

## **Administrative Procedures: Annual Conflict of Interest Disclosure Process 2008**

This document provides specific instructions for collection, review, management, reporting, and retention of Annual Disclosure Statements of External Interests and Time Commitments (also known as COI disclosure statements).

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### **Policy Guidelines**

Cornell University encourages academic personnel, consistent with university policy, to engage in sponsored research, to participate in professional practice as appropriate and necessary to sustaining intellectual output, to consult widely, and to engage in entrepreneurial and other activities that may benefit not only the participants but also the university and the larger public. Recognizing the increasing complexity of external relationships, Cornell asks individuals to be mindful of situations where there is a potential conflict of interest or commitment. In accordance with the Cornell University Conflicts of Interest Policy and University By-laws, all faculty and academic personnel are required to submit an annual disclosure statement regarding their external interests and time commitments. The obligation to disclose the circumstances surrounding real or potential conflicts of interest stems from the public trust vested in a university and fulfills legal reporting requirements to funding agencies. Accordingly, the Office of Sponsored Program will neither submit sponsored project proposals nor accept funding awards for individuals who have not filed an annual COI Disclosure Statement.

### **News for 2008 Reporting period**

All documents and electronic submissions are available on the ORIA website: <http://www.oria.cornell.edu/COI/>. Electronic filing of the Part I will be available year around for new hires, for individuals identified as key personnel on sponsored research and to submit a change in disclosure status on the Part I form.

We have a continued focus in the following five areas:

1. The Board of Trustees of Cornell University is concerned about the compliance rate for all faculty, academic personnel, and selected individuals who are covered by the Cornell University Conflicts Policy [http://www.policy.cornell.edu/Conflicts\\_Policy.cfm](http://www.policy.cornell.edu/Conflicts_Policy.cfm)

**The University seeks to achieve 100 percent compliance with the filing requirement.**

**2. We are encouraging electronic filing of the Part I form.**

3. Timely review and reporting on all Part I and Part II forms is crucial. **The deadline for final reports to the Office of Research Integrity and Assurance is July 24, 2009.**

4. Discussion and review of the Part II forms is an integral part of the COI process. Department chairs and Deans or their designated representatives must review Part II forms and conduct conversations with faculty whose interests warrant review and or management.

5. The management plan should be documented in writing, signed by the individual with the managed plan and the person or committee member designated to manage the situation.

## Quick Reference and Contact Information

**Collection of 2008 Annual Disclosure Statements, Parts I and II: April 30 - May 29, 2009.**

**Review of Part II and conversations with academic personnel: throughout the season.**

**Report on completion status and management of conflicts due: July 24, 2009.**

### Online Submission Information

Note: Online submission of Part I is available year around but the annual university wide campaign to complete the submission will be from April 30 - May 29. In order to use the online submission option, personnel must know their netid/password. If Sidecar is not running, a secure CUWebLogin screen will appear when the webpage is accessed.

Log onto the Office of Research Integrity and Assurance website:

<http://www.oria.cornell.edu/coi/>

Follow instructions to submit electronically.

### Paper Submission Information

Obtain a paper copy of **Part I** of the Annual Disclosure Statement from Dean/Unit Director office, or, download PDF versions from the website referenced above. Completed and signed paper copy must be returned to the department office.

**Part II** may be completed as a paper document, or as an interactive PDF document, which can be filled out electronically, printed locally, and submitted to the department chair/unit head.

### Policy and Guidance Documents

Policy and guidance documents are available as PDF documents on the Office of Research Integrity and Assurance and CIT websites

- ❑ "Administrative Procedures: Annual Conflict of Interest Disclosure Process" describes collection, review, management, reporting, and retention of disclosure statements
- ❑ Part I and Part II of the 2008 Annual Disclosure Statement of External Interests and Time Commitments
- ❑ Cornell University Conflicts Policy ([http://www.policy.cornell.edu/Conflicts\\_Policy.cfm](http://www.policy.cornell.edu/Conflicts_Policy.cfm))
- ❑ "Guidance for Department Chairs to Help with the Discussion of Conflict of Interest Forms with Faculty Members"
- ❑ "Recognizing and Managing Personnel Financial Conflicts of Interest", Council on Governmental Relations

### Contact Information

For Help with managing the collection and reporting process:

E. Ray Stinson, Office of Research Integrity and Assurance, 255-5398; [ers39@cornell.edu](mailto:ers39@cornell.edu)

Deb Dwyer, Office of Research Integrity and Assurance, 255-7219; [dad3@cornell.edu](mailto:dad3@cornell.edu)

For help with review of Part II forms:

William Fry, Dean of the University Faculty, 255-4843; [wef1@cornell.edu](mailto:wef1@cornell.edu)

Robert Buhrman, Vice Provost for Research, 255-3732; [rab8@cornell.edu](mailto:rab8@cornell.edu)

E. Ray Stinson, Office of Research Integrity and Assurance, 255-5398; [ers39@cornell.edu](mailto:ers39@cornell.edu)

## Academic Units, Designated Representatives, and Assistants for COI collection, 2008

College	Dean/Unit Head	Dean's Asst.	Designated Reps	DR email	COI Reps	COI Rep email/phone
AAP	Kent Kleinman		P. Turner	pt93@cornell.edu	Lyn Pohl Jackie Freire	lcp56@cornell.edu; 5-9110 Jf448@cornell.edu; 5-9110
A&S	G. P. Lepage	T. Hollenbeck	G. P. Lepage	as_dean@cornell.edu	Michelle (Bonanni) Stepanok	mlb94@cornell.edu; 5-1097
CALS	S. Henry	S. Haslett	B. Knuth	bak3@cornell.edu	Lisa Warner	lsm4@cornell.edu; 5-8057
CALS			J. Nyrop	jpn2@cornell.edu		
CIS	R. Constable	S. Canger	R. Constable	cis-dean@cs.cornell.edu	Dianna Smith	dle1@cornell.edu; 5-8648
Dean of Faculty	William Fry	Karen Lucas	n/a		Karen Lucas	kl24@cornell.edu
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Provost			W.K. Fuchs	provost@cornell.edu	Patty Ard	pma2@cornell.edu; 5-9979
<i>Academic Deans, various endowed programs (G01, G12, U18) ; Africana Studies and Research Center(U06),Einaudi Center</i>						
Vice Provost			J. Siliciano	jas83@cornell.edu	Michael Busch	mpb3@cornell.edu; 5-3062
<i>Cornell Institute for Public Affairs(U17)</i>						
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<i>ROTC (M55, M60, U07)</i>						
<i>Center for Learning and Teaching; Learning Strategies Center(S79, S81)</i>						
ORIA-director	E. Ray Stinson	Y. Koolsam	n/a			ers39@cornell.edu; 5-5398
ORIA-COI admin	Debra Dwyer					dad3@cornell.edu; 5-7219

## I. Collection of COI Disclosure Statements

It is the responsibility of each academic and research unit<sup>1</sup> within the University to collect completed COI disclosure statements from academic personnel on an annual basis. A list of academic titles appears at the end of this section.

**Part I** of the "Annual Disclosure Statement of External Interests and Time Commitments" may be submitted electronically <http://www.oria.cornell.edu/coi/>. If respondents prefer, Part I may be completed as a paper document.

**Part II** of the "Annual Disclosure Statement of External Interests and Time Commitments" must be completed if an individual answers YES to Question B on Part I. Part II may be completed as a paper document or as an interactive pdf document, which can be filled out electronically, printed locally, and submitted to the department chair/unit head.

### Deans and Unit Directors:

- ❑ Designate representatives who manage the COI process. In most academic units, a staff person communicates with departments/units and manages collection of Parts I and II, and the Dean/Associate Dean works with Department Chairs/Unit Heads to review Part II forms and manage conflicts.

### Designated Representatives:

- ❑ Communicate with departments/units about the COI dates and procedures.
- ❑ Distribute to departments/units lists of academic personnel (and those at the discretion of the Dean) that are required to file COI disclosure statements.
- ❑ Provide departments/units with procedural information, including dates, deadlines, and college-specific "how-to's."
- ❑ Monitor online submission of Part I forms. CIT provides designated representatives with online access to information about electronic filers of COI disclosure statements. Provide Department Chairs/Unit Heads with status reports regarding online submission.
- ❑ Receive reports from Department Chairs/Unit Heads regarding paper submission of Part I and Part II forms. Update college records about paper signers.

### Department Chairs and Unit Heads:

- ❑ Distribute to academic personnel information about the requirement to file a COI disclosure statement, dates, and procedures for completing the forms.
- ❑ Work with the designated representatives to ensure that all academic personnel file Part I and, if necessary, Part II forms. Designated representatives monitor online submission and provide Department Chairs/Unit Heads with status reports; Department Chairs/Unit Heads monitor paper submission and provide designated representatives with status reports.

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<sup>1</sup>We use the term "academic unit" as shorthand for a variety of administrative units throughout Cornell. Thus, although the document is written as if the Dean (or Associate Dean) of a college will work with the chair of the department to carry out these guidelines, the intent is that the appropriate university-level administrator would work with the appropriate departmental-level individual in discharging Cornell's obligations, as expressed herein.

## Academic Titles for COI disclosure 2008

### Group A: Required

Archivist I  
Archivist II  
Assc Univ Librarian  
Assistant Archivist  
Assistant Librarian  
Assistant Professor  
Associate Librarian I  
Associate Librarian II  
Associate Professor  
Extension Associate  
Instructor  
Lecturer  
Librarian I  
Librarian II  
Librarian III/ Asst Director  
Postdoc Associate  
Postdoctoral Fellow  
Principal Research Scientist  
Professor  
Research Associate  
Research Associate Arecibo  
Research Scientist  
Senior Assistant Archivist  
Senior Assistant Librarian  
Senior Lecturer  
Senior Research Assoc Arecibo  
Senior Research Associate  
Senior Scholar  
Senior Scientist  
Senior Extension Associate  
University Librarian  
Visiting Assistant Professor  
Visiting Associate Professor  
Visiting Lecturer  
Visiting Professor  
Visiting Senior Lecturer  
Visiting Senior Scientist

### Group B: Discretion of dean/ dept. chair

Adjunct Assistant Professor  
Adjunct Associate Professor  
Adjunct Professor  
Professor Emeritus  
Teaching Associate  
Visiting Critic  
Visiting Fellow  
Visiting Scholar  
Visiting Scientist

## II. Review and Management of COI Disclosure Statements

COI disclosures are reviewed by the Department Chair **and** the Dean or Associate Dean of the academic unit. This review is confidential and forms the basis of a discussion between academic personnel and their department chairs/unit heads about potential conflicts in order to recognize and to resolve potential conflicts. Note that the Colleges of Human Ecology and Veterinary Medicine maintain college-level conflicts committees to assist in collection and review of forms, and the management of conflicts.

### Deans and Unit Directors:

- ❑ Establish process for reviewing Part II forms. Work with Department Chairs/Unit Heads to discuss potential conflicts with academic personnel who file a Part II form. See "Guidance for Department Chairs to Help with the Discussion of Conflict of Interest Forms with Faculty Members."
- ❑ Establish process for resolving or managing conflicts identified. Each Part II form must have a resolution: (1) upon review no conflict is identified; (2) conflict requires management; or (3) conflict remains unmanaged. Work with Department Chair/Unit Head to assign to each managed conflict case a person responsible for managing the situation and preparing the written management plan.

### Designated Representatives:

- ❑ Ensure that Department Chairs and Deans review Part II forms and engage in conversations with Part II respondents in order to resolve or manage conflicts.
- ❑ Ensure that each Part II form has a resolution: (1) upon review no conflict is identified; (2) conflict requires management; or (3) conflict remains unmanaged.

### Department Chairs and Unit Heads:

- ❑ Review, with Dean or Associate Dean, all Part II forms.
- ❑ Engage in conversations with all Part II filers to determine if conflicts exist. See "Guidance for Department Chairs to Help with the Discussion of Conflict of Interest Forms with Faculty Members."
- ❑ Resolve each Part II case in one of the following ways: (1) upon review no conflict is identified; (2) conflict requires management; or (3) conflict remains unmanaged.
- ❑ Assign to each managed conflict case a person responsible for managing the situation and preparing the written management plan.

### **III. Reporting of COI Disclosure Status and Management of Conflicts**

Reports on completion status and management of conflicts will be updated in the Conflict of Interest Disclosure database and are due: **July 24, 2009.**

Any new hires, persons identified as key personnel on sponsored research, or persons with a change in their disclosure status should be updated in the Conflict of Interest Disclosure database throughout 2009.

#### Deans and Unit Directors:

- ❑ Collect department/unit reports on the collection and management of conflicts.
- ❑ Report to the Office of Research Integrity and Assurance on the status of collection and the management of conflicts

#### Designated Representatives:

- ❑ Ensure that departments/units report on the collection and management of conflicts.
- ❑ Collate materials for all departments/units for final report to the Office of Research Integrity and Assurance on the status of collection and the management of conflicts.

#### Department Chairs and Unit Heads:

- ❑ Report to the Dean (or Dean's designated representative) the status of collection and the management of conflicts.

### **IV. Collection, Management, and Reporting of COI Information for Mid-Year Hires**

Academic personnel who are hired after the annual collection time period must file a COI disclosure statement at the time of their appointment. Use the current year reporting forms, Part I and Part II.

Deans/Unit Directors and Designated Representatives will work with Department Chairs and administrative staff to collect COI disclosure statements from new academic personnel, review Part II forms, manage conflicts, and update the COI System database as the information is received. The Office of Sponsored Programs requires confirmation that a COI disclosure statement is on record at the time of proposal submission; this confirmation is extended to academic personnel hired after the annual collection time period.

## V. Collection, Management, and Reporting of COI Information for Key Personnel on Grant Proposals

All key personnel on grant proposals are required to file COI disclosure statements, using the current year reporting forms, Part I and Part II. These include: non-academic personnel with Form 5 permission to serve as a Principal Investigator; graduate students who are listed as "key personnel" on a grant proposal; and pre-docs with NRSA training grants.

## VI. Retention of COI Disclosure Statements/Electronic Records

University Policy 4.7, "Retention of University Records," requires that Annual Conflict of Interest Disclosure Statements be retained for a period of three years. For individuals with projects funded by federal and state agencies, consult with the appropriate grant policy manual for longer retention dates.

COI disclosure statements/electronic records should be stored in an organized and secure fashion by the Academic Dean's office in a manner permitting timely access. They should be treated as sensitive and confidential documents. This procedure includes both paper and electronic versions of COI forms and reports.

**Destruction of COI disclosure statements:** Where no managed or potential conflict of interest exists, documents older than four years may be destroyed. Care must be taken to ensure that paper copies with identifying information are shredded. The resulting anonymous documents should not be disposed of in a manner that might make them accessible to the public. Electronic records may be destroyed in the most appropriate fashion.

**Preservation of COI disclosure statements under special circumstances:**

- ❑ When a managed conflict of interest arises, but is addressed according to University procedure, the corresponding COI disclosure statements should be preserved for a period of three years or for the length of time required by appropriate grant policy manuals (esp. PHS and NSF).
- ❑ COI disclosure statements shall be preserved indefinitely where a legal action has arisen or might arise out of circumstances disclosed upon the form (as judged jointly by the Department Chair and Dean), where an ethical breach is alleged or may have arisen, where a violation of the Cornell University Conflicts Policy is suspected or known to have occurred, or where the Dean of the Faculty or head of the academic unit sees other reasons to preserve information. In general, Cornell's policy is to preserve information that may be needed to protect the University *and individual faculty members* in the event of anticipated future circumstances involving a conflict of interest.

## VII. Periodic Reporting of Compliance Status and Management of Conflicts

### University Conflicts Committee (UCC):

The Office of Research Integrity and Assurance (ORIA) will report periodically, and at least annually, to the UCC on the status of collection of COI disclosure statements and management of conflicts for each unit. These reports will summarize the overall situation by academic unit, and will not mention individuals by name.

### Sponsored Program Services:

1. The ORIA will provide periodic reports on completion status, management of conflicts, and unmanaged conflicts to the Office of Sponsored Program (OSP).
2. OSP will neither submit sponsored project proposals nor accept funding awards for individuals who have not filed an annual COI Disclosure Statement.
3. Cornell is legally required to report current, accurate information to funding and other governmental agencies. ➤ Accordingly, if during the course of a year academic personnel begin an activity that might be material to Cornell's reporting obligations, that individual should UPDATE their previous disclosure by reporting the new activity to their department chair or Dean. <
4. Prior to submitting a proposal, OSP will consult the listing provided by ORIA to verify that all key personnel have filed COI disclosure statements (see section V above). In situations where disclosure status differs between the list provided by ORIA and the information provided with the proposal, OSP staff will contact the Designated Representative for the college/unit. When the designated representative provides written notification to OSP and ORIA that the COI disclosure statement has been filed, OSP will submit the proposal.
5. Should an individual who has not filed a COI disclosure statement serve as a PI or key personnel on an existing sponsored project, OSP staff will verify the status of the disclosure statement with Designated Representative. If the disclosure remains outstanding, a letter from the ORIA will be forwarded to the individual (with copies to the Dean and Department Chair) informing them that all current funding (and any subsequently funded proposals) will be halted.
6. Proposals to and awards from, NSF and PHS (NIH, FDA, CDC, ACF, HRSA) require additional OSP oversight.

When an investigator on a PHS-funded project has disclosed a conflict, ORIA is required to report this information to the sponsor prior to the expenditure of award funds. The Senior Director (or designee) of ORIA will contact the manager of the conflict, assigned by the Dean, to

determine if the disclosed conflict pertains to the proposed project. If it does, the Senior Director of ORIA will ask the manager if the conflict is being a) reduced, b) managed, or c) eliminated, and then report this summary finding to the PHS funding agency.

ORIA is required to report to NSF the existence of *unmanaged*, disclosed conflicts on funded awards.

#### **Institutional Review Board for Human Participants:**

The Institutional Review Board for Human Participants (IRB) has the responsibility for determining how much and to what detail investigators must disclose real or perceived financial conflicts of interest to subjects recruited for *clinical and medical research* projects. It may be necessary for the Chair of the IRB to obtain from Deans, or their designated representatives, summary information about how any potential financial conflict of interest has been reduced, managed, or eliminated.

#### **University Audit Office:**

In the course of performing internal audits, the University Audit Office may have need to confirm information about COI disclosure statement collection, management, and reporting. The designated representative is authorized to provide such information upon request.

### **VIII. Circumstances Requiring Extraordinary Access to Conflicts Information**

When access to conflict of interest data is required for legal purposes or for the purpose of investigation of alleged violations of the University Conflicts Policy, the circumstances necessitating such access shall be brought before the Provost and the Dean of the Faculty. If, in their judgment, access is necessary and appropriate, the Provost and/or the Dean of the Faculty may authorize such access on a “need to know” basis. Extreme care shall be taken to preserve the confidentiality of such information, and its use shall be limited to individuals and purposes approved by the Provost and the Dean of the Faculty.

### **IX. External Requests for Disclosure of Conflicts Information**

Some funding agencies are known to be reviewing and revising their own COI disclosure requirements, and it may be the case that this will result in future demands on Cornell or OSP not addressed by the guidelines herein. The University policy shall be to refuse such requests except where written permission of the faculty or researcher involved is provided, or where federal or state law or existing contractual obligations require that the University comply. It is recognized that in some situations, this may result in denial of funding or loss of existing funding.

