

## San José State University Research Foundation Office of Sponsored Programs

### Guidelines for Completing the Financial Conflict of Interest (FCOI) – 1 Disclosure Form For Use with NSF, NASA, and PHS-funded Agencies Only

This form is required by federal regulations. Investigators, including PI, Co-PIs, and other investigators identified by SJSU or a subrecipient must provide the requested information (regarding themselves and members of their immediate family). The investigator must disclose significant financial interests in order to allow the institution to identify potential conflicts that might arise in the conduct of proposed research. Significant financial interest in another entity beyond SJSU and SJSU Research Foundation could influence decision-making by the investigator, and thereby introduce bias to the design, conduct, and reporting of research performed under NSF and PHS-grants or cooperative agreements.

You are not required to disclose any significant financial interests that are clearly unrelated to your proposed research or institutional responsibilities. Examples of financial interests that might cause you to disclose are ownership of a business that produces products related to your research or stock holdings in a potential subcontractor's business. Home ownership and other investments unrelated to your research normally do not represent a significant financial interest as defined by the law.

In your consideration of disclosure, your professional responsibility must be your guide. If you have information that requires disclosure, be as complete as possible in your disclosure. The information you provide will remain confidential. If you have indicated on the form that you do not have significant financial interests in or from an entity, sign the form and attach it to your proposal.

#### Definitions

A *potential financial conflict of interest* occurs when there is a divergence between an individual's private interests and his/her professional obligations to the university (or research sponsor) such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

An *actual financial conflict of interest* depends on the situation and not on the character or actions of the individual. A financial conflict of interest exists when the institution, through its designated official(s), reasonably determines that an investigator's significant financial interest is related to an NSF or PHS-funded research project and could directly and significantly affect the design, conduct or reporting of the NIH-funded research.

#### Frequently Asked Questions

**Q:** What happens to information I disclose?

**A:** The disclosure is reviewed by the associate vice president for research to determine whether there is a financial conflict of interest.

**Q:** If a financial conflict of interest is determined, do I have a chance to challenge the conclusion?

**A:** Yes, a dialogue with the associate vice president for research will occur immediately.

**Q:** If the conclusion is sustained, then what happens?

**A:** The associate vice president for research will work with you to develop a management plan that will also be approved by your college chair and dean. Such a management plan may take any reasonable form that provides assurance that significant financial interests are unlikely to interfere with decisions regarding the proposed research. The plan will go into effect at the time of award, prior to the expenditure of any funds. Several resolution plan options are explained in the university's Conflict of Interest Policy (S99-11).

The university's Conflict of Interest Policy (S99-11) has been approved by the Academic Senate. For a complete copy, please contact your Research Foundation Pre-Award manager.

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Investigator Name:

Department and College:

Project Title:

Proposed Sponsor:

Investigator Type:

Do you have any financial conflict of interest(s) to disclose?                      Yes                      No

If **yes**, complete the information below and the [Addendum to the Financial Conflict of Interest Disclosure Form](#).

I am disclosing the following significant financial interest or other potential conflict of interest related to the entity funding the project or the entity involved with the project as described above and below.

**Note:** Responses should include the investigator, spouse, and any dependent children.

Name of Entity:

Address of Entity:

Principal Business of Entity:

Is this a publicly traded entity?                      Yes                      No

Are you a director, officer, partner, trustee, or employee of the entity?                      Yes                      No

Do you have an investment of \$1,000 or more in the entity?                      Yes                      No

Do you hold an equity position of 5% in the entity?                      Yes                      No

Have you received income of \$250 or more, or gifts valued at \$50 or more from the entity?  
(Excludes income received from the entity for a current or previously funded project.)                      Yes                      No

Have you received a loan from the entity for which the outstanding balance exceeded \$250 in the past 12 months?                      Yes                      No

Do you have an interest in any intellectual property rights belonging to the entity?                      Yes                      No

For publicly-traded entities, does the value of any remuneration received in the 12 months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceed \$1,000?                      Yes                      No

(For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value).

