

San José State University Research Foundation Office of Sponsored Programs

Guidelines for Completing the Financial Conflict of Interest (FCOI) – 1 Disclosure Form For Use with NSF, NASA, and PHS-funded Agencies Only

This form is required by federal regulations. Investigators, including PI, Co-PIs, and other investigators identified by SJSU or a subrecipient must provide the requested information (regarding themselves and members of their immediate family). The investigator must disclose significant financial interests in order to allow the institution to identify potential conflicts that might arise in the conduct of proposed research. Significant financial interest in another entity beyond SJSU and SJSU Research Foundation could influence decision-making by the investigator, and thereby introduce bias to the design, conduct, and reporting of research performed under NSF and PHS-grants or cooperative agreements.

You are not required to disclose any significant financial interests that are clearly unrelated to your proposed research or institutional responsibilities. Examples of financial interests that might cause you to disclose are ownership of a business that produces products related to your research or stock holdings in a potential subcontractor's business. Home ownership and other investments unrelated to your research normally do not represent a significant financial interest as defined by the law.

In your consideration of disclosure, your professional responsibility must be your guide. If you have information that requires disclosure, be as complete as possible in your disclosure. The information you provide will remain confidential. If you have indicated on the form that you do not have significant financial interests in or from an entity, sign the form and attach it to your proposal.

Definitions

A **potential financial conflict of interest** occurs when there is a divergence between an individual's private interests and his/her professional obligations to the university (or research sponsor) such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

An **actual financial conflict of interest** depends on the situation and not on the character or actions of the individual. A financial conflict of interest exists when the institution, through its designated official(s), reasonably determines that an investigator's significant financial interest is related to an NSF or PHS-funded research project and could directly and significantly affect the design, conduct or reporting of the NIH-funded research.

Frequently Asked Questions

Q: What happens to information I disclose?

A: The disclosure is reviewed by the associate vice president for research to determine whether there is a financial conflict of interest.

Q: If a financial conflict of interest is determined, do I have a chance to challenge the conclusion?

A: Yes, a dialogue with the associate vice president for research will occur immediately.

Q: If the conclusion is sustained, then what happens?

A: The associate vice president for research will work with you to develop a management plan that will also be approved by your college chair and dean. Such a management plan may take any reasonable form that provides assurance that significant financial interests are unlikely to interfere with decisions regarding the proposed research. The plan will go into effect at the time of award, prior to the expenditure of any funds. Several resolution plan options are explained in the university's Conflict of Interest Policy (S99-11).

The university's Conflict of Interest Policy (S99-11) has been approved by the Academic Senate. For a complete copy, please contact your Research Foundation Pre-Award manager.

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Office of Sponsored Programs**

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Investigator Name:

Department and College:

Project Title:

Proposed Sponsor:

Investigator Type:

Do you have any financial conflict of interest(s) to disclose? Yes No

If **yes**, complete the information below and the [Addendum to the Financial Conflict of Interest Disclosure Form](#).

I am disclosing the following significant financial interest or other potential conflict of interest related to the entity funding the project or the entity involved with the project as described above and below.

Note: Responses should include the investigator, spouse, and any dependent children.

Name of Entity:

Address of Entity:

Principal Business of Entity:

Is this a publicly traded entity? Yes No

| | | |
|---|-----|----|
| Are you a director, officer, partner, trustee, or employee of the entity? | Yes | No |
|---|-----|----|

| | | |
|---|-----|----|
| Do you have an investment of \$1,000 or more in the entity? | Yes | No |
|---|-----|----|

| | | |
|---|-----|----|
| Do you hold an equity position of 5% in the entity? | Yes | No |
|---|-----|----|

| | | |
|---|-----|----|
| Have you received income of \$250 or more, or gifts valued at \$50 or more from the entity? (Excludes income received from the entity for a current or previously funded project.) | Yes | No |
|---|-----|----|

| | | |
|---|-----|----|
| Have you received a loan from the entity for which the outstanding balance exceeded \$250 in the past 12 months? | Yes | No |
|---|-----|----|

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| Do you have an interest in any intellectual property rights belonging to the entity? | Yes | No |
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|---|-----|----|
| For publicly-traded entities, does the value of any remuneration received in the 12 months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceed \$1,000? | Yes | No |
|---|-----|----|

(For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value).

| | | |
|--|-----|----|
| For non-publicly-traded entities, does the value of any remuneration received from the entity in the 12 months preceding, when aggregated, exceed \$1,000? | Yes | No |
| Do you, your spouse, or your dependent children hold any equity interest? (e.g., stock, stock option, or other ownership interest in the entity) | Yes | No |
| Do you, your spouse, or your dependent children hold intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests? | Yes | No |
| Has the entity reimbursed you for sponsored travel (i.e., that which is paid on your behalf and not reimbursed to you so that the exact monetary value may not be readily available)? This excludes federal, state, local government agencies and institutions of higher learning, as well as an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. | Yes | No |

If you indicated **Yes** above regarding the entity reimbursing or sponsoring travel, please provide the information below. Add additional pages if needed.

Start Date: End Date: Purpose of Trip:

Destination: Sponsor:

Investigator Certification:

- I agree to update this disclosure on an annual basis, within 30 days of obtaining or discovering a new reportable significant financial interest, and at project completion.
- Should SJSU confirm a financial conflict of interest that would potentially bias the research of this funded project, I agree to cooperate in the development of a management plan to manage, reduce, or eliminate the financial conflict of interest or potential financial conflict of interest identified via this disclosure.
- I agree to comply with any conditions or restrictions imposed by SJSU to manage, reduce, or eliminate actual or potential conflicts of interest or forfeit the award.
- I agree to comply with federal, state, and local regulations regarding conflicts of interest as well as CSU, SJSU, and SJSU Research Foundation policy.

Investigator Signature:

Date:

SJSU Institutional Official Review: I have reviewed this significant financial interest disclosure and have determined that no financial conflict of interest exists or if one does exist that it is possible to develop and execute, prior to award, a management plan to manage, reduce, or eliminate any actual or potential financial conflict of interest; and, therefore, I recommend that the proposal be submitted to the agency at this time. Before an award is accepted or funds expended for the research project related to this SFI and potential FCOI, a written management plan approved by me must be in place as well as written documentation of all actions that have been, and shall be, taken to manage such financial conflict of interest.

AVP for Research Signature:

Date:

The associate vice president for research's signature is required if any of the indicators on this disclosure are marked **Yes**, which identifies a significant financial interest.