

## **CUNY Conflict of Interest Policy**

### **1. General Statement of Policy**

It is the policy of the University that all of its activities shall be conducted in accordance with the highest standards of integrity and ethics and in a manner that will not reflect or appear to reflect adversely on the credibility, objectivity, or fairness of the University, its leadership, faculty or staff. Every individual to whom this Policy is applicable (each, a “Covered Individual”) must maintain the highest standards of honesty and integrity. Furthermore, each Covered Individual must refrain from any use whatsoever of his or her position at the University, or the information, privileges, or influence such position may provide, when such use is motivated by, or gives the appearance that it is motivated by the desire for private gain or advantage for the Covered Individual, or for other persons, institutions, or corporations with which he or she has family, professional, business, or financial connections. Accordingly, no Covered Individual shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties and responsibilities at the University, unless such conflict is properly disclosed and managed consistent with this Policy.

In the event that Federal, state, or local laws or regulations are enacted (or amended) that require changes in this Policy, the University may amend this Policy, and any related document officially issued by the University to set forth procedures for the implementation of this Policy (each, a “Conflict of Interest Procedural Document”), in order to comply with the new requirements. Any such amendment shall not require approval of the University’s Board of Trustees but shall be promptly reported to the Board.

College and University officials with responsibilities under this Policy are identified by titles that are current as of this Policy’s effective date. If the title for a particular position changes at any time, the responsibilities under this Policy shall be performed by the individual having responsibilities within the College or the University

similar to the individual who held the former title. If there is a vacancy at any time in the position, the responsibilities under this Policy shall be assumed by the individual to whom such position reports or to his or her designee.

This Policy refers often to a Covered Individual’s “duties or responsibilities at the University” or words of similar meaning. Solely for purposes of this Policy, and achieving consistency in the treatment of Conflicts of Interest, such terms will be deemed to include work on sponsored projects, even if the funding for such work is administered by the Research Foundation.

### **2. General Standards of Conduct**

Although not all possible situations within the scope of this Policy are included in this Section 2, the following standards, which are primarily based on provisions in New York

State Public Officers Law §§ 73 and 74, shall serve as general guidance for Covered Individuals. All Covered Individuals are encouraged to consult the advisory opinions of the New York State Joint Commission on Public Ethics interpreting these provisions at <http://www.jcope.ny.gov>, and all Covered Individuals should bring questions about the applicability or interpretation of any of these standards to the University's Office of the General Counsel at [ogc@cuny.edu](mailto:ogc@cuny.edu).

- 2.1. No Covered Individual shall accept other employment or business or professional activity that will impair his or her independence of judgment in the exercise of his or her duties or responsibilities at the University.
- 2.2. No Covered Individual shall accept other employment or engage in any business or professional activity that will require him or her to disclose confidential information gained by reason of his or her position or authority at the University.
- 2.3. No Covered Individual shall disclose confidential information acquired in the course of his or her duties or responsibilities at the University, except as proper in the course of such duties or responsibilities or by law, nor use such information to further his or her personal interests.
- 2.4. No Covered Individual shall use or attempt to use his or her position at the University to secure unwarranted privileges or exemptions for himself or herself or others.
- 2.5. No Covered Individual shall engage in any transaction as a representative or agent of the University with any business entity in which the Covered Individual has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her duties or responsibilities at the University.
- 2.6. A Covered Individual shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her duties or responsibilities at the University, or that he or she is affected by the kinship, rank, position, or influence of any party or person in the performance of those duties or responsibilities.
- 2.7. A Covered Individual shall abstain from making personal investments in enterprises that he or she has reason to believe may be directly involved in or benefit from decisions to be made by him or her at the University or that will otherwise create substantial conflict between his or her duty or responsibility at the University and his or her private interest. If the Covered Individual is uncertain then the President of the College or the President's designee shall make the determination.
- 2.8. No Covered Individual, nor any corporation in which the Covered Individual owns ten percent (10%) or more of the stock shall sell any goods or services having a

value in excess of \$25 to the University, nor contract for or provide such goods or services to any private entity where the University exercises the power to contract, appoint, or retain on that entity's behalf, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding.

- 2.9. No Covered Individual shall solicit or accept a gift, loan, or invest with, or solicit or accept remuneration or anything of more than nominal value, or engage in any other financial transaction or relationship with any person or entity that does business with the University where the circumstances would reasonably permit the inference that the benefit to the Covered individual was intended to, or could influence the Covered Individual in the performance of his or her duties or responsibilities to the University, or to reward him or her for such performance.

### **3. Policy regarding Nepotism in Hiring, Employment, Supervisory Responsibility, Contracting, and in the Academic Setting**

#### **3.1. General**

The University seeks to foster a work environment that is consistent with a satisfying family life for all members of the University community and to accommodate, wherever appropriate, individual needs relating to family life. At the same time, there are a number of situations where the personal interests of a member of the University community may conflict with the proper discharge of his or her duties and responsibilities at the University. In keeping with New York State Public Officers Law §§ 73(14) and (15) and § 74(3), this Policy recognizes that conflicts may be inherent when a Covered Individual (a) is involved in hiring and employment decisions, or supervision of Family Members; (b) enters into contracts that relate to Family Members or with entities in which Family Members have a personal or financial interest; or (c) is responsible for academic decisions regarding Family Members. Accordingly, this Section 3 sets forth certain specific prohibitions against a Covered Individual's participation in the conduct of University business and academic decision-making involving his or her Family Members.

#### **3.2. Hiring and Employment Decisions.**

No Covered Individual shall take part in any decision in connection with the employment of his or her Family Members at the University; including but not limited to the decision to hire, reappoint, promote, discipline, or discharge. If such a hiring or employment matter arises relating to a Family Member, then the Covered Individual must advise his or her supervisor of the relationship in writing and must be recused from any and all discussions or decisions relating to the matter.

### 3.3. Supervisory Responsibility

No Covered Individual shall have Supervisory Responsibility for any of his or her Family Members at the University, except as provided by a written waiver as set forth in this Section 3.3, or in the case of Sponsored Projects, as provided in Section 3.5 below. (For the purpose of this Section 3.3, a Covered Individual shall be deemed to have “Supervisory Responsibility” for a Family Member if the Family Member (a) directly reports to the Covered Individual, or (b) directly reports to a supervisor who reports ultimately to the Covered Individual, regardless of the number of reporting levels that separate the Family Member from the Covered Individual.)

If a Covered Individual through any circumstances comes to have Supervisory Responsibility for a Family Member at the University, the Covered Individual shall make reasonable efforts to effect a change in the organization or have the Family Member reassigned in order to avoid a violation of this section. If, however, such a change or reassignment is not feasible (e.g., as a result of civil service rules, provisions of the applicable collective bargaining agreement, or the size of the individual unit or department) or would result in significant harm to the operations or activities of the University, the Covered Individual may file a written request for a waiver with the Vice President for Administration of the College where the Covered Individual is employed or such other College official as may be designated by the College President. Such request shall set forth the efforts that have been made to effect a change in the organization, the reasons why a reassignment of the Family Member is not feasible, and the reasons why such a change or reassignment would result in significant harm to the University’s operations or activities. If, after a review of all the relevant circumstances, a waiver in writing is granted, the Covered Individual may continue or assume, as the case may be, Supervisory Responsibility for his or her Family Member.

Notwithstanding any waiver regarding Supervisory Responsibility for a Family Member pursuant to the preceding paragraph, no Covered Individual shall participate under any circumstances in any action that directly affects his or her Family Member as an employee of the University individually, and not as a member of a group, including, but not limited to, performance evaluations, position reclassifications, and determination of promotional opportunities or eligibility for additional compensation of any kind from the University.

### 3.4. Contracting Decisions

No Covered Individual shall take part in any contracting decision at the University (a) relating to a Family Member, or (b) relating to any entity in which a Family Member is an officer, director, or partner, or in which a Family Member owns or controls ten percent (10%) or more of the stock of such entity. If a contracting matter arises involving either clause (a) or (b), then the Covered Individual must advise his or her supervisor of the relationship in writing and must be recused from

any and all discussions or decisions relating to the matter.

### 3.5. Academic Decisions

No Covered Individual shall instruct a Family Member in a credit-bearing course, supervise academic research or writing done by a Family Member, or be involved in any formal evaluation of a Family Member in the academic context, including but not limited to decisions about admission, grades, or awards, at the University, except as set forth in this paragraph. In the rare instance in which a Covered Individual's Family Member must enroll in the Covered Individual's course (for example, to fulfill academic requirements where the Covered Person is the only faculty member offering the course), the Covered Individual must, first, inform the Department Chair, and then obtain prior approval from the Provost. Such approval shall be granted only if (1) It is clearly demonstrable that there is no other course selection that will meet the student's academic needs; and (2) The Department Chair submits a plan for evaluating the student's work, which is clearly and completely separated from any involvement of the Covered Individual.

### 3.6. Family Members

The definition of Family Member, which appears in Section 8.12 of this Policy, is very broad. It covers those in intimate relationships, spouses, domestic partners, parents, children, siblings, and many other relatives of a Covered Individual and his or her spouse or domestic partner, as well as other individuals living in the same household as the Covered Individual. If a Covered Individual has any questions about whether the provisions of this Section 3 apply to his or her situation, it is incumbent upon the Covered Individual to consult the University's Office of the General Counsel at [ogc@cuny.edu](mailto:ogc@cuny.edu).

### 3.7. Applicability to Sponsored Projects: Sponsored Projects Positions Hired by CUNY or Administered through the Research Foundation

Sections 3.1 through 3.4 apply to all Sponsored Projects positions, unless a waiver has been granted. An Investigator may file a written request for a waiver with the Associate Vice Chancellor for Research or designee setting forth the description of the Sponsored Project, the nature of the involvement of the Investigator's Family Member, and the reasons why it would be appropriate for the waiver to be granted. After a review of all the relevant circumstances, the Associate Vice Chancellor for Research or designee may grant the waiver in writing.

## 4. **Policy on Financial Conflicts of Interest in Sponsored Projects**

### 4.1. Scope

This Section 4 applies to all Sponsored Projects (as defined in Section 8.20), regardless of the source of funding or support or the commercial exploitation of the results of such projects.

#### 4.2. General

A particular purpose of this Policy is to promote integrity in Sponsored Projects by establishing standards and procedures to ensure, to the extent possible, that any Significant Financial Interest (as defined in Section 8.19) that could directly and significantly affect the design, conduct or reporting of a Sponsored Project at the University (each, a “Financial Conflict of Interest” or “Financial Conflict”) does not bias the design, conduct or reporting of the Sponsored Project.

The University recognizes that interactions between Investigators (as defined in Section 8.15) in a Sponsored Project at the University and external entities have many beneficial results for the University and its faculty, staff, post-doctoral associates, and students, as well as the external entities themselves. For example, such interactions are an especially effective means of facilitating the commercial development of University intellectual property, which benefits the public with new goods and services and stimulates economic development. Nevertheless, these interactions may raise actual or perceived conflicts between the personal financial interests of the Investigator, the interests of the University, and the Sponsored Projects community generally. In some cases, such conflicts may reasonably appear to be likely to affect the judgment of an Investigator.

The University has determined that a strict prohibition of Financial Conflicts of Interest does not serve the public interest because potentially beneficial interactions with external entities would be lost. Moreover, the University recognizes that Financial Conflicts of Interest will inevitably arise in a modern university and that the mere existence of such Financial Conflicts does not necessarily call into question the objectivity of the underlying Sponsored Projects. As a result, consistent with Federal regulations, this Policy seeks to manage, when possible, Financial Conflicts of Interest in order to minimize the potential harm that could result either from Financial Conflicts that actually impair the judgment of Investigators or from the appearance that the judgment of Investigators has been or will be impaired. The University reserves the right to prohibit the existence of Financial Conflicts of Interest that present unmanageable risks or that would require excessive resources to manage.

The complex situations that may arise involving Financial Conflicts of Interest require management using specialized knowledge and a multi-disciplinary, problem-solving approach. Therefore, this Policy provides for qualified individuals designated at each College, as well as a University-wide Conflicts Committee, to review disclosures by Investigators of Significant Financial Interests related to the Investigators’ Institutional Responsibilities (as defined in Section 8.14) to determine whether such Significant Financial Interests are related to the Sponsored Project and constitute Financial Conflicts of Interest, and if so, to manage those Financial Conflicts in a fair, objective, and confidential manner in accordance with applicable laws and regulations, this Policy, and any applicable Conflict of Interest Procedural Document.

#### 4.3. Disclosure of Significant Financial Interests.

In addition to any obligation under other University policies, including the University's Intellectual Property Policy, any applicable Conflict of Interest Procedural Document, or any Federal, state, or local laws or regulations, each Investigator must submit to the College Conflicts Officer at his or her College a reasonably adequate description of any Significant Financial Interests of the Investigator, and the Investigator's spouse and dependent children, that would reasonably appear to be related to the Investigator's Institutional Responsibilities (as defined in Section 8.14), or in entities whose financial interests would reasonably appear to be related to such Institutional Responsibilities. All disclosures must be made in writing to the College Conflicts Officer, with a copy to the Grants Officer at the College, using the Disclosure Forms (as defined in Section 8.10) and in accordance with the procedures provided by the Office of Research.

##### 4.3.1. Initial Proposals and Applications for Funding or Support

Principal Investigators (PI) (as defined in section 8.16), must submit Significant Financial Interest Disclosure Forms to the College Conflicts Officer, with a copy to the Grants Officer, at his or her College before a proposal or application is submitted to an External Sponsor. The PI must also comply with any disclosure and approval procedures required by the External Sponsor or the University in connection with any such proposal or application.

All other Investigators (as defined in section 8.15), must submit Significant Financial Interest Disclosure Forms to the College Conflicts Officer, with a copy to the Grants Officer, at his or her College prior to the expenditure of any awarded funds or support.

The review of the Significant Financial Interest by the College Conflicts Officer and the Conflicts Committee may take place any time after such submission but prior to the expenditure of any awarded funds or support. In addition, any related management or oversight plan developed by the Conflicts Committee under Section 4.5.1 must be implemented, prior to the expenditure of any awarded funds or support.

##### 4.3.2. Ongoing Funded or Supported Sponsored Projects

In the case of Sponsored Projects at the University involving multi-year funding or support, all Investigators must disclose any previously undisclosed Significant Financial Interest consistent with Section 4.3.3. below, and must provide updated information regarding any previously disclosed Significant Financial Interest annually throughout the period of award. All Investigators must receive approval in writing in accordance with

this Policy, before the renewal application or progress report is submitted to the External Sponsor.

#### 4.3.3. Changes in Significant Financial Interests

All Investigators must disclose any material change in a previously disclosed Significant Financial Interest, or any newly-discovered or acquired (e.g., through purchase, marriage, or inheritance) Significant Financial Interest, within thirty (30) days after the change. The PI must also comply with any disclosure and approval procedures required by the External Sponsor or the University in connection with the project.

#### 4.3.4. Acquisition or Licensing of CUNY Intellectual Property

If an Investigator responsible for developing, discovering, or creating any University-owned intellectual property becomes aware of a third party's acquisition or intention to acquire ownership of or a license to that intellectual property, the Investigator must submit a CUNY Conflict of Interest Disclosure Form: Acquisition of or License to CUNY Intellectual Property to the College Conflicts Officer at his or her College with a copy to the University's Technology Commercialization Office.

Under no circumstances shall an Investigator who has a financial interest in an entity represent the interests of CUNY in any negotiations between the entity and CUNY involving the acquisition or licensing of such intellectual property.

#### 4.3.5. Supervision of Students and Post-Doctoral Associates

If an Investigator has a Significant Financial Interest from or in a third party or subsequently acquires such a Significant Financial Interest, and the Investigator teaches, supervises, or otherwise has control over any students or post-doctoral associates at the University who might be involved in related work at CUNY or for the third party, then the Investigator must disclose the Significant Financial Interest and the planned student or post-doctoral associate involvement to the College Conflicts Officer at his or her College by submitting Significant Financial Interest Disclosure Forms. The Investigator must receive approval in writing in accordance with this Policy before the assistance of any students or post-doctoral associates in such work may commence or continue.

As required by Federal, state, or local laws or regulations, or as otherwise approved by the University's Board of Trustees, the Conflicts Committee may add to these provisions. In such event, the Office of Research shall issue an official advisory to provide notice of the change and shall update the disclosure forms for Significant Financial Interests to reflect the change.



#### 4.4. First Level Review – College Conflicts Officer

##### 4.4.1. Designation and Duties of College Conflicts Officers

Each College President, after consultation with the appropriate faculty governance body at the College and approval by the Associate Vice Chancellor for Research, shall designate an employee of the College as the College Conflicts Officer. Each College Conflicts Officer shall perform the following functions:

- (a) promote awareness at the College of (i) this Policy and its general requirements, (ii) the specific requirement to disclose Significant Financial Interests in accordance with this Policy and all applicable Conflict of Interest Procedural Documents, and (iii) the availability of disclosure forms on the website of the Office of Research;
- (b) receive and review all Disclosure Forms from Investigators at the College;
- (c) determine whether or not any disclosed Significant Financial Interest is related to the proposed Sponsored Project, and if so, whether or not a Financial Conflict of Interest exists; the CCO may consult with the College Provost and appropriate Department Chair as necessary during the review of the Disclosure Forms; and may consult with the Investigator in the determination of whether a Significant Financial Interest is related to the Sponsored Project;
- (d) upon completion of the review, complete a FCOI Determination Report (available through the Office of Research) regarding such determination;
- (e) send the report and the complete written record of the review and decision-making related to any positive disclosures to the Office of Research; and
- (f) assist in the implementation and monitoring of any management and oversight plans developed by the Conflicts Committee.

##### 4.4.2. Recusal of College Conflicts Officer

If the College Conflicts Officer is an Investigator on a Sponsored Project, the College Conflicts Officer must submit relevant Disclosure Forms to the College President or the President's designee at the required time. In such a case, or in the case where a College Conflicts Officer is the supervisor of an Investigator who submits the Disclosure Forms, the College Conflicts Officer shall not participate in any review or decision regarding the Significant Financial Interest, and the College President shall designate

another individual to perform the review and decision-making process and to monitor the implementation of any management plans issued by the Conflicts Committee.

#### 4.5. Second Level Review - CUNY Conflicts Committee

##### 4.5.1. Review and Management of Financial Conflicts of Interest

The University's Conflicts Committee shall promptly review the College Conflicts Officer's report and the complete written record of his or her review and decision-making in connection with each Financial Conflict of Interest determined by the College Conflicts Officer and decide whether or not a Financial Conflict of Interest does in fact exist. The Conflicts Committee shall also have the discretion to review reports of the College Conflicts Officer where no Financial Conflict of Interest is found to exist and decide otherwise.

If the Conflicts Committee determines that a Significant Financial Interest is related to the Sponsored Project in question and that a Financial Conflict of Interest exists, the Committee and its staff shall promptly develop and implement a conflict management and oversight plan that specifies the actions that have been, and shall be, taken to eliminate, resolve or manage the Financial Conflict in accordance with the requirements of the External Sponsor and the University.

Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate the Financial Conflict of Interest include, but are not limited to the following:

- (a) Appointment of a Conflicts Overseer in accordance with CUNY COI Procedures for Oversight of Projects by a Conflicts Overseer;
- (b) Public disclosure of the Financial Conflict of Interest (e.g., when presenting or publishing);
- (c) For research projects involving human subjects, disclosure of the Financial Conflict of Interest directly to participants;
- (d) Appointment of an independent monitor capable of taking measures to protect the design, conduct, reporting, and review of the project against bias resulting from the Financial Conflict of Interest;
- (e) Modification of the project plan;
- (f) Change of personnel or personnel responsibilities, or

disqualification of personnel from participation in all or a portion of the project;

- (g) Reduction or elimination of the Significant Financial Interests (e.g. sale of an equity interest); or
- (h) Severance of relationships that create the Financial Conflict of Interest.

If the Conflicts Committee determines that imposing customary conditions or restrictions would be either ineffective or impractical, and that the potential negative impacts that may arise from a Significant Financial Interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the Conflicts Committee may allow the project to go forward without imposing such conditions or restrictions, while perhaps taking other measures.

The Conflicts Committee Administrator shall promptly send notice of the decision by the Conflicts Committee of whether or not a Financial Conflict exists, including a statement of the basis for the decision, to the College Conflicts Officer, the Investigator, any other individuals determined by the Conflicts Committee, if the case involves a Sponsored Project administered through the Research Foundation, the Legal Department of the Research Foundation, and if the Conflicts Committee requires a Conflicts Overseer, the College President.

If the Conflict Committee decides that a Financial Conflict of Interest exists, such notice shall include a copy of the related management and oversight plan. The Investigator shall have up to ten (10) days to notify the Conflicts Committee in writing of any objections to the initial management and oversight plan issued by the Committee, and the Committee shall promptly review such objections and notify the individuals who previously received a copy of the plan, and any other individuals determined by the Conflicts Committee, of any resulting changes in the plan that the Committee decides to make.

#### 4.5.2. Composition of the Conflicts Committee

The University shall establish a seven-member University-wide Conflicts Committee consisting of the Associate Vice Chancellor for Research or his or her designee, the President of the Research Foundation or his or her designee, a College Provost who has been involved in Sponsored Projects and designated by the Associate Vice Chancellor for Research, and four tenured University faculty members. These faculty members, who shall be actively involved in Sponsored Projects and shall have such other qualifications as may be determined by the Associate Vice Chancellor for

Research, shall be nominated by a College President or the University Faculty Senate and selected by the Associate Vice Chancellor for Research. The Committee shall include faculty members from at least three different Colleges and represent at least three different academic disciplines. The College Provost and the faculty members on the Committee shall serve a term of three years. The Provost and the faculty members may not serve more than two consecutive terms. The Associate Vice Chancellor for Research or his or her designee shall be the Chair of the Committee. The Chair shall be a voting member of the Committee but shall vote only in the case of a deadlock.

#### 4.5.3. Meetings of the Conflicts Committee

The Conflicts Committee shall hold meetings with appropriate notice to all participants on a schedule determined by the Chair based on the number of Financial Conflicts of Interest that need to be reviewed and any applicable deadlines for review and reporting established by External Sponsors. Committee meetings shall require a quorum of a majority of the members of the Committee. Members of the Committee may participate in meetings using voice or video-conferencing technology, provided that all members receive copies of the materials to be discussed at the meetings in advance. The Chair or his or her designee shall be responsible for setting the agendas for the meetings and distributing to Committee members in advance of the meetings the Disclosure Forms of Investigators, the FCOI Determination Report and complete written records of the review and decision-making of the cases at the Colleges, and other relevant materials. The College Conflicts Officer may attend the portions of Committee meetings devoted to the consideration of Financial Conflicts at his or her College, and an Investigator shall be entitled to attend the portion of the Committee meeting devoted to the consideration of his or her Financial Conflict, but neither the College Conflicts Officer nor the Investigator may be present for the Committee's deliberation on whether or not a Financial Conflict exists or the development of a management and oversight plan. A member of the University's Office of the General Counsel and/or a legal representative of the Research Foundation shall attend all meetings of the Committee.

#### 4.5.4. Recusal Procedures

Committee members may not participate in the discussion or vote related to any project for which they have a conflict of interest. Committee members are responsible for recusing themselves from the discussion and the vote if they have a conflict of interest. For the purposes of the Conflicts Committee proceedings, a conflict of interest is defined as follows:

- (a) committee member or their Family Member's involvement in the design, conduct or reporting of the project;

- (b) committee member or their Family Member's financial interest in the sponsor of the project; and/or
- (c) committee member or their Family Member's participation as an investigator or team member of the project.

#### 4.5.5. Decisions of the Conflicts Committee

The Committee's decisions regarding the disposition of Financial Conflicts of Interest shall be made by a majority of the members of the Committee present at the meeting. The Committee's decisions shall be recorded in written minutes, which shall not include any identifying information about the votes of the Committee members; the minutes shall be kept confidential. The Committee shall make decisions regarding the disposition of Financial Conflicts of Interest, including the development and implementation of a management and oversight plan, within thirty (30) days after receiving the FCOI Determination Report and complete written record of the review and decision-making process at the College from the College Conflicts Officer, as well as all relevant materials; provided, however, that earlier dates may be required to meet the notice requirements and reporting deadlines established by an External Sponsor. Subject to an Investigator's right to object to a management and oversight plan under Section 4.5.1, all decisions of the Committee shall be final.

#### 4.5.6. Authority of the Conflicts Committee

The Committee shall have discretion in reviewing and making decisions regarding the disposition of all Financial Conflicts of Interest and may request and review additional relevant information from Investigators and other sources. The Committee shall have authority to interpret this Policy and shall give Investigators and College Conflicts Officers notice of its interpretative statements through periodic advisories as well as access to the written minutes of Committee meetings appropriately redacted to preserve the confidentiality of the individuals involved.

#### 4.6. Confidentiality of Disclosures - Public Information About Conflicts of Interest

Many of the matters brought to the College Conflicts Officers, other officials at the College, the Office of Research, the Research Foundation, and the Conflicts Committee for review and decision-making will include information of a personal and private nature concerning the financial interests of Investigators, proprietary information, and other information of a highly confidential nature. Accordingly, except as specifically provided in this Section 4 or as otherwise required by Federal, state, or local laws or regulations, all College Conflicts Officers, other officials at the College, the Office of Research, the Research Foundation, the Conflicts Committee, and others who participate in Committee meetings as

provided herein shall maintain all disclosed information in strict confidence and take necessary precautions and actions to preserve the confidentiality of such information, and the Conflicts Committee shall meet in closed session. Information disclosed under this Section 4 may be disclosed outside the University only as required by the External Sponsor or by applicable Federal, state or local laws or regulations, or for other adequate lawful reasons, and only after the University's Office of the General Counsel approves such disclosure and the affected Investigator is notified that the information will be released.

The University will make publicly available such information as may be required by Federal, State, or local laws or regulations.

#### 4.7. Monitoring of Management and Oversight Plans

Whenever the Conflicts Committee develops and implements a management and oversight plan, the Office of Research, with the assistance of the College Conflicts Officer, shall monitor the Investigator's compliance with the plan on an ongoing basis until the completion of the Sponsored Project. The Conflicts Committee may request status reports on previously issued management plans from the College Conflicts Officers at any time.

#### 4.8. Reporting and Liaising with External Sponsors

The Office of Research, in consultation with the Grants Officer, shall prepare all reports regarding Financial Conflicts of Interest that may be required by External Sponsors in compliance with the notice requirements and reporting deadlines established by the External Sponsors. The Research Foundation may be asked to function as liaison to External Sponsors regarding these Financial Conflicts and to submit the reports.

#### 4.9. Knowledge of Policy and Applicable Laws and Regulations

The College Conflicts Officer, with support from their campus administration, is responsible for disseminating information about this Policy to Investigators and relevant stakeholders, and providing ongoing training regarding the implementation of this Policy and all applicable Federal, state, and local laws and regulations. The University shall provide training of Investigators and College Conflicts Officers in accordance with any such laws and regulations.

#### 4.10. Periodic Review of Policy

Not less frequently than every three years following adoption of this Policy on Conflicts of Interest, the Office of Research shall conduct an evaluation of the provisions set forth in this Section 4 and, if appropriate, amend this Policy, and any related Conflict of Interest Procedural Documents, in order to comply with new requirements of Federal, state, or local laws or regulations or, subject to the approval of the University's Board of Trustees, for any other reason. The Office of Research shall solicit comments from the Conflicts Committee and the University

Faculty Senate with respect to any such amendments to this Policy.

## **5. Policy on Faculty Assigning for Purchase Their Own Works in Classrooms**

### **5.1. General Statement.**

Academic freedom includes the right and responsibility of faculty to choose materials to assign to their students and to require for purchase by the students in their courses. As professional educators, faculty should avoid the appearance and the reality of any conflict of interest in making such determinations.

### **5.2. Avoidance of Economic Benefit**

When faculty create materials either by authoring or compiling such materials and derive revenue from their sale and, either as individuals or as members of a group, make the determination to use materials that they have created in their own classes, then that portion of the revenue they derive from the sale of such materials to their own students should be directed to a program over which the authors have no control or influence and which is for the use or support of students. Such programs may include but are not to be limited to, student scholarships and emergency funds at the college at which they teach.

### **5.3. Departmental Decision-Making in Courses with Multiple Sections**

Whenever materials that are created by a faculty member are to be used in multiple sections of a course, only some of which are taught by that faculty member, then the decision concerning which work is to be used must be made by a group of faculty of the department responsible for such decisions and not by any single faculty member, including the department chairperson. The faculty author may not participate in that decision but may keep the revenue from sales notwithstanding paragraph 5.2 above.

## **6. Records Retention Requirements**

All Covered Individuals shall retain all records regarding Conflicts of Interest in accordance with The City University of New York Records Retention and Disposition Schedule, which is available at [http://policy.cuny.edu/records\\_retention\\_schedule/pdf](http://policy.cuny.edu/records_retention_schedule/pdf). Specifically with respect to disclosures of Significant Financial Interests related to a Sponsored Project and the review of, and response to, such disclosures by Colleges and University officials (whether or not a disclosure resulted in a determination of a Financial Conflict of Interest), and all actions under Section 4 of this Policy, records shall be retained for at least three years from the date the final expenditures report is submitted to the External Sponsor or for such time period as may be required by the External Sponsor.

## **7. Sanctions for Violations of Policy**

Any failure to comply with the provisions of this Policy may result in disciplinary sanctions

consistent with applicable collective bargaining agreements, up to and including termination of employment. In addition, any failure by an Investigator to comply with the requirements herein, such as the duty to disclose Significant Financial Interests or comply with a management and oversight plan regarding a Financial Conflict of Interest may lead to a loss and/or withdrawal of grant funding or support, ineligibility to submit grant applications to External Sponsors or to participate in Sponsored Projects on behalf of the University, and/or ineligibility to supervise the work of Investigators in research and Sponsored Projects. In addition, the University may take other legal action as is warranted by the circumstances.

## **8. Definitions.**

As used in this Policy, the following words shall have the following meanings:

- 8.1. Chair - The Chairperson of the Conflicts Committee, as described in Section 4.5.
- 8.2. College - An educational unit of the University, including all senior colleges and community colleges, the Graduate School and University Center (including, without limitation, the School of Professional Studies, the Graduate School of Journalism, and the Advanced Science Research Center) the Graduate School of Public Health and Health Policy, the City University School of Law, and the University's Central Office.
- 8.3. College Conflicts Officer - The individual at each College designated by the College President to perform the functions described in Section 4.4.1.
- 8.4. College President - The President of each College or Dean of each Professional School, as applicable. For purposes of this Policy, the Executive Vice Chancellor and University Provost or his or her designee shall be deemed to be the College President of the University's Central Office, except that the Chancellor of the University shall be deemed to be the College President of the University's Central Office with respect to Section 3.3.
- 8.5. Conflict of Interest - (a) An actual or potential conflict between the personal interests of a Covered Individual or an Investigator and the interests of the University; or (b) the reasonable appearance of such a conflict.
- 8.6. Conflict of Interest Procedural Document(s) – Any document officially issued by the University to set forth procedures for the implementation of this Policy.
- 8.7. Conflicts Committee or Committee - The University-wide committee that reviews disclosures by Investigators of Significant Financial Interests, determines whether or not Financial Conflicts of Interests exist, and develops and implements management and oversight plans with respect to Financial Conflicts of Interest, as described in Section 4.5.



- 8.8. Conflicts Committee Administrator – The individual designated by the Chair of the Conflicts Committee to perform various administrative functions for the Committee.
- 8.9. Covered Individual - Any individual who is, or at any time becomes: (a) an officer of the University; (b) a full-time or part-time employee of the University; (c) a post-doctoral associate at the University; (d) a student engaged in faculty-directed research at the University other than as part of his or her coursework, whether or not the student is paid for such engagement; or (e) an Investigator as defined under this Policy.
- 8.10. Disclosure Forms – Conflict of Interest Disclosure Forms provided by the Office of Research in accordance with Conflict of Interest Procedures issued by the Office of Research.
- 8.11. External Sponsor – External source of funding or other compensation to support a Sponsored Project.
- 8.12. Family Member - Any person living in the same household as the Covered Individual, any person in an intimate relationship with the Covered Individual, and any person related to the Covered Individual within the third degree of consanguinity or affinity. Such related persons include the Covered Individual's spouse and the parents, children, siblings, grandparents, grandchildren, aunts and uncles, nieces and nephews, cousins, great grandparents, and great grandchildren of the Covered Individual and his or her spouse, and the spouses of these relatives as well. (For purposes of this Policy, a "spouse" includes a domestic partner under applicable laws governing domestic partnerships and civil unions.)
- 8.13. Financial Conflict of Interest - A Significant Financial Interest that could directly and significantly affect the design, conduct or reporting of Sponsored Projects at or on behalf of the University.
- 8.14. Institutional Responsibilities – An Investigator's professional responsibilities on behalf of the University, performed in the course of and within the scope of the Investigator's appointment or employment by the University, which may include, for example, activities such as research, research consultation, teaching, professional practice, institutional administration, committee memberships, and service on panels such as Institutional Review Boards, Institutional Animal Care and Use Committees or Institutional Biosafety Committees.
- 8.15. Investigator - The project director, principal investigator, co-principal investigators, and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of a University Sponsored Project, which may include, for example, collaborators or consultants, whether or not such individual is employed by the University or the Research Foundation.

- 8.16. Principal Investigator (PI) – The individual who has the authority to direct the Sponsored Project on behalf of the University, and is responsible for leading and directing the Sponsored Project, intellectually and logistically. The PI is ultimately responsible and accountable for the proper conduct of the Sponsored Project.
- 8.17. Research Foundation - The Research Foundation of The City University of New York.
- 8.18. Significant Financial Interest – The CUNY Conflict of Interest Procedural Document specific to Sponsored Projects funded or supported by a particular External Sponsor will set forth the definition of Significant Financial Interest applicable to such projects. In the absence of such a definition in an applicable Conflict of Interest Procedural Document, the following definition shall apply:

Anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights), in each case, whether or not the value is readily ascertainable, that reasonably appears to be related to the Investigator's Institutional Responsibilities..

The term does not include:

- (a) Salary, royalties, or other remuneration from the University;
- (b) Income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in those vehicles;
- (c) Income from seminars, lectures, or teaching engagements sponsored by a United States federal, state or local government agency; an institution of higher education; an academic teaching hospital; a medical center; or a research institute that is affiliated with an institution of higher education, in each case, within the United States;
- (d) Income from service on advisory committees or review panels for a United States federal, state or local government agency; an institution of higher education; an academic teaching hospital; a medical center; or a research institute that is affiliated with an institution of higher education, in each case, within the United States;
- (e) An equity interest that, when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: (i) does not exceed \$10,000 in value, as determined through reference to public prices or other reasonable measures of fair market

value; and (ii) does not represent more than a five percent (5%) ownership interest in any single entity; or

- (f) Salary, royalties, or other payments that, when aggregated for the Investigator and the Investigator's spouse and dependent children are not expected to exceed \$10,000 during the twelve month period.
  - (g) Intellectual property rights and interests (e.g. patents, copyrights) before such time as income has been received related to such rights and interests, but not excluding such downstream income functions.
- 8.19. Sponsored Project – Projects or activities involving research, creative activity, training, instruction or service undertaken within or on behalf of the University pursuant to funding or other support from an External Sponsor.
- 8.20. University - The City University of New York.
- 8.21. Vice President for Administration - The Vice President for Administration (or individual with similar responsibilities) of each College, as applicable. For purposes of this Policy, the Executive Vice Chancellor and Chief Operating Officer of the University or his or her designee shall be deemed to be the Vice President for Administration of the University's Central Office.

(Board of Trustees Minutes,2012,09-24,4,G. Amended: Board of Trustees Minutes,2013,09-30,3,B; Board of Trustees Minutes,2016,05-02,5,E. Amended: BTM,2020,03-30,4,B.)