

Niagara University Conflict of Interest Policy	Effective: September, 2014
Access: Public	Position responsible for overseeing compliance: General Counsel

Policy:

Trustees, administrators, faculty, and other employees of Niagara University must perform their duties solely on the basis of a desire to promote the best interests of the University.

Conflicts of interest, defined below, are contrary to this requirement, while the unresolved appearance of a conflict of interest can erode an atmosphere conducive to promoting the best interests of the university.

Therefore, the university shall use this policy and procedure to address actual, potential, and perceived conflicts of interest.

All known violations, disputes and other issues arising out of the application of this policy to employees shall be referred to the General Counsel for appropriate action, including internal investigation, or referral to retained counsel, as needed to preserve the integrity of the process.

Matters under this policy concerning Trustees shall be reported to the Chairman of the Board of Trustees for appropriate action. Any violation may also be reported via the University's Whistleblower Policy.

Person	Action
Trustee	<p>Shall disclose all actual and potential conflicts of interest at a committee or full board meeting prior to the start of a topic containing the conflict, or as soon as a conflict becomes apparent.</p> <p>Such disclosure shall be noted in the minutes and the Trustee shall not participate in the discussion or voting on said item.</p> <p>Shall annually complete an institutionally provided conflict of interest disclosure form.</p>

	<p>Shall promptly (within 30 days) update the university's General Counsel as to any changes that affect their responses to the conflict of interest form.</p>
Audit Committee	<p>Shall review all disclosures and an annual report on all Conflicts of Interest matters.</p>
<p>Officer Associate Officer Assistant Officer</p>	<p>Shall disclose all actual and potential conflicts of interest at a committee or full board meeting prior to the start of a topic containing the conflict, or as soon as a conflict becomes apparent. Such disclosure shall be noted in the minutes. The officer may participate in discussion of the item at the request of the committee or board chair.</p> <p>Shall disclose all actual and potential conflicts of interest prior to authorizing a hire, signing a contract, submitting an RFP/RFI, or authorizing a budget item, related to the conflict. Disclosure shall be made to their functional officer and the General Counsel.</p> <p>Shall annually complete an institutionally provided conflict of interest disclosure form.</p> <p>Shall promptly (within 30 days) update the university's General Counsel as to any changes that affect their responses to the conflict of interest form.</p>
<p>Employee with:</p> <ul style="list-style-type: none"> • Budget authority • Contract signing authority • Procurement responsibility 	<p>Shall disclose all actual and potential conflicts of interest prior to authorizing a hire, signing a contract, submitting an RFP/RFI, or authorizing a budget item, related to the conflict. Disclosure shall be made to their functional officer, those involved in the matter, and the General Counsel.</p> <p>Shall annually complete an institutionally provided conflict of interest disclosure form.</p> <p>Shall promptly (within 30 days) update the</p>

	university's General Counsel as to any changes that affect their responses to the conflict of interest form.
Employee serving as primary investigator on a sponsored research project.	Shall disclose all conflicts or potential conflicts via the Grants Management Database as set forth in the "Grants and Sponsored Research Section" below.
General Counsel	Shall maintain a log of and generate an annual report on disclosures and remedies to be reviewed annually by the Audit Committee and an external auditor.
Director of Sponsored Programs & Foundation Relations	Shall receive disclosures related to sponsored research via the Grants Management Database as set forth in the "Grants and Sponsored Research Section" below.
Provost, Academic Dean	Shall address alleged violations of this policy as set forth in the "Grants and Sponsored Research Section" below.
External Auditor	Shall annually review the Conflict of Interest disclosures maintained by the General Counsel and shall report concerns with the replies or the process to the University as part of the annual audit.

Definitions

A "conflict of interest" can occur when an individual's personal or private interests might lead an independent observer reasonably to question if the individual's professional actions or decisions are influenced by considerations of significant personal interest, financial or otherwise, rather than the best interest of the institution they serve.

"The University" shall mean all of Niagara University, subsidiary and affiliated organizations controlled by it (Niagara University Ice Complex, Inc.).

"Trustee" shall include any current Trustee and any active Trustee Emeritus serving on any committee of the Board of Trustees.

"Independent Trustee" means a trustee who: (i) is not, and has not been within the last three years, an employee of the trust or an affiliate of the trust, and does not have a relative who is, or has been within the last three years, a key employee of the trust or an affiliate of the trust; (ii) has not received, and does not have a relative who has received, in any of the last three fiscal years, more than ten thousand dollars in direct compensation from the trust or an affiliate of the trust (other than reimbursement for expenses or the payment of trustee commissions as permitted by law and the governing

instrument); and (iii) is not a current employee of or does not have a substantial financial interest in, and does not have a relative who is a current officer of or have a substantial financial interest in, any entity that has made payments to, or received payments from, the trust or an affiliate of the trust for property or services in an amount which, in any of the last three fiscal years, exceeds the lesser of twenty-five thousand dollars or two percent of such entity's consolidated gross revenues. For purposes of this subparagraph, "payment" does not include charitable contributions.

"Faculty member" shall include any person who has a faculty appointment with the University.

"Investigator" shall mean a principal investigator and any other person at the University who is responsible for the design, conduct, or reporting of research funded by any external governmental or private organization, or proposed for such funding.

"Externally sponsored activities" shall mean all sponsored activity administered through the Office of Sponsored Programs & Foundation Relations.

"Research" means a systematic investigation designed to develop or contribute to generalizable knowledge including behavioral and social-sciences research. The term encompasses basic and applied research and product development.

"Significant financial interest" shall mean any direct or indirect interest with monetary value, including but not limited to:

- salary, other payments for services (e.g., consulting fees or honoraria), royalties or other payments that, when aggregated for the individual and the individual's spouse and dependent children over the next twelve months, are expected to exceed \$10,000;
- equity interests (e.g. stocks, stock options or other ownership interests) that, when aggregated for the individual and the individual's spouse and dependent children, either exceeds \$10,000 in value (as determined through reference to public prices) or represents more than five percent (5%) ownership interest in any single entity;
- intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term "significant financial interest" does not include:

- salary, royalties, or other remuneration from the University;
- income from seminars, lectures, or teaching engagements sponsored by US Federal, state, or local entities;
- income from service on advisory committees or review panels for public or nonprofit entities.

Grants and Other External Funding

As a recipient of externally funded sponsored activities, Niagara University has an obligation to ensure that the principles of objectivity in research are upheld, the goal of such obligation being that there is no reasonable risk that the design, conduct, or reporting of research will be biased by any conflicting financial interests of an Investigator.

Investigators engaged in externally sponsored activity must, in accordance with Federal and University policy, disclose to the General Counsel and the Director of Sponsored Programs and Foundation Relations (hereinafter, "SPFR") (or designee) on disclosure forms located on the University's Grants Management Database, all significant financial interests (including those of their spouse and dependent children) that would reasonably appear to affect or be affected by the sponsored activity.

Investigators may choose to disclose any other financial or related interest that could present an actual or perceived conflict of interest. Any such disclosure should provide sufficient detail to permit an accurate and objective evaluation. Such disclosure form must be completed and submitted before the contract or grant application is submitted, and the disclosure must be reviewed to determine if further action is required before the University's expends any awarded funds or issues a purchase order or subcontracts for the acquisition of goods and services related to that project.

Such disclosure forms must be updated at least annually or more frequently, if new reportable information is obtained during the period of an award.

If the General Counsel and the SPFR Director (or designee) determines, after reviewing the disclosure form and other available information, that financial or other interests may affect the design, conduct or reporting of research activities or teaching/mentoring activities, the Director shall consult with the Dean of the relevant College, or, if none applies, to the Provost. If this review confirms a potential conflict the project may be, the dean or Provost may issue instruction to the Investigator and the SPFR Director to:

- Accept the proposed sponsored project;
- Not accept the proposed sponsored project;
- Accept the proposed sponsored project provided certain conditions or restrictions are imposed so that the conflict will be managed, reduced or eliminated.

Examples of possible conditions or restrictions are:

- monitoring of research by independent reviewers
- public disclosure of significant financial interests
- modification of the research plan
- disqualification from participation in the portion of the sponsored funded research that would be affected by the significant financial interest
- divestiture of significant financial interest
- severance of relationships that create actual or potential conflicts

For HHS funded sponsored activities, the SPFR will notify the awarding component of any conflict information as outlined by the awarding component.

All records will be maintained for a period of no less than seven (7) years. Upon written request of a sponsoring agency, disclosure documents and related records pertaining to the specific sponsored project will be made available.

Collaborators/sub-recipients/subcontractors from other institutions involved in externally-sponsored research of the University must either comply with this policy or provide a certification from their institutions that they are in compliance with Federal policies regarding disclosure of conflicts of interests and that their portion of the project is in compliance with their institutional policies.

All employees and affiliates working on sponsored projects in conjunction with Niagara University are subject to this policy and are expected to comply fully and promptly with it. Instances of deliberate breach of policy, including failure to file or knowingly filing incomplete, erroneous, or misleading disclosure forms, violation of this policy, failure to comply with prescribed monitoring procedures, will be reported to the appropriate senior officer and, in the case of primary investigators also to the Provost (or designee).

In the event of non-compliance by a Primary Investigator, the reporting party will consult with the General Counsel, who will report the possible violation to the Dean or Provost for sanctions. Regarding possible sanctions to be imposed on an investigator that may include, but are not limited to:

- Formal admonition,
- A letter from the appropriate Dean to the person's file, ineligibility for (i) grants, (ii) IRB approval, or (iii) supervision of graduate students,
- Non-renewal of appointment,
- Initiation of the procedure for terminating tenure.

The Provost (or designee) will then recommend an appropriate sanction to the President, who will make the final decision.

In addition, the University shall follow federal regulations regarding the notification of the sponsoring agency in the event an Investigator has failed to comply with this policy. The sponsor may take its own action, as it deems appropriate, including the suspension of funding for the Investigator until the matter is resolved.