

# Financial Conflict of Interest Policy

for Research Funded by Agencies of the United States Public Health Service (PHS) or the United States National Science Foundation (NSF)

That Is Being Undertaken at Leibniz Institute for Food Systems Biology at the Technical Leibniz-LSB@TUM of Munich (Leibniz-LSB@TUM)

Dated 8 May 2023

## Part I: General Provisions

### Section 1

#### Scope

- (1) This policy applies to all staff members working on research projects funded by US Public Health Service (PHS) agencies or the US National Science Foundation (NSF), and they are referred to as "Investigators". All Investigators must follow this policy.
- (2) This policy applies to all PHS- or NSF-funded research that Leibniz-LSB@TUM carries out as the prime awardee or subrecipient.

### Section 2

#### Compliance With PHS and NSF Regulations

- (1) Investigators must comply with the regulations set by the funding body for the research project in addition to this policy. For PHS-funded projects, this usually includes the NIH Grants Policy Statement, and for NSF-funded projects, this includes the NSF Proposal and Award Policies and Procedures Guide.
- (2) Compliance with the financial conflict of interest policies described in the NSF Proposal and Award Policies and Procedures Guide, Part II. Award and Administration Guide, Chapter IX A is required for NSF-funded projects. For PHS-funded projects, compliance with the requirements of CFR (Code of Federal Regulation) Title 42, Part 50 Subpart F is required.

### Section 3

#### Notification Prior to Proposal Submission

LEIBNIZ-LSB@TUM staff planning to submit a proposal for funding to NSF or a PHS agency must inform the LEIBNIZ-LSB@TUM Board of Directors and Third Party Funding Management in a timely manner.

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## Part II: Financial Conflicts of Interest

### **Section 4**

#### **Definitions**

- (1) The term “Financial Conflict of Interest” (FCOI) refers to a noteworthy Financial Interest held by an Investigator, their spouse, registered civil partner within the meaning of the German Lebenspartnerschaftsgesetz (Registered Civil Partnership Act, LPartG) or their children that LEIBNIZ-LSB@TUM determines could affect the design, conduct or reporting of PHS- or NSF-funded research. Financial Interest includes all Financial Interests irrespective of their monetary value.
- (2) The definition of “Significant Financial Interest” (SFI) encompasses equity interests such as shares or intellectual property rights, remunerations, and sponsored travel related to PHS- or NSF-funded projects.

However, SFI does not cover Financial Interests that arise from an Investigator's contractual relationship with LEIBNIZ-LSB@TUM. It also does not include income received from teaching activities or consultancy services offered to public or non-profit organizations.

### **Section 5**

#### **Procedure for the Disclosure and Verification of Financial Interests**

- (1) All Investigators must disclose their Financial Interests as defined in Section 4 using the Disclosure Form of Financial Interests (Disclosure Form).
- (2) Disclosures must be sent to Third Party Funding Management:
  - (a) before a proposal for funding is submitted;
  - (b) annually during the period of the project award (usually prior to renewal of an award by NSF or the Agency of the PHS); and
  - (c) within 30 calendar days if an FCOI occurs during the project's award period.
- (3) Third Party Funding Management shall retain the Investigator's Disclosure Form of Financial Interests (Disclosure Forms) for at least three years after completion of the NSF- or PHS-funded project. If litigation or an audit is initiated before the end of the three-year period, the records will be retained at least until any litigation or audit findings affecting the records are resolved and final action is taken.
- (4) The LEIBNIZ-LSB@TUM's Third Party Funding Management shall immediately report any Financial Interest disclosed to it to the Board of Directors. If the latter determines that the Financial Interest appears to affect NSF- or PHS-funded research, an FCOI shall be presumed to exist, and the Third Party Funding Management at LEIBNIZ-LSB@TUM shall report the FCOI to the NSF Office of the General Counsel or the NIH Chief Grants Management Officer within 60 days of the Board of Directors' discovery of the FCOI; or the appropriate PHS agency (if LEIBNIZ-LSB@TUM is the primary beneficiary) or the primary recipient (if LEIBNIZ-LSB@TUM is a subrecipient).

For these purposes, the Disclosure Form of Financial Interests (Disclosure Forms) may be

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made available to the above-mentioned entities as well as to LEIBNIZ-LSB@TUM employees whose input is essential for the examination of the matter.

- (5) The Board of Directors shall require the Investigator to manage, reduce or eliminate the FCOI and report to it within 60 days on the actions taken to eliminate the FCOI.
- (6) If the Board of Directors determines that the FCOI has been appropriately managed, reduced or eliminated, LEIBNIZ-LSB@TUM's Third Party Funding Management shall report to the relevant bodies referred to in Section 5 (4).
- (7) If the Board of Directors determines that the FCOI continues to affect NSF- or PHS-funded research, or if the Investigator fails to comply with his or her reporting obligation, LEIBNIZ-LSB@TUM's Third-Party Funding Management shall notify the competent bodies specified in Section 5 (4). The Board of Directors will then take appropriate measures to remedy the FCOI.

The following measures may be taken: Exclusion of certain scientists from participation in the project or discontinuation of the project.

## **Section 6**

### **FCOI Training**

- (1) Every Investigator must complete the web-based Financial Conflict of Interest training course provided by the PHS or NSF ([FCOI Training - Link](#)) before participating in research that is funded by these organizations. Investigators must also complete this training at least once every four years.
- (2) Additionally, Investigators must complete the training course mentioned in Section 7(1) in the following circumstances:
  - a) If this Policy is modified in a way that changes the obligations of Investigators;
  - b) If the Investigators are new to LEIBNIZ-LSB@TUM; or
  - c) If the circumstances described in Section 5(7) arise.
- (3) Upon completion of the FCOI Online Tutorial, Investigators must provide a copy of the "Certificate of Completion" to Third Party Funding Management at LEIBNIZ-LSB@TUM as proof that they have fulfilled the training requirements outlined in Sections 7(1) and (2).

## **Section 7**

### **LEIBNIZ-LSB@TUM as the Prime Awardee Institution**

- (1) If LEIBNIZ-LSB@TUM is awarded funds by NSF or PHS as the primary recipient, it will request written agreements from any subrecipients to comply with the rules stated in Section 510 of the NSF Grant Policy Manual or CFR Title 42, Part 50 Subpart F (PHS), as applicable.
- (2) To comply with the requirements of Section 510 of the NSF Grant Policy Manual or CFR Title 42, Part 50 Subpart F (PHS), LEIBNIZ-LSB@TUM, as the prime awardee of NSF or PHS funds, will require subrecipients to have their own FCOI policy that aligns with NSF

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or PHS guidelines. The subrecipients must report any existing FCOI related to NSF- or PHS-funded research to Third Party Funding Management at the LEIBNIZ-LSB@TUM within 30 days of becoming aware of its existence. Upon receiving the report, Third Party Funding Management will notify the Board of Directors and report the FCOI to the appropriate agency, either the NSF Office of the General Counsel or the NIH Chief Grants Management Officer, or the relevant Agency of the PHS.

- (3) If a subrecipient lacks an appropriate FCOI policy, they can use LEIBNIZ-LSB@TUM's policy for the NSF- or PHS-funded project. In this case, subrecipients must report any existing Financial Interest related to the research funding to LEIBNIZ-LSB@TUM within 30 days of becoming aware of it. LEIBNIZ-LSB@TUM will then take further action as per its FCOI policy.
- (4) The subrecipients must give a written statement, known as the "Subrecipient Financial Conflicts of Interest Certification Form," to Third Party Funding Management and Donations at the LEIBNIZ-LSB@TUM. This form will confirm which of the options described in Section 7 (2) and (3) applies to them.

## **Section 8**

### **Entry into Force**

This Policy will enter into force one day after its publication.