

CONFLICT OF INTEREST AND COMMITMENT POLICY

The Cary Institute of Ecosystem Studies has a responsibility as the steward of institutional resources, which include federal and state funds, to ensure that all its activities reflect its primary goals of scholarly inquiry and education. Federal and state funding agencies (as well as other sources of public and private funds) that support the Cary Institutes' research and educational activities should be confident that these endeavors are rigorous and transparent, unencumbered by conflicts of interest or conflicts of commitment that might affect the judgment of the scientific and educational staff, administrators, and managers.

The goal of this Policy is to: (1) broadly define what constitutes a Conflict of Interest (financial and other) and a Conflict of Commitment; (2) provide information about the processes for review of apparent conflicts; and (3) describe potential mechanisms for the management of conflicts.

COVERED BY THIS POLICY

This policy pertains to all Cary Institute personnel/investigators, and their families, who are responsible for the design, conduct or reporting of research or educational activities which are funded, or proposed for funding, by the Cary Institute, NSF, PHS or any other federal, state, or local agencies. For this Policy, "family" is defined as the individual's spouse, domestic partner, dependent children, or Associate Corpus (any trust, organization or enterprise other than the Institute over which the member, singly or collectively with members of their household and/or immediate family, exercise a controlling interest).

CONFLICT OF COMMITMENT

A *conflict of commitment* exists when the external activities of a Cary staff member are so substantial or demanding of the employee's time and attention as to interfere with the individual's primary responsibilities to the Cary Institute and/or the terms of the grants and/or agreements that fund their research programs.

CONFLICT OF INTEREST

It has been, and shall continue to be, the policy of the Cary Institute that all employees take steps to avoid Conflicts of Interest or the appearance of Conflicts of Interest between their financial or personal interests and the goals, mission, and policies of the Cary Institute.

In general, a *conflict of interest* (COI) arises when a Cary Institute employee is in a position to influence either directly or indirectly Cary Institute business, research, or other decisions in ways that could lead to personal financial gain for the member or the member's family to the detriment of the Institute's integrity and its mission.

Note that an interaction that has an appearance of a conflict of interest can be as misunderstood as being a real conflict of interest. If you are unsure whether an interaction constitutes a real conflict, the matter should be discussed with the Cary Compliance Officer.

IDENTIFICATION OF CONFLICTS OF INTEREST

The following list provides examples of activities or actions that have the potential of creating a conflict of interest.

- Consulting activities.
- The purchase of goods or services for the Cary Institute from businesses in which the employee or his/her family has a financial interest or, as the result of such purchase, may directly benefit.
- Receipt of gifts, gratuities, loans, or special favors from research sponsors or vendors.
- Holding of an ownership interest by employee or the employee's family in any real or personal property rented or purchased by the Cary Institute.
- Holding of an equity, royalty, or debt instrument by the employee or the employee's family in an entity that provides financial support to the Cary Institute, including research or other support or services, if this support will benefit the employee or persons who are supervised, either directly or indirectly, by the employee.
- Receipt, directly to the employee from non-Cary sources of cash, services, or equipment provided in support of the employee's Cary Institute activities.
- Use of information received as a Cary Institute employee (that is not otherwise publicly available) for personal purposes and financial gain.

Taking part in any of the above activities does not necessarily constitute a COI, and as such, will be examined on a case by case basis to determine whether they create an actionable conflict of interest that should be managed or eliminated.

SIGNIFICANT FINANCIAL INTERESTS RELATED CONFLICTS

The following list identifies sources of significant financial interests which require disclosure due to potential Financial Conflicts of Interest, in response to 42 C.F.R. Part 50, Subpart - Promoting Objectivity in Research.

- **Publicly Traded Companies:** Combined equity value (ownership of stock, options, etc.) and income exceeding \$5,000 (or the equivalent cash value) from any one entity when aggregated over the preceding 12 months for the investigator and family that appears to be related to your institutional responsibilities.
- **Privately Held or Nonprofit Companies:** Ownership in any dollar amount or income exceeding \$5,000 over the preceding 12 months (or the equivalent cash value) from any

one entity that when aggregated for the investigator and family appears to be related to your institutional responsibilities.

- **Intellectual Property Rights** (e.g., patents, copyrights) from which you received any income over the preceding 12 months, and the intellectual property appears to be related to your institutional responsibilities.
- **Sponsored Travel** paid for, or reimbursed directly to you, by an organization other than an accredited U.S. institution of higher education or by any governmental agency (federal, state, or local) when the sponsoring organization appears to be related to your institutional responsibilities.
- **Paid Positions of Influence** in which you exercised an authoritative or direction-shaping role in any entity not affiliated with the Cary Institute, including non-profit organizations, and the interests of the entity appear to be related to your institutional responsibilities.

It is the responsibility of all Cary Institute personnel covered by this policy to disclose on the Cary Institute's Financial Conflict of Interest Disclosure Form all significant financial interests that would reasonably appear to financially benefit themselves, or their families, by the research or educational activities funded directly by the Cary Institute or funded, or proposed for funding, by a federal, state, or local agency.

COVERED INDIVIDUAL'S REPORTING AND DISCLOSURE REQUIREMENTS

Covered Cary personnel will be required to report any possible Financial Conflicts of Interest (FCOI) on the Cary Institute's Financial Conflict of Interest Disclosure Form annually, when submitting a proposal, and within 30 days of any change in or addition of a potential FCOI. Any potential conflict listed on the Disclosure form will be reviewed by the Compliance Officer so as to determine if the FCOI requires mitigation.

Additionally, covered Cary personnel should inform the Cary Compliance Officer of any significant new or expanded outside professional activities or service on external committees, preferably before entering into an agreement to undertake these new/expanded responsibilities. This obligation is particularly true of those outside activities, such as direct and active management of outside business entities, that may be incompatible with an individual meeting his/her obligations to the Cary Institute or the terms and conditions of sponsored research, thus possibly constituting a Conflict of Interest or Commitment.

Whenever there is a reason to believe a relationship or situation may involve a real, potential or apparent conflict of interest or commitment, covered Cary personnel are obliged to initiate the reporting procedures outlined above. All conflicts of interest must be satisfactorily managed, reduced or eliminated prior to expenditure of any funds under an award for any sponsored project affected.

FINANCIAL CONFLICT OF INTEREST REPORT FORM REVIEW

If, following submission of the Financial Conflict of Interest Disclosure Form, any potential COIs are disclosed, the Cary Institute's Compliance Officer will then review and evaluate the nature of the conflict. The process may include further involvement of the individual whose activities are being assessed, either by providing further information or in exploring avenues to manage a conflict if one is found to exist. If, after evaluation, there are judged to be no conflicts, the Disclosure form will be initialed by the Compliance Officer and filed with the Grants Management & Compliance Office. When an actionable conflict is identified and confirmed, a Financial Conflict of Interest Identification and Mitigation Report will be filled out, detailing the nature of the COI and the subsequent steps to be to mitigate the conflict. The report will be signed by the individual and the Compliance Officer and will be kept on file, along with any documentation of any continued management efforts, with the Cary Institute's Grants Management & Compliance Office.

MANAGING CONFLICTS OF INTEREST

Appropriate action will be taken to mitigate any Conflict of Interest or Conflict of Commitment after consultation between the Cary Institute's Compliance Officer, President and concerned individual. In the event that the Institute President or the Compliance Officer is the source of a Conflict, the Chair of the Board along with the Compliance Officer or President (respectively) will review the disclosure. A plan will be developed and recorded to mitigate any identified Conflict of Interest or Commitment. Possible options include, but are not limited to:

- Public disclosure of the conflict of interest,
- Reformulation of the research workplan,
- Close monitoring of the research project by an independent source,
- Divestiture of relevant personal interests,
- Termination or reduction of involvement in the relevant research project,
- Severance of outside relationships that pose conflicts,
- Transfer decision-making to another staff member when a conflict exists.

Any reported Conflicts of Interest or Commitment will be handled expeditiously through the Cary Institute's institutional mechanisms for dealing with such conflicts. Violations of federal or state statutes and guidelines must be handled according to federal and state law requirements. All decisions will be documented and will be filed in the Cary Grant Management and Compliance Office. The existence of a Conflict of Interest or Commitment and the steps being taken to mitigate the conflict will be disclosed to the appropriate funding agency as required and if requested.