I. SCOPE

This policy applies to all Clemson University research personnel. For the purposes of this policy, research personnel refers to the following: tenure/tenure track faculty, research faculty, research associates, post-doctoral research fellows, and others identified at the time of proposal submission as having potential for a conflict of interest related to a research activity that involves their University responsibilities. This includes all full-time, part-time, regular FTE, temporary, and contract research personnel and others acting on Clemson’s behalf in the performance of University-related research.

II. PROCEDURES

Training and Disclosure
To ensure compliance with this policy, all research personnel are required to take conflict of interest training annually and disclose, as the situation arises and at least on an annual basis, professional and relevant personal activities and relationships that create a conflict of interest or that have the appearance of creating a conflict of interest. For all positive disclosures, a plan to manage, mitigate or eliminate the conflict will be developed and approved.

Consequence for Violations
Research personnel who violate this policy are subject to disciplinary action, up to and including termination. In addition, to the extent the conduct or omission also violates the S.C. Ethics Act, the violation may be reported to the S.C. Ethics Commission and/or prosecuted as a criminal matter subject to imprisonment and fines as set forth more specifically in the S.C. Ethics Act, S.C. Code § 8-13-100, et seq.

Reporting Suspected Conflicts of Others
Members of the University community who become aware of any undocumented conflict of interest subject to this policy, not just their own, should report it through the University’s Ethics/Safety Line. Supervisors who become aware of undisclosed conflicts of interest subject to this policy should instruct the personnel to immediately disclose. Any failure to disclose in a timely fashion should be reported to the Conflict of Interest Committee (COIC).

Conflict of Interest Committee
The COIC serves as a University resource with respect to matters involving conflicts of interest and commitment related to research personnel. Committee members must sign a non-disclosure agreement at term beginning and are expected to establish processes and procedures of operation consistent with this policy. The COIC serves as the appeals body for conflict of interest situations that are not able to be
resolved. The decision of the COIC is final and cannot be appealed by the conflicted employee to a higher level within the University.

III. PURPOSE

Clemson University has formulated the Clemson University Financial Conflict of Interest Related to Research Policy (fCOI) to identify and address real and apparent financial conflicts of interest in research with the goal of preventing personal interests and activities from adversely influencing Clemson operations. University researchers have an obligation to act in the best interest of the University and its mission, and must not let outside activities or significant outside financial interests interfere with those obligations. This policy is intended to increase the awareness of research personnel to the potential for conflicts of interest and to establish procedures whereby such conflicts may be avoided or properly managed. Principles and procedures, outlined in this policy, assure that University research personnel will report external commitments and financial interests in a timely manner and real and apparent conflicts will be identified and responsibly managed.

IV. PRIORITY OF LAW AND STATUTES, RULES, POLICY, AND GUIDANCE

Compliance with the Law: This policy promotes compliance with all applicable federal and state laws, regulations, and policies regarding conflicts of interest. Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.

South Carolina Ethics Act: The S.C. Ethics Act, S.C. Code § 8-13-10 et seq, regulates the outside interests and commitments of Clemson employees that may create conflicts of interest between the employee and the University. This policy is implemented in addition to all requirements of the S.C. Ethics Act and does not supersede it.

Public Health Service (PHS)/National Institutes of Health (NIH) Funded Research: Federally funded research (including PHS/NIH funding) conducted by Clemson research personnel who contemplate funding from or are funded by a federal agency is subject to the federal policy governing that agency’s funding and is also subject to the Clemson University Financial Conflict of Interest (fCOI) in Research Policy. Any conflict of interest subject to the Financial Conflict of Interest Related to Research Policy shall be reviewed and managed pursuant to the requirements of the applicable federal agency’s policy.

Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards: This policy is intended to comply with the requirements of 2 CFR 200.318 as applicable to Clemson University.

Conflicts of Interest in Human Subjects Research: Research involving human subjects pose special conflict of interest concerns. The University and its researchers have ethical obligations to honor the rights and protect the safety of persons who participate in research conducted at the University. Financial interests held by those conducting the research may compromise the fulfillment of those ethical obligations and the well-being of the research subjects, as well as the integrity of the related research. Accordingly, any person with an unmanaged COI is prohibited from participating in the conduct of such research. In addition, research involving human subjects where there is a financial conflict of interest may only go forward if the design and circumstances of the human subjects research are such that they serve to protect both the human subjects and the objectivity of the data obtained.
Institutional Review Board (IRB) Review: If a protocol-related external commitment or financial interest is identified in a protocol application, the IRB may not approve the protocol until the Conflict of Interest Committee (COIC) has completed a review of the disclosure and any necessary management plan has been approved and implemented. The IRB has the authority to recommend, as a condition of the protocol approval, adding human participant protection measures to an approved management plan. It does not have the authority to delete other items approved by the COIC.

VII. RESPONSIBILITY

The executive vice president for Academic Affairs and provost is responsible for overseeing the implementation of this policy. Day-to-day responsibility for such implementation is delegated to the Conflict of Interest Office. The Conflict of Interest Office will coordinate with the COIC to manage policy issues and maintain relevant records.