

5 de febrero de 1996

02 JAN 18 AM 10: 11

CARTA CIRCULAR NUMERO 96-03

A TODA LA COMUNIDAD UNIVERSITARIA

POLITICA INSTITUCIONAL SOBRE LA IDENTIFICACION Y MANEJO DE CONFLICTO DE INTERESES EN LA INVESTIGACION EN LA UNIVERSIDAD DE PUERTO RICO



La Fundación Nacional de las Ciencias (NSF) y los Institutos Nacionales de la Salud (NIH), por sus siglas en inglés, establecieron como requisito, para las instituciones que reciben fondos de estas agencias, el desarrollo de una política institucional que provea para la identificación y manejo de conflictos de intereses.

Cada institución que obtiene fondos de estas agencias debe establecer una política y los procedimientos para identificar situaciones de conflicto de intereses, notificar a las autoridades las instancias en que ocurran y aplicar sanciones a los individuos que violen esta política. Estas agencias federales desarrollaron esta política por el aumento de situaciones conflictivas en universidades, en institutos de investigación y en hospitales.

Para cumplir con los requisitos antes mencionados, se incluye la **Política Institucional sobre la Identificación y Manejo de Conflicto de Intereses en la Investigación en la Universidad de Puerto Rico**. Dicha política institucional contiene los procedimientos y guías a ser utilizadas por el personal de la Universidad. La misma fue elaborada por un comité compuesto por personal de las distintas unidades del sistema. Los rectores serán los responsables de implantar esta política.

Para información adicional relacionada con este asunto, favor de comunicarse con la Oficina de Asuntos Académicos de su unidad o con el Sr. José M. Valentín, Director Auxiliar de la Oficina de Planificación y Desarrollo de la Administración Central, al 250-0000, extensiones 5020 ó 5022.

Cordialmente,

Norman I. Maldonado, M.D.
Presidente

PGC/gjn

Anejo

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UNIVERSITY OF PUERTO RICO

INSTITUTO DE ESTUDIOS
CIENTÍFICOS E INVESTIGACION
U.P.R.
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INVESTIGATOR FINANCIAL DISCLOSURE POLICY

I. INTRODUCTION:

This policy sets forth procedures and guidelines that are to be followed by the University of Puerto Rico in resolving actual and potential faculty conflicts of interest and commitment pertaining to sponsored projects. This policy applies to all sponsored projects funded by (a) commercial sponsors, and (b) those federal agencies having specific conflict of interest requirements.

II. STATEMENT OF POLICY ON DISCLOSURE OF FINANCIAL INTEREST IN PRIVATE SPONSORS OF RESEARCH

A principal investigator must disclose whether or not he or she has a direct or indirect significant financial interest which could directly and significantly affect the design, conduct, or reporting of National Science Foundation (NSF) and Public Health Service (PHS) funded activities which are funded in whole or in part (a) through a contract or grant with a non-governmental entity or (b) by a gift from a non-governmental entity which is earmarked by the donor for a specific research project or a specific principal investigator. Disclosure statements must be filed (a) before final acceptance of such a contract, grant, or gift; (b) when funding is renewed; and (c) within 90 days after expiration in the case of a contract or grant, or after funds have been completely expended in the case of a gift. The Statements will be open to public inspection. When disclosure indicates that a financial interest exists, an independent substantive review of the disclosure statement and the research project must take place prior to acceptance of the contract, grant, or gift. Department chairs must disqualify themselves from approving a research proposal for a project which is funded in whole or in part by a non-governmental entity in which they have a financial interest.

III. DEFINITIONS

- A. "Investigator" the term "Investigator" means the principal investigator, co-principal investigators, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by NSF and PHS.
- B. "Significant Financial Interest" the term "significant financial interest" means anything of monetary value including, but not limited to, salary or other payment for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock

options or other ownership interests); and intellectual property rights (e.g. patents, copyrights and royalties from such rights); a direct or indirect investment in the sponsor worth more than \$10,000; a position as director, officer, partner, trustee, employee of or any other position of management in the sponsor; income from the sponsor, including consulting income and gifts received by or promised to the principal investigator within 12 months prior to the time the award is made.

The term does not include:

1. Salary, royalties or other remuneration from the applicant institution;
 2. Any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
 3. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 4. Income from service on advisory committees or review panels for public or nonprofit entities;
 5. An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or
 6. Salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$10,000 during the next twelve month period.
- C. "Indirect Investment" or "Indirect Financial Interest." A principal investigator has an "indirect investment" or "indirect financial interest" in a sponsor if:
1. His or her spouse or dependent child has a financial interest in the sponsor;
 2. The principal investigator, his or her spouse, or dependent child own directly, indirectly or beneficially a 10 percent interest or greater in any business entity or trust which has a financial interest in the sponsor of the research.
- D. "Equity (Ownership) Interest." For the purposes of this policy, any "equity (ownership) interest" shall be an investment of more than \$10,000 in the sponsor by the principal investigator, his or her spouse, or dependent children.

IV. DISCLOSURE REQUIREMENT

When a principal investigator has disclosed a financial interest in a sponsor of research, the required financial disclosure statement shall contain:

A. Disclosure of Income

1. The name and address of the sponsor and a general description of the business activity, if any, of the sponsor;
2. A statement of the aggregate value of income from the sponsor, or in the case of a loan, the highest amount owed to the sponsor.
3. In the case of a gift of \$50 or more, a description of and the amount of the gift; and
4. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

B. Disclosure of Equity or Ownership Interest and Disclosure of Position in Sponsor

When an investment or equity (ownership) interest is required to be disclosed, or when the principal investigator is a director, officer, partner, trustee, employee, or holds any position of management, the disclosure statement shall contain:

1. A general description of the business activity in which the sponsor is engaged;
2. A statement of the fair market value of the investment or interest.
3. The position held in the entity by the principal investigator.

V. INDEPENDENT SUBSTANTIVE REVIEW COMMITTEE

When disclosure indicates that a financial interest exists, an independent substantive review of the disclosure statement and research project shall take place before a contract, grant, or gift is accepted. University officials of the pertinent institutional unit, after consultation with appropriate academic and administrative groups, shall develop procedure for independent substantive review including the designation or establishment of an institutional committee to conduct the review. The committee shall follow the established guidelines for the review process.

The reviewer shall review disclosure statements and relevant features of the research project and on the basis of the review recommend to the University Official whether funding for the research project should be accepted and, if so, whether any modifications or

conditions are needed. The reviewers shall be sufficiently qualified through the experience of their members to promote respect for their advice.

The reviewers should possess the academic, professional, and administrative competence and expertise necessary to review the subject matter of the proposed research and to assess the University and other public interests involved. The reviewers may include graduate students and one or more qualified members not affiliated with the University. The reviewers may consult with administrators, faculty, and others involved in the research and review process and the academic discipline in question. It may also consult with or request principal investigators and department chairs to provide information in order to make a fully informed recommendation. It may also invite individuals with competence in special areas to assist in the review process which require expertise beyond, or in addition to, that available to the committee. The review should occur as early as possible in the overall review process to assure that commitments are not inadvertently made to the sponsors. The reviewers shall, in its written documentation of the review, address each of the principles set forth in the Guidelines. The basis for the recommendation should be clearly established in the documentation of the review.

VI. IMPLEMENTATION

Chancellors shall implement this policy. They must provide the reviewers with appropriate administrative support, assure that technical advice on conflict of interest matters is provided, and assure that appropriate documents related to this policy are available to the public as required by law.

The Vice President of Academic Affairs for the University System has responsibility for assuring compliance with applicable State law, this policy, and related University policies. She/He is responsible for developing and issuing guidelines for this policy. She/ He serves as the liaison on these matters with the campuses.



University of Puerto Rico

Faculty Disclosure Statement Regarding External Affiliations

Name : _____ Title/Rank : _____

School/Department : _____

Title of sponsored project : _____

Name of funding sponsor : _____

Project period : _____

Certification : I have read and concur with the University of Puerto Rico
Conflict of Interest Policy Pertaining to Sponsored Projects.

1. Are you or any member of your immediate family (spouse, parents, parents-in-law, siblings, children, or other relatives living at the same address as the faculty member) an officer, director, partner, trustee, employee, advisory board member, or agent of the external organization funding this sponsored project or any organization from which goods and services will be obtained under the sponsored project?

_____ yes (if so, describe in detail the nature and extent of the equity interest on an attached sheet).

_____ no.

2. Are you or any immediate family member the actual or beneficial owner of more than five percent (5%) of the voting stock or controlling interest of the external organization funding this sponsored project or any external organization from which goods and services will be obtained under this sponsored project?

_____ yes (if so, describe in detail the nature and extent of the equity interest on an attached sheet).

_____ no.

3. Have you or any member of your immediate family derived income within the past year or do you or any member of your immediate family anticipate deriving income exceeding \$10,000 per year from the external organization funding this sponsored project or any external organization from which goods and services will be obtained under this sponsored project?

_____ yes (if so, describe on an attached page the amount of the income and the reason for which it was or will be delivered).

_____ no.

4. Do you have any affiliation with the external organization that would diminish your ability to fulfill your paramount obligations to your students, your colleagues, or the University; or have you involved any graduate student in a propriety capacity with the external organization?

_____ yes (if so, describe on an attached page the nature of the affiliation and the amount of time per week you dedicate to it).

_____ no.

Signature of Faculty Member : _____

Date : _____

Signature of Dean/Department Chair : _____

Date : _____