined in this policy, including one who has had teaching or research responsibilities, when:
 - 1) Less than three years' time has elapsed since the individual separated from University employment, and the individual had been engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract during the period of employment; or
 - 2) Notwithstanding the foregoing provisions of paragraph (1), SUAGM may enter into a contract for *services* with a *retiree* immediately following retirement if the retiree did not participate in any way while serving as an employee in the making of the contract for services. The post-employment restrictions in paragraphs (1), however, apply to any former SUAGM employee, including a retiree, who proposes to sell or lease *goods* to the University.

6.3 DISCLOSURE

Once a Covered Person completes the required orientation, he/she shall complete a COI Disclosure Form (Attachment A), which shall remain in the Assistant Vice President of Sponsored Research and Programs Financial Management Office.

All Covered Persons engaged in or who intend to engage in the award and/or administration of Sponsored Programs or SUAGM's Business must update their COI Disclosure Form annually, or as any new COI arises. In addition, Covered Persons shall update their COI Disclosure Form with each new, continuation, or renewal Sponsored Program submission. .

Where applicable, the SRPFM will report COI disclosures (including Significant Financial Interest disclosures) to the appropriate Sponsoring Agency in accordance with the Sponsoring Agency's policy and guidelines or the provisions of the Sponsored Program agreement.

- **6.3.1 NOTIFICATION PROCEDURE**

- (a) A Covered Person involved in a situation where there is, may be, or may be perceived to be a COI shall disclose the situation giving rise to the COI, or perceived conflict, immediately using the COI Disclosure Form or in writing by SRPFM@suagm.edu

- (b) In the event the COI Disclosure Form reveals (including at pre-award stage), the existence or potential existence of a COI (including a Significant Financial Interest), the SRPFM shall evaluate and attempt to resolve the conflict. At the pre-award stage, the Vice Chancellor of Sponsored Research and Programs at the SUAGM location at which the conflict resides should refer the matter to the SRPFM within ten (10) days before the submission date of the proposal. If the case(s) results to major issue(s), the SRPFM shall refer the conflict to the COI Committee or COI Appeals Committee, as applicable.
- (c) Where such a situation is disclosed by a Covered Person in accordance with clause (b), the SRPFM or COI Committee shall ensure that the procedures set out in this section are complied with and that the information disclosed is treated confidentially.
- (d) Following receipt of the disclosure referred to in clause (b), the SRPFM shall inquire into the situation disclosed and advise the Covered Person of what action, if any, is to be taken within five (5) working days of receipt of the COI disclosure. If the conflict is referred to the COI Committee, the Committee shall advise the Covered Person of its determination within ten (10) working days. If the conflict was referred to the COI Appeals Committee, the committee shall advise the Covered Person of its determination within five (5) working days.
- (e) Where the situation disclosed reveals a COI, or is likely to be perceived as involving a COI, the SRPFM or COI Committee shall, if considered necessary, ensure that the Covered Person's involvement in the situation or activity is withdrawn immediately, or shall establish parallel or alternative arrangements specifically for the purpose of the activity. Conditions or restrictions that may be imposed on a Covered Person to manage or eliminate conflicts of interest may include, but are not limited to, one or more of the following:
1. Public disclosure of significant financial interests;
 2. Monitoring of research by independent reviewers;
 3. Modification of the research plan;
 4. Disqualification from participation in all or a portion of the research;
 5. Divestiture of financial interests;
 6. Severance of relationships that create actual or potential conflicts.
- (f) Where the withdrawal of the Covered Person's involvement in the situation or activity referred to in clause (e) is deemed appropriate but is not reasonably practicable, then the SRPFM or COI Committee shall ensure that the existence of any COI is clearly and formally communicated in writing to all those involved in the activity. This action shall only be taken in exceptional circumstances where the withdrawal of the Covered Person from the activity would severely disrupt the operational requirements of SUAGM or adversely affect SUAGM's interests. Notwithstanding this clause (f), withdrawal shall be required where continuation of the Covered Person's involvement in the situation or activity would be in breach of any law, regulation, Sponsored Program agreement, or Sponsoring Agency guideline.
- (g) Confidentiality is to be maintained at all times by the persons, staff and administrative officers involved in the above procedures.
- (h) Where there is any doubt regarding the application of this Procedure to a situation giving rise to a COI, or to the appropriate course of action to be taken, employees are to raise the matter immediately with SRPFM or the COI Committee.

- **6.3.2 OMISSION OF DISCLOSURE**

In the event that any employee or Board Member of SUAGM obtains knowledge of any failure to disclose the existence or potential existence of a COI (including a Significant Financial Interest) on the part of a Covered Person as required by this policy, the conflict shall immediately be reported to the SRPFM for resolution and corrective action.

- **6.3.3 ACTIONS**

The SRPFM or COI Committee may take the following actions as deemed necessary:

- (a) Receive goods or services or engage in the Sponsored Program.
- (b) Refuse goods or services or refuse to engage in the Sponsored Program.
- (c) Modification to the research or acquisition.
- (d) Receive goods or services or engage in the Sponsored Program subject to monitoring of the program by independent reviewers.
- (e) A disqualification of a Covered Person engaged in SUAGM's Business, awards or administration of Sponsored Research and Programs from participation in the portion of the program that would be affected by the conflict or significant financial interests.
- (f) Appropriate sanctions for the intentional omission of a disclosure according with Human Resources Policy.
- (g) The actions described in clause 6.3.1(e).

7. RESPONSIBILITIES

- **7.1 VICE CHANCELLOR FOR SPONSORED RESEARCH AND PROGRAM**

- (a) Provide a copy of this policy to each Covered Person engaged in SUAGM's Business or the award and/or administration of Sponsored Programs, the responsibilities regarding disclosure of significant financial interests, and of these regulations and, require that each Covered Person provide certification of training at least annually, and immediately when any of the following circumstances apply:
 - 1. SUAGM revises its conflict of interest policies or procedures in any manner that affects the requirements of Covered Person;
 - 2. A Covered Person is new to SUAGM; or
 - 3. SUAGM finds that a Covered Person is not in compliance with the Institution's conflict of interest policy or management plan.
- (b) If SUAGM carries out a research or education activities through a sub-recipient (subcontractors or consortium members), SUAGM will take reasonable steps to ensure that any subrecipient complies with this policy by:
 - 1. Incorporating as part of the written agreement with the subrecipient terms that establish whether the SUAGM financial conflicts of interest policy or that of the sub-recipient will apply to the sub-recipient's Covered Person.

2. The subrecipient shall certify as part of the agreement referenced above that its policy complies with PHS or NSF guidelines. If the subrecipient cannot provide such certification, the agreement shall state that subrecipient are subject to SUAGM's conflicts of interest policy for disclosing significant financial interests that are directly related to the subrecipient's work;

- **7.2 SRPFM**

- (a) Maintain and safeguard the COI Disclosure Forms for each Covered Person engaged in SUAGM's Business or the award and/or administration of Sponsored Programs (whether or not a disclosure resulted in the determination of a conflict of interest) and all actions under AGMUS policy or retrospective review, if applicable, for at least three years from the date the final expenditures report is submitted to the PHS or NSF.
- (b) Enforce this policy to the extent permissible under State and local law or to the extent to which the SRPFM determines it has legal and practical enforcement capacity.
- (c) Received and review each COI Disclosure Form provided by the Vice Chancellor's Office of Sponsored Research and Programs to determine whether an actual or potential COI exists, and determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce or eliminate such conflict.
- (d) Immediately report infringements of this policy to the COI Committee.
- (e) Will inform the designated Institutional Official designated for research compliance of any determinations of a real and perceived conflict of interest that may have impacted a PHS supported research project or NSF supported programs.
- (f) Provide orientation regarding this policy and/or the Agency Guidelines referred to herein, as required, to each Covered Person engaged in SUAGM's Business or the award and/or administration of Sponsored Programs.
- (g) Ensure that SUAGM and Covered Persons comply with the COI requirements of Sponsoring Agencies and Sponsored Program agreements. When those requirements are different from the requirements of this policy, SRPFM shall inform all necessary personnel and shall ensure compliance with the different requirements.
- (h) Report COI disclosures (including Significant Financial Interest disclosures) to the appropriate Sponsoring Agency in accordance with the Sponsoring Agency's policy and guidelines or the provisions of the Sponsored Program agreement.

- **7.3 INVESTIGATOR PLANNING TO PARTICIPATE IN PHS FUNDED RESEARCH OR NSF FUNDED PROGRAM ACTIVITIES ARE REQUIRED TO:**

- (a) Disclose to the Vice Chancellor for Sponsored Research and Programs at their Institution any significant financial interests prior to submitting the grant or proposal to any Sponsoring Agency. The disclosure is to be made in writing and submitted with the application or proposal and the Internal Transmittal Form.
- (b) Submit an updated disclosure of significant financial interests at least annually, prior to initiating the subsequent budget period of a funded multi-year project. Such disclosure shall include any information that was not disclosed initially to the Institution.

- (c) Submit an updated disclosure of significant financial interests within thirty days of discovering or acquiring (through purchase, marriage, or inheritance) a new significant financial interest.
- (d) Submit to the Vice Chancellor of Sponsored Research and Programs a certification of completion of the training program on Conflict of Interests, whether the participation was online or onsite.

- **7.4 INSTITUTIONAL OFFICIAL FOR RESEARCH COMPLIANCE WILL:**

- (a) Receive any determinations of existence or potential existence of COI that may have led to research misconduct and call to order the Ad Hoc Committee for the Responsible Conduct of Research pursuant to the SUAGM Policy and Procedure for Responding to Allegations of Research Misconduct.
- (b) Receive the determination of the Committee and pursue as recommended:
 1. If the determination discloses that there is evidence of research misconduct, recommendations for administrative action will be sent to the Chancellor of the Investigator's Institution.
 2. And, notification will be sent to the sponsoring agency as well as the Office of Research Integrity and the in compliance with federal law and to the Assistant Vice President for the Sponsored Programs Management.
 3. If the determination discloses that research misconduct was not evidenced, than a notification will be sent to the corresponding federal agencies, Chancellor of the Investigator's Institution and to the Assistant Vice President for the Sponsored Programs Management.

- **7.5 COVERED PERSONS ENGAGED IN SUAGM's BUSINESS OR THE AWARD AND/OR ADMINISTRATION OF SPONSORED PROGRAMS**

- (a) Obtain and thoroughly read, understand, comply with, and/or request an orientation regarding this policy.
- (b) Provide a COI Disclosure Form, and update the form annually, or at any time that a new COI arises. All Covered Persons engaged in or who intend to engage in the award and/or administration of Sponsored Programs must update their COI Disclosure Form with each new, continuation, or renewal Sponsored Program submission or as any new COI arises.
- (c) Comply with the COI requirements of Sponsoring Agencies and Sponsored Program agreements. Covered Persons shall consult with SRPFM to ensure compliance with any requirements that are different from those contained in this policy.
- (d) Immediately report known infringements of this policy to SRPFM Office.

- **7.6 COI COMMITTEE**

- (a) Evaluate, manage, reduce, or eliminate a disclosed conflict.
- (b) Approve and promulgate subsequent revisions to this policy.
- (c) Take corrective action or delegate corrective action for all infringements to this policy.
- (d) Prepare and approve Mitigation Plans.

- **7.7 COI APPEALS COMMITTEE**

- (a) Approve the subsequent revisions for this policy.
- (b) Take corrective action or delegate corrective action for all infringements to this policy.
- (c) Issue a final decision of any conflict referred.

8. CONTACT

Assistant Vice-President of Sponsored Research and Programs Financial Management
Telephone (787) 751-0178 Ext 7655
Facsimile (787) 753-1624
Email SRPFM@suagm.edu

9. APPLICABILITY

This policy applies to all individuals involved in SUAGM's Business or the award and/or administration of Sponsored Programs.

10. AGENCY GUIDELINES

OMB CIRCULAR A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

NSF 02-151 Grants Policy Manual

PHS GRANTS POLICY STATEMENT Standards of Conduct for Employees

FORM 990 Return of Organization Exempt From Income Tax

11. EFFECTIVE DATE

This policy is effective as of the date of issuance and rescinds all previous policies pertaining to Standards of Conduct for Sponsored Research and Programs.

12. APPROVALS:



Alfonso L. Dávila Silva
Vice-President for Financial Affairs

January 29, 2013
Date



Carmelo Torres Reyes
Controller

January 29, 2013
Date