

# Research & Economic Development

## *Conflict of Interest Policy*

Enacted October, 1995

NOTE: This policy is designed to satisfy the National Science Foundation (NSF) Investigator Financial Disclosure Policy, as described in NSF Notices No. 117 and No. 118.

### **Introduction**

New Mexico Tech's conflict of interest policy requires that each principal investigator (PI) disclose to the Vice President for Research and Economic Development all significant financial interests of the PI (including those of the PI's spouse and/or dependent children):

1. That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF; or
2. In entities whose financial interests would reasonably appear to be affected by such activities.

All investigators are encouraged to discuss their individual situations with their supervisors to determine whether a disclosure is necessary. Disclosures shall be kept confidential, except to the extent necessary to review, consider and resolve any conflicts.

### **Definitions**

The term "investigator" means the principal investigator, co-principal investigators, and any other person at New Mexico Tech who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by the NSF. The term "significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

### **Specific Examples**

Specific examples of "significant financial interest" include the following:

- Accepting gratuities or special favors related to teaching, research, or administrative duties;
- Giving lectures on behalf of companies or organizations whose economic or political interests are affected by the investigator's scholarly work;
- Undertaking evaluative research when the investigator or related individuals have a financial manager, or ownership interest in the sponsoring company or in the company producing the product being evaluated;
- Entering into a paid consultant ship arrangement with an organization or individuals having an economic interest in related research (particularly when that research involves evaluation of products);
- Using students or employees of New Mexico Tech to perform services for a company in which the investigator has an ownership interest or from which he/she receives any type of remuneration;
- Providing privileged access to information developed with New Mexico Tech resources or supported by independent sponsors to an entity in which the investigator has a financial or fiduciary relationship;

- Purchasing equipment, instruments, supplies, or services for research or teaching from a firm in which the investigator has a financial or fiduciary interest;
- Influencing the negotiation of contracts between New Mexico Tech and outside organizations with which the investigator has a financial or fiduciary relationship;
- Influencing the licensing of New Mexico Tech-owned intellectual property to an organization in which the investigator has a financial or fiduciary interest. The term “significant financial interest” **DOES NOT** include the following:
  - Salary, royalties, or other remuneration from New Mexico Tech, if New Mexico Tech is an applicant under the Small Business Innovation Research Program (SBIR) or the Small Business Technology Transfer Program (SBTT);
  - Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
  - Income from service on advisory committees or review panels for public or non-profit entities;
  - Financial interests in business enterprises or entities if the value of such interests does not exceed \$10,000 or represent more than 5% ownership interest for any one enterprise or entity when aggregated to the investigator and the investigator's spouse and dependent children.

### **Deadlines for Disclosures of Conflict of Interest**

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New Mexico Tech's institutional policy requires that investigators have provided all required financial disclosures at the time the proposal is submitted to the NSF. It also requires that those financial disclosures are updated during the pendency of the award, either on an annual basis, or as new reportable significant financial interests are obtained.

### **What New Mexico Tech can do if Conflict of Interest Exists**

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New Mexico Tech's institutional policy designates that the Vice President for Research and Economic Development review financial disclosures, determine whether an actual or potential conflict of interest exists, and then determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce, or eliminate such conflicts of interest. An actual or potential conflict of interest exists when the reviewer(s) reasonably determine that a significant financial interest could directly and significantly affect the design, conduct, or reporting of the research or educational activities funded or proposed for funding by the NSF. Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate actual or potential conflicts of interest include the following:

- Public disclosure of significant financial interests;
- Monitoring of research by independent reviewers;
- Modification of the research plan;
- Disqualification from participation in the portion of the NSF-funded research that would be affected by the significant financial interests;
- Divestiture of significant financial interests; or
- Severance of relationships that create actual or potential conflicts.

New Mexico Tech's General Research Procedures and appropriate Forms can be found at <http://infohost.nmt.edu/~red/policies.html> .