

UC DAVIS
OFFICE OF RESEARCH

**DEPARTMENT OF
ENERGY (DOE)**

**INTERIM CONFLICT OF INTEREST
(COI) POLICY**

22 June 2022 Research Administration Forum

RESEARCH ADMINISTRATION FORUM
Interim DOE COI Policy / Requirements

- Be Prepared to Support DOE PI's
 - Review UCOP Policy Edits
 - https://policy.ucop.edu/doc/2500558/PHS_COI
 - Understand Additional UCOP Guidance (DRAFT)
 - Explore UC Davis eCOI Changes

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UCOP POLICY EDITS

22 June 2022 Research Administration Forum

RESEARCH ADMINISTRATION FORUM
UCOP Policy Edits to Incorporate DOE COI

- Review UCOP Policy Edits
 - https://policy.ucop.edu/doc/2500558/PHS_COI

VIII. REVISION HISTORY

June 17, 2022: Technical edits to indicate that this policy also applies to Department of Energy financial assistance applications and awards.

I. POLICY SUMMARY

PURPOSE, SCOPE AND APPLICATION

(for example, American Heart Association and the American Cancer Society). This policy is also used to implement the federal Department of Energy (DOE) Interim Conflict of Interest Policy for Financial Assistance, which applies to all DOE financial assistance applications and awards with the exception of those from the Office of Indian Energy and Phase I SBIR/STTR applications and financial assistance awards.

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RESEARCH ADMINISTRATION FORUM UCOP Policy Edits to Incorporate DOE COI

- Review UCOP Policy Edits Continued
 - https://policy.ucop.edu/doc/2500558/PHS_COI

VI. RELATED INFORMATION

For the federal Department of **Energy** (DOE) Interim Conflict of Interest Policy for Financial

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University of California – Policy PHS-COI
Disclosure of Financial Interests & Management of COI, PHS Research Awards

Assistance see [Financial Assistance Letter No. FAL 2022-02 issued December 20, 2021](#). See the [UC Office of the President Research Policy Analysis & Coordination \(RPAC\) website](#) for further information.

Additional Guidance Will be Posted the Week of 6/20/2022



ADDITIONAL DOE GUIDANCE

22 June 2022 Research Administration Forum

RESEARCH ADMINISTRATION FORUM

Additional DOE COI Guidance from UCOP



- Understand UCOP DOE Guidance
 - The Department of Energy (DOE) issued an **Interim Conflict of Interest Policy for Financial Assistance** (“DOE Interim COI Policy”) on December 20, 2021, effective June 18, 2022.
 - See Financial Assistance Letter 2022-02, Dec. 20, 2021: https://www.energy.gov/sites/default/files/2021-12/Interim_COI_Policy_FAL2022-02_to_SPEs.pdf
 - The DOE Interim COI Policy **applies to all DOE-funded financial assistance awards** (e.g., a grant, cooperative agreement, or technology investment agreement) issued on or after June 18, 2022... As a recipient of DOE-funded financial assistance awards, the University of California and its investigators must comply with this new policy.



RESEARCH ADMINISTRATION FORUM

Additional DOE COI Guidance from UCOP



- Understand UCOP DOE Guidance Continued
 - As a recipient of DOE-funded financial assistance awards, the University of California and its investigators **must comply** with this new policy.
 - The DOE Interim COI Policy “**largely align[s]” with the PHS COI Regulations.**
 - **UC PHS COI Policy has been expanded to also apply to all DOE** financial assistance applications and awards.
 - UC locations and Investigators applying for or receiving DOE funding will **follow the UC PHS COI Policy.**



RESEARCH ADMINISTRATION FORUM DOE vs PHS COI Certification			
	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Certifying Disclosures of Significant Financial Interests	PHS does not require certification.	Under the DOE Interim COI Policy, the Investigator must certify that each disclosure and updated disclosure is true, complete and accurate. The DOE Interim Policy provides the full certification statement. CHANGE IN SIGNATURE NO CHANGE TO TRAINING REQUIREMENT	Investigators must certify their disclosures according to the language provided by DOE. This can be done by UC locations adding the DOE certification statement to the disclosure form. If using the same disclosure form for PHS and DOE, the certification statement should indicate that it is only applicable to Investigators with DOE-funded financial assistance awards. Alternatively, Investigators may complete a separate certification document that accompanies the disclosure form.

RESEARCH ADMINISTRATION FORUM DOE vs PHS COI Certification in eCOI



IV. Signature and Submission

I hereby certify that this is a complete disclosure of all my significant financial interests. I acknowledge that signing my name below is my responsibility to update the disclosure as it changes, and within 30 days after the award/contract is renewed.

For Department of Energy Awards Only (Not applicable for PHS/NIH awards)

I also understand that this Disclosure is required to obtain funding from the U.S. Government. I certify to the best of my knowledge and belief that the information contained in this Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims, or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729 -3730 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to U.S. Government's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

Signature:





For Department of Energy Awards Only (Not applicable for PHS/NIH awards) I also understand that this Disclosure is required to obtain funding from the U.S. Government. I certify to the best of my knowledge and belief that the information contained in this Disclosure Statement is true, complete, and accurate. I understand that any false, fictitious, or fraudulent information, misrepresentations, half-truths, or omissions of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims, or otherwise. (18 U.S.C. §§ 1001 and 287, and 31 U.S.C. 3729 -3730 and 3801-3812). I further understand and agree that (1) the statements and representations made herein are material to U.S. Government's funding decision, and (2) I have a responsibility to update the disclosures during the period of performance of the award should circumstances change which impact the responses provided above.

RESEARCH ADMINISTRATION FORUM

DOE vs PHS FCOI Definition



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Definition of "Financial Conflict of Interest"	The PHS COI Regulations define an FCOI as a significant financial interest that could directly and significantly affect the design, conduct, or reporting of the PHS-funded research.	The DOE Interim COI Policy defines an FCOI as a situation in which a significant financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of the project.	Investigators with DOE-funded financial assistance awards should report in accordance with the DOE definition of "financial conflict of interest." <i>Virtually the same: NO CHANGE</i>

RESEARCH ADMINISTRATION FORUM

DOE vs PHS Investigator Definition



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Definition of "Investigator"	The PHS COI Regulations define an investigator as the Principal Investigator and any other person who is responsible for the design, conduct, or reporting of a project funded by PHS.	The DOE Interim COI Policy defines an investigator as the Principal Investigator and any other person who is <i>responsible</i> for the purpose, design, conduct, or reporting of a project funded by DOE. The DOE Interim COI Policy also gives DOE program offices discretion to expand the definition to include any person who <i>participates in</i> the purpose, design, conduct, or reporting of such a project.	If DOE expands the definition, disclosures should be collected from the Principal Investigator and any person who participates in the purpose, design, conduct, or reporting of a project. In addition, per DOE's presentation to the Council on Government Relations (COGR) on June 9, 2022, DOE clarified "purpose" refers to an individual with the ability to change the scope of a project. The addition of "purpose" was not intended to apply to university settings, but rather to include commercial entities where corporate leadership could change the scope of a research project. Therefore, until further notice, UC locations could use the PHS definition for both PHS and DOE <i>Virtually the same: NO CHANGE</i>

RESEARCH ADMINISTRATION FORUM DOE vs PHS Retrospective Reviews



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Retrospective Reviews	If bias is found after completing a retrospective review, the PHS COI Regulations require entities submit a mitigation report and annual FCOI reports.	Under the DOE Interim COI Policy, in addition to a mitigation report, a DOE program office may require subsequent FCOI reports be submitted more frequently than once a year as required by policy.	UC locations should check the language in the Funding Opportunity Announcements or the DOE program office to identify the frequency FCOI reports need to be submitted, and submit FCOI reports accordingly. <i>SPO will ascertain if additional reporting is required and serve as the key point of contact to determine content and frequency.</i>

RESEARCH ADMINISTRATION FORUM DOE vs PHS Reporting FCOI's



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Reporting FCOIs to the Sponsor	The PHS COI Regulations require that when an FCOI is identified, the Institution must submit an FCOI report to the sponsor prior to expenditure of any funds, unless the FCOI is eliminated prior to expenditure of PHS-awarded funds. The report should outline the way in which the conflict will be managed. After an initial FCOI has been reported, the institution must submit an annual report.	The DOE Interim COI Policy only requires that institutions report <i>unmanaged or unmanageable</i> financial conflicts of interest to a DOE program office prior to expenditure of any funds, but also gives the DOE program offices discretion to also require (through language in FOAs or award terms and conditions) reporting of managed FCOIs. After an initial FCOI has been reported, the institution must submit an annual report. In addition to the annual FCOI report, DOE may require reports on other occasions outlined in the COI Interim Policy.	A UC location need only report FCOIs to the DOE program office if it finds the FCOI to be unmanaged or unmanageable, unless the DOE program specifies otherwise. <i>ONLY report unmanaged or unmanageable FCOI's</i>

RESEARCH ADMINISTRATION FORUM DOE vs PHS Organizational COI



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Organizational Conflict of Interest	“Organizational Conflict of Interest” is not mentioned in the PHS COI Regulations.	The DOE Interim COI Policy defines an organizational conflict of interest (OCOI) as a situation where because of relationships with a parent company, affiliate, or subsidiary organization, the institution is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The DOE Interim COI Policy requires institutions that have a parent, affiliate, or subsidiary that is not a state, local government, or Indian tribe to disclose potential or actual OCOIs to the DOE program office.	Per DOE’s presentation to the Council on Government Relations (COGR) on June 9, 2022, DOE clarified that the OCOI portion of the DOE policy was meant to apply principally to commercial/business entities to prevent “self-dealing” under applicable federal procurement standards under 2 CFR 200.318. The presenter indicated that in university settings, issues to be cognizant of are situations where a PI could “self-deal” with their own company or direct funds towards a “captive foundation.” Until further notice, UC locations should follow their standards under 2 CFR 200.318. NO CHANGE AS OF 6/18/2022

RESEARCH ADMINISTRATION FORUM DOE vs PHS Travel



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Sponsored or Reimbursed Travel	Under the PHS COI Regulations, Investigators must disclose reimbursed or sponsored travel that is related to their institutional responsibilities. As indicated in the NIH COI FAQs, institutions have the discretion to use a \$5,000 de minimis reporting threshold within their implementing policies.	The DOE Interim COI Policy indicates that Investigators must disclose the occurrence of reimbursed or sponsored travel related to their institutional responsibilities that is not otherwise disclosed in current and pending or other support disclosures.	Unless DOE provides subsequent clarification, DOE Investigators must disclose reimbursed or sponsored travel related to their institutional responsibilities regardless of dollar amount reimbursed or sponsored.

RESEARCH ADMINISTRATION FORUM DOE vs PHS Travel Disclosure in eCOI



VI. Travel

At any time in the last 12 months, have you undertaken any travel related to your INSTITUTIONAL RESPONSIBILITIES that was sponsored by any ENTITY, or for which you have received any TRAVEL REIMBURSEMENT OR PAYMENTS from any ENTITY? (This does not include sponsorship, reimbursement, or payments from federal, state, or local government, a U.S. institution of higher education, or a research institution, academic medical center or hospital affiliated with an institution of higher education.) (Note: DOE requires the disclosure of ALL travel reimbursement. PHS and other agencies only require the disclosure of travel reimbursement that exceeds \$5,000 per entity, when aggregated, during the prior 12 months.)



Note: DOE requires the disclosure of ALL travel reimbursement. PHS and other agencies only require the disclosure of travel reimbursement that exceeds \$5,000 per entity (when aggregated) during the prior 12 months.



RESEARCH ADMINISTRATION FORUM DOE vs PHS IP



	PUBLIC HEALTH SERVICE	DEPARTMENT OF ENERGY	GUIDANCE
Intellectual Property Rights and Interests	Under the PHS COI Regulations, an Investigator must disclose intellectual property rights and interests (e.g., patents, copyrights) upon receipt of income related to such rights and interests. Additional clarification from PHS indicates that this requirement is subject to the \$5,000 threshold for disclosure of income.	DOE Interim COI Policy indicates that intellectual property rights and interests (e.g., patents, copyrights) must be disclosed upon receipt of income related to such rights and interests. No additional clarification has been provided to allow for the \$5,000 de minimis threshold for intellectual property rights and interests.	Unless DOE provides subsequent clarification, Investigators must disclose all intellectual property rights and interests (e.g., patents, copyrights) upon receipt of income related to such rights and interests, regardless of the dollar amount of income received.

RESEARCH ADMINISTRATION FORUM DOE vs PHS IP Income Disclosure in eCOI



V Intellectual Property
 In the past 12 months, have you or any IMMEDIATE FAMILY MEMBER received any payments for any INTELLECTUAL PROPERTY RIGHTS AND INTERESTS related to your INSTITUTIONAL RESPONSIBILITIES that when totaled, exceeds \$5,000? (This includes, but is not limited to, patents or copyrights, assigned or licensed to a party other than The Regents?)

Note: DOE requires the disclosure of ALL income from IP interests. DOE investigators should disclose all IP income of \$5,000 or more in eCOI. Investigators should contact UC Davis COI (use of email address) to disclose IP income less than \$5,000.

PHS and other agencies only require the disclosure of income from patents or another intellectual property received from any organization that exceeds \$5,000 during the prior 12 months. Do not include royalties received from The Regents of the University of California related to patents or copyrights.




Note: DOE requires the disclosure of ALL income from IP Interests. DOE investigators should disclose IP income of \$5,000 or more in eCOI. DOE Investigators should contact UC Davis COI (dehlen@ucdavis.edu) to disclose IP income less than \$5,000.

PHS and other agencies only require the disclosure of income from patents or another intellectual property received from any organization that exceeds \$5,000 during the prior 12 months. Do not include royalties received from The Regents of the University of California related to patents or copyrights.

RESEARCH ADMINISTRATION FORUM Additional Changes to UC Davis eCOI



PHS/DOE (Public Health Service Sponsors and Department of Energy)
 Must be filed at time of proposal, annually, and/or within 30 days of acquiring a new outside financial interest.

Responsible for all consequences of persons after their responsibility for the design, conduct or reporting of the research is of PHS agency.












Research Compliance & Integrity, 06/18/2022

RESEARCH ADMINISTRATION FORUM

Questions?

