

	<b>POLICY</b>	<b>Document No.</b>	POL-0019
	<b><i>TISSUETECH RESEARCH FINANCIAL CONFLICT OF INTEREST (FCOI) POLICY AND PROCEDURES MANUAL</i></b>	<b>Effective Date</b>	05/04/2021
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## 1. Purpose

This Policy and Procedure Manual is established by TissueTech, Inc. (“TissueTech”) to meet or exceed the regulatory requirements for federally-funded grants or cooperative agreements at 42 CFR Part 50 Subpart F, Promoting Objectivity in research, and the FCOI Contract Regulation provided at 45 CFR Part 94, Responsible Prospective Contractors.

TissueTech promotes objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research funded under NIH grants or cooperative agreements will be free from bias resulting from Investigator financial conflict of interests.

## 2. Applicability

The policy and procedures in this Manual apply to TissueTech’s Investigators as TissueTech applies for and receives NIH research funding by means of a grant or cooperative agreement. This Manual applies to each Investigator of TissueTech who is planning to participate in, or is participating in NIH-funded TissueTech research, regardless of whether the Investigator is an employee or not (unless a subrecipient is applying their own FCOI policy per section 4.6 below).

This Manual, however, does not apply to Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Phase I applications/awards.

## 3. Key Definitions

- **Investigator** (42 CFR 50.603) is defined as the Project Director or Principal Investigator (PD/PI) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by the NIH, or proposed for such funding, which may include, for example, collaborators or consultants.
- **Research** (42 CFR 50.603) is defined as a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug). As used in this subpart, the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority.

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- **Institutional Responsibilities:**

means an Investigator's professional responsibilities on behalf of TissueTech, including, but not limited to, activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards.

- **Financial Interest:**

Means anything of monetary value, whether or not the value is readily ascertainable.

- **Significant Financial Interests (SFI)** is defined as:

(1) A financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to be related to the Investigator's institutional responsibilities:

(i) With regard to any publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. 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;

(ii) With regard to any non-publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or

(iii) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

The requirement to disclose includes financial interests received from a foreign entity. This requirement is distinct and in addition to the reporting of other support and foreign components to the NIH.

(2) Each Investigator also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be

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readily available), related to their institutional responsibilities, provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education. This disclosure will include, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and monetary value. TissueTech official(s) will determine if further information is needed in order to determine whether the travel constitutes an FCOI with the PHS-funded research.

**SFI Exclusions:**

The term SFI does not include the following types of financial interests:

- Salary, royalties, or other remuneration paid by TissueTech to the Investigator if the Investigator is currently employed or otherwise contracted by TissueTech;
  - Intellectual Property Rights assigned to TissueTech and agreements to share in royalties related to such rights;
  - Any ownership interest in TissueTech held by the Investigator;
  - Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
  - Income from seminars, lectures, or teaching engagements sponsored by a federal, state or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute affiliated with an Institution of higher education; or
  - Income from service on advisory committees or review panels for a Federal, state or local government agency, Institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an Institution of higher education.
- **Financial Conflict of Interest (FCOI)** means:  
A Significant Financial Interest (SFI) that could directly and significantly affect the design, conduct, or reporting of NIH-funded research.
  - **Manage** means:  
Taking action to address an FCOI, which can 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.

**Senior/key personnel** means:

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The Project Director/Principal Investigator (PD/PI) and any other person identified as senior/key personnel by TissueTech in the grant application, progress report, or any other report submitted to the NIH by TissueTech under the regulation.

#### **4. Financial Conflict of Interest (FCOI) Policy/Procedure in Conducting NIH Sponsored Research**

##### **4.1. Training**

**4.1.1.** All NIH-funded Investigators must complete training relating to Financial Conflict of Interest as follows:

- Initial Training (or when a new investigator joins)- Each Investigator, prior to engaging in research related to any NIH-funded grant will immediately be provided:
  - a copy of TissueTech’s “NIH Financial Conflict of Interest Policy and Procedure Manual”
  - a copy of the current Financial Conflict of Interest Regulation, Promoting Objectivity in Research (42 CFR Part 50, Subpart F), and
  - he/she must also complete a training course on FCOI regulations.
- Every 4 Years after the Initial Training, the Investigator who plans to participate or participates in an NIH-funded project needs to complete a refresher training course on FCOI and the FCOI Policy/Procedure Manual.
- If TissueTech revises its FCOI policy and procedures in any manner that affects the requirements of Investigators, the revised policy will be provided to each Investigator immediately and Investigators educated on the revised section(s) in particular.
- When an Investigator is not in compliance with the policy or management plan, a full and thorough training of this FCOI policy is required immediately as part of the remedy.

**4.1.2.** Training will be documented via MasterControl and approved by the FCOI Official or designee.

##### **4.2. Disclosure of Significant Financial Interests**

**4.2.1.** Each Investigator must disclose their known SFIs (and those of the Investigator’s spouse and dependent children) that:

- reasonably appear to be related to the Investigators Institutional responsibilities, or that would reasonably appear to be affected by the

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research for which funding is sought or are in entities whose financial interests would reasonably be affected by the research, and

- any reimbursed or sponsored travel related to the Investigator’s institutional responsibilities.

4.2.2. The calculation of interests that should be disclosed includes the aggregated amounts, values and holdings of financial interests of the Investigator and his/her spouse and dependent children. The Investigator is not required to disclose income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles.

4.2.3. In determining whether a financial interest has to be disclosed, the investigator shall consult the definition of SFI within this policy, and, if in doubt, resolve in favor of disclosure.

4.2.4. Disclosure of SFI must be completed at the time points defined below:

- Before the competitive application submission for NIH-funded Research.
- Annually (during the period of an award for an NIH-funded project) each Investigator who participated in the project is required to update the status of any previously disclosed SFIs (e.g., the updated value of a previously disclosed equity interest), as well as any information not previously disclosed.
- Within 30 days of discovering or acquiring a new SFI (through purchase, marriage or inheritance, etc.), the Investigator is required to disclose such SFI.

4.2.5. Disclose SFI using FORM-0467, Financial Conflict of Interest (FCOI) Disclosure Form. The completed form shall be provided to TissueTech’s designated reviewing official.

**4.3. Determination, Resolution, and Management of a Conflict of Interest**

4.3.1. Prior to TissueTech’s expenditure of funds under a PHS-funded research project, or within 60 days of receipt (for newly reported or not timely reported disclosures), the designated TissueTech FCOI Official/designee shall review/evaluate the disclosure (FORM-0467) to determine if the financial interests disclosed meet the definition of the Significant Financial Interests, defined above.

4.3.2. If the financial interests disclosed are determined to be significant, the FCOI Official will determine if the SFI disclosed is related to the specific research project funded by the NIH.

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- An SFI is related to NIH-funded research when the designated Official reasonably determines that the SFI could be affected by the research; or the SFI is in an entity whose financial interests could be affected by the research. TissueTech may involve the Investigator in the determination of whether an SFI is related.

4.3.3. If the SFI disclosed by an Investigator is determined to be related to a funded NIH project, the FCOI Official/designee will determine if a Financial Conflict of Interest exists.

4.3.3.1. The factors to be considered include whether the value of the SFI could directly and significantly be affected by changes made to the design of the research project or the conduct of the Investigator, and the reporting of the research results.

4.3.3.2. A FCOI exists when TissueTech’s designated official(s), reasonably determines that an SFI could directly and significantly affect the design, conduct, or reporting of NIH-funded research and the investigator is no longer free from the bias of research results.

4.3.4. If a FCOI is identified, the FCOI Official is required to develop and implement a management plan to eliminate or sufficiently mitigate the SFI until the completion of the research.

4.3.4.1. The following are examples of conditions that may be imposed to mitigate the SFI:

- Public disclosure of SFIs, including disclosure on manuscripts submitted for publication, on abstracts and posters submitted for presentation, and on informed consent documents
- Monitoring of the research by independent reviewers
- Modification of the Research
- Disqualification from participation in all or a portion of the activities that could be affected by the FCOI
- Divestiture or reduction of the SFI
- Severance of relationships that create actual or potential conflicts

4.3.4.2. The key elements of the management plan include:

- Role and principal duties of the conflicted Investigator in the research project;
- Conditions of the management plan;
- How the management plan is designed to safeguard objectivity in the research project;

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- Confirmation of the Investigator’s agreement to the management plan;
- How the management plan will be monitored to ensure Investigator compliance; and
- Other information as needed.

4.3.5. If compliance to the FCOI management plan cannot be enforced (or the investigator does not agree to the management plan), the Investigator will be subject to enforcement mechanisms and sanctions or other administrative actions, including reduction or elimination of the Investigator’s role in the research as the FCOI Official determines to be appropriate.

#### **4.4. FCOI Reporting to NIH**

4.4.1. The TissueTech FCOI Official/designee shall notify NIH of any identified FCOI.

4.4.2. Reports to NIH must be submitted on the following occasions:

- Prior to the expenditure of funds (if the FCOI is eliminated prior to submission to the initial report, no FCOI report is needed)
- Within 60 days of identification for an Investigator who is newly participating in the project; or,
- Within 60 days for new, or newly identified, FCOIs for existing Investigators; or,
- At least annually (at the same time as the annual progress report, multi-year progress report, if applicable, is submitted; or at the time of extension) to address the status of the FCOI and any changes to management plans for FCOIs previously reported; or
- Following a retrospective review to update a previously submitted report, if appropriate.

4.4.3. All reports are submitted through NIH eRA Commons FCOI Module. It is the reporting tool for submitting FCOI reports for grants and cooperative agreements.

4.4.3.1. The TissueTech Signing Official is authorized to assign FCOI roles to manage FCOI reporting. The assigned role can initiate edit, submit, revise, view and delete records and documents according to the assigned authority.

4.4.4. Elements of an FCOI Report include:

- Grant number;

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- PD/PI or contact PD/PI;
- Name of Investigator with the FCOI;
- Name of the entity with which the Investigator has an FCOI;
- Nature of FCOI (e.g., equity, consulting fees, travel reimbursement, honoraria);
- Value of the financial interest \$0-4,999; \$5K-9,999; \$10K-19,999; amounts between \$20K-100K by increments of \$20K; amounts above \$100K by increments of \$50K or a statement that a value cannot be readily determined;
- A description how the financial interest relates to NIH-funded research and the basis for the Institution's determination that the financial interest conflicts with such research; and
- Key elements of the Institution's management plan.

#### **4.5. Monitoring Compliance**

4.5.1. TissueTech will notify NIH promptly if an Investigator fails to comply with this FCOI policy or the management plan.

4.5.1.1. If an Investigator fails to comply with this FCOI policy or a management plan, the NIH Awarding Component shall be promptly notified (through the eRA Commons) and a Noncompliance Report shall be submitted.

4.5.1.2. In the Noncompliance Report, the implementation of the corrective action has to be properly documented.

4.5.2. If SFIs are determined to not have been disclosed in a timely manner, or were not previously reviewed, or whenever an FCOI is not identified or managed in a timely manner, a retrospective review of the Investigator's activities and PHS-funded research project must be completed and documented by the FCOI Official/designee within 120 days of the determination of noncompliance.

4.5.2.1. The review shall assess whether any PHS-funded research conducted during the time period of noncompliance, was biased in design, conduct or reporting of such research.

4.5.2.2. Documentation of the key elements of a retrospective review shall include:

- Project number;
- Project title;
- PD/PI or contact PD/PI if a multiple PD/PI model is used;
- Name of the Investigator with the FCOI;

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- Name of the entity with which the Investigator has an FCOI;
- Reason(s) for the retrospective review;
- Detailed methodology used for the retrospective review (e.g., methodology of the review process, composition of the review panel, documents reviewed);
- Findings and conclusions of the review.

4.5.2.3. If results of the retrospective review warrant, update previously submitted FCOI report.

4.5.2.4. If bias is found through retrospective review, notify the NIH Awarding Component promptly (through the eRA Commons) and submit a Mitigation Report. Mitigation Report shall include:

- Key elements documented in retrospective review
- Description of the impact of the bias on the research project
- Plan of action(s) to eliminate or mitigate the effect of the bias
- Thereafter, submit FCOI reports annually.

4.5.3. If NIH determines that an NIH-funded research project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with an FCOI that was not managed or reported as required, the Investigator shall be required to:

- Disclose the FCOI in each public presentation of the results of the research, and
- Request an addendum to previously published presentations.
- Provide the evidence of compliance to the FCOI Official.

#### **4.6. Subrecipients**

4.6.1. TissueTech will incorporate as part of a written agreement, terms with the subrecipients of the NIH awards that establish whether the FCOI policy of TissueTech or that of the subrecipient's Institutions will apply to subrecipient Investigators, and include time periods to meet SFI disclosure, if applicable, and FCOI reporting requirements.

4.6.1.1. Subrecipient shall certify as part of the agreement that its policy complies with FCOI requirements. At TissueTech's choice, the subrecipient may provide a certification of compliance to meet this requirement.

4.6.2. Subrecipient Institutions of TissueTech, who rely on their own FCOI policy, must:

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4.6.2.1. Certify as part of the agreement with TissueTech that their policy complies with 42 CFR 50 subpart F or the agreement shall state that subrecipient investigators are subject to TissueTech’s FCOI policy for disclosing SFI that are directly related to the subrecipient’s work for TissueTech.

4.6.2.2. Report identified FCOIs to TissueTech in sufficient time to allow TissueTech to report the FCOI to NIH (through the eRA Commons FCOI Module) to meet FCOI reporting obligations.

#### **4.7. Public Accessibility**

4.7.1. TissueTech’s FCOI Policy shall be made publicly accessible by posting on the TissueTech website.

4.7.2. Prior to the expenditure of funds under a NIH-funded research project, the TTI FCOI Official or designee shall ensure public accessibility (via publicly accessible website or via written response within 5 business days of request) of information concerning any FCOI disclosed by Senior/Key Personnel.

4.7.2.1. Information to be made publicly available includes:

- Investigator’s name
- Investigator’s title and role with respect to the research project;
- Name of the entity in which the SFI is held;
- Nature of the SFI (e.g., equity, consulting fees, travel reimbursement, honoraria, etc.); and
- Approximate dollar value of the SFI (dollar ranges are permissible: \$0-\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through references to public prices or other reasonable measures of fair market value.

4.7.2.2. Information made publicly available via website shall be updated at least annually and within 60 days of a newly identified FCOI.

4.7.2.3. The website shall note that the information is current as of the date listed and is subject to updates on at least an annual basis and within 60 days of TissueTech’s identification of a new FCOI. Written responses shall have the same statement, however, subsequent updates must be requested by the requestor.

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#### **4.8. Record Retention**

- 4.8.1. All FCOI-related records shall be maintained for at least 3 years from the date the final expenditures report is submitted to NIH or, where applicable, from other dates specified in 45 C.F.R. 74.53(b) and 92.42 (b) for different situations.
- 4.8.2. The designated FCOI Official or designee must maintain records relating to:
- all Investigator disclosures of financial interests
  - TissueTech’s review of, and response to, such disclosures (whether or not a disclosure resulted in TissueTech’s determination of a FCOI)
  - all actions under TissueTech’s policy or retrospective review, if applicable,
- 4.8.3. The designated FCOI Official or designee must make information available promptly upon request by the NIH relating to any Investigator disclosure of financial interests and TissueTech’s review of and response to such disclosure, whether or not the disclosure results in TissueTech’s determination of an FCOI.