

Queen's University at Kingston ("Queen's") implementation of the  
 United States F (exdin-12(g)21CFR(Part 4008.4(b)8.4(lic)8.4(H)4.6(e)7(a)8.9)3.1(h)8.4(S

<p>Queen's Office of Administrative R(c)-114T14T14T14T14(14ge(ns)3(v)(c)-1b(c)-1l-7.7((c)-1)-4(y6 0 Td())TJMC9434M</p> <p>the purview of the Vice Principal (Research)              portfolio</p>	
<p><b>Designated Official</b></p>	<p>Executive Director, Research Operations and Strategy (or designate)</p>

In addition, regulation 2 CFR Part 200.303 imposes obligations on Queen's as follows:

Agency and, if required, make the information publicly available. Please read the disclosure and consent form carefully and see parts 3 & 4 below for more information regarding this.

You may opt out of complying with the Regulation, however this will mean that the Federal Award must be returned to the Federal Awarding Agency (if already received), or you must relinquish the grant if the Federal Award has not yet been received. The Federal Awarding Agency requires compliance by all recipients as a condition of any Federal Award and Queen's has no ability to remove this condition from the terms of the Federal Award.

The requirements of the Regulation only apply to funding applications / awards from a Federal Awarding Agency and are in addition to any Queen's established policies and procedures or collective agreement provisions regarding conflicts of interest.

## **Purpose**

The purpose of this implementing procedure is:

- (a) To clarify the Federal Awarding Agency's reporting requirements regarding reporting of Significant Financial Interests (SFI) by Investigators at Queen's;
- (b) To outline the process in compliance with the Federal Awarding Agency's requirements, by which the Designated Official confirms whether the SFI is connected to an Investigator's institutional responsibilities, and assesses whether it is a Financial Conflict of Interest (FCOI) for a project funded by the Federal Awarding Agency; and
- (c) To outline the Federal Awarding Agency's expectations of the Designated Official, Queen's and an Investigator in managing and reporting FCOIs to the Federal Awarding Agency, in order to comply with the Regulation.

## **Procedure**

1. Reporting by Investigators
2. Assessment and record-keeping by the Designated Official
3. Requirements Regarding Management and Reporting of a FCOI
4. Agency Requirements: Sub Contracting and Public Accessibility of Information
5. Non-Compliance
6. Definitions
7. Declaration by Investigator
8. Disclosure & Consent by Investigator

### **1. REPORTING BY INVESTIGATORS**

#### **1.1 Who Must Disclose:** All Investigators who are:

- x applying for and/or receiving funding from a Federal Awarding Agency; or
- x working as an Investigator on a project funded by a Federal Awarding Agency,

whether directly or through a subcontract, must disclose any SFI in writing to the Designated Official. See the Definitions section at part 6 to assist you in understanding what a Federal Awarding Agency considers to be a SFI.

In order to comply with the Federal Awarding Agency, Queen's requires disclosure of any SFI (including any SFI held by the Investigator's spouse or dependent children) to be made at the following times:

- (a) **Initial Disclosure:** the initial disclosure must:
  - (i) be made at least 30 days before the time of the application to the Federal Awarding Agency; or
  - (ii) at any time prior to the receipt of a Federal Award; and
  - (iii) include all SFI's in the 12 months preceding the application to the Federal Awarding Agency.
  
- (b) **Ongoing Disclosure:** In compliance with the Federal Awarding Agency directives, Queen's requires ongoing disclosure at the following periods:
  - (i) within 30 days of discovering or acquiring (including but not limited to a purchase; marriage; inheritance, etc.) a new SFI; and
  - (ii)

2.2 The review and determination noted above must be conducted by the Designated Official at the following times:

(a) prior to Queen's expenditure of any funds under a Federal Awarding Agency-funded research project. This means that your research account may not be authorized until after the Federal Awarding Agency's requirements on disclosure and assessment have taken place.

(b) within 60 days of disclosure, whenever, in the course of an ongoing Federal Awarding Agency-funded project, an Investigator or sub recipient Investigator who is new to participating in the project, discloses a SFI or an existing Investigator or sub recipient In

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- (a) incorporating, as part of the written agreement with sub recipient, terms that establish whether the Regulation as implemented at Queen's will apply, or whether the sub recipient has its own FCOI policy that will apply to the sub recipient's Investigators;
- (b) incorporating a provision whereby the sub recipient warrants that its FCOI policy complies with the Regulation and any other regulations or policies applicable to the Federal Awarding Agency, if the sub recipient





<b>Disclose</b>	An Investigator's disclosure of SFI's to Queen's.
<b>Financial Interest</b>	Anything of monetary value, whether or not the value is readily ascertainable.
<b>Federal Awarding Agency</b>	The Federal agency that provides a Federal Award directly to a non-Federal entity; where an "agency" is defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f) and includes each authority of the Government of the United States, whether or not it is within or subject to review by another agency
<b>Federal Award</b>	<p>Federal award has two definitions, which depend on the context of its use. Paragraphs (a) and (b) explain the context and define the term appropriately.</p> <ul style="list-style-type: none"> <li>a. (1) The Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in § 200.101 Applicability of the OMB Uniform Grant Guidance; or (2) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in § 200.101 Applicability of the OMB Uniform Grant Guidance.</li> <li>b. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of § 200.40 Federal financial assistance of the OMB Uniform Grant Guidance, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations. (c) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal government owned, contractor operated facilities (GOCOs). (d) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement.</li> </ul>
<b>Non-Federal entity</b>	A state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.
<b>Pass-Through entity</b>	Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
<b>Manage</b>	Taking action to address a FCOI, which may include reducing or eliminating the FCOI, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

## 7. DECLARATION

I have read and understood this Information Memorandum entitled "Queen's implementation of the United States Federal Awarding Agencies' Conflicts of Interest Policy in accordance with Regulations 2 CFR Part 200".

I make the following declaration (  I statements that apply):

- x If I am the Principal Investigator and I wish to opt out of compliance with the Federal Awarding Agency's Regulation. I hereby authorize Queen's to advise the Federal Awarding Agency / Prime Recipient that I am unable to accept the award and or to negotiate with the Federal Awarding Agency to replace Queen's Principal Investigator with a suitably qualified Investigator who is in a position to comply with the Regulation.
- x If I am not the Principal Investigator and I wish to opt out of compliance with the Regulation, I hereby authorize Queen's Designated Official to advise the Queen's Principal Investigator that I cannot take part in the Federal Awarding Agency-funded research project and I understand the full ramifications of this choice.
- x I agree to comply with the Regulation and will complete /have completed the following disclosure and consent form(s) (delete as necessary):
  - x Disclosure & Consent Form on behalf of myself; my spouse and/or dependent child(ren);
- x I understand and acknowledge that in addition to my obligations to the Federal Awarding Agency, Queen's University also has obligations to the Federal Awarding Agency as set out in this document in relation to the Federal Award for which I am the Investigator.
- x If I am the Principal Investigator under the Federal Award (for Agency-funded research conducted at Queen's) I advise I have provided a copy of this Information Memorandum to the following Investigators (as that terms are defined by the Agency) at Queen's, involved in the Federal Awarding Agency-funded research. Additionally, I confirm that I have instructed each Investigator to return their signed documentation directly to the Queen's Designated Official.

I understand this is an ongoing requirement and the Information Memorandum must be provided to any new Investigator during the term of the Federal Awarding Agency-funded research project.

The names of the Investigators