

Avoidance of financial conflicts of interest in research projects at DESY with project funding with US reference

Preamble

In the case of project funding of projects at the Deutsches Elektronen-Synchrotron (hereinafter referred to as "DESY") that receive grants from US funding institutions such as the National Science Foundation (NSF) or the National Institute of Health (NIH), possible financial conflicts of interest of the project participants must be disclosed and verifiably recorded by DESY.

The present guideline for the avoidance of financial conflicts of interest in project funding with a US connection (hereinafter referred to as "guideline") regulates the services to be provided by DESY participants and the information regarding financial interconnections that DESY must collect and provide in order to fulfil the requirements according to the US funding institutions.

1. Scope of application

- 1.1. This guideline is binding for all participants of the Deutsches Elektronen-Synchrotron DESY (hereinafter referred to as "DESY") who are involved in projects with a US connection, especially in the case of US funding (hereinafter referred to as "project participants").
- 1.2. If potential project collaborators reject the regulations applicable here, they cannot collaborate in the project.

2. Applicable Legal Provisions

- 2.1. In addition to this policy, project staff must also comply with the relevant US requirements, such as those of the NSF and NIH, which are set out in the NSF Proposal and Award Policies and Procedures Guide and the NIH Grants Policy Statement.
- 2.2. For NSF projects, the guidelines on financial conflicts of interest in the NSF proposal must be followed; for NIH projects, the US guidelines on financial conflicts of interest must be followed, 42 Code of Federal Regulation Part 50 Subpart F.

3. Relevant financial conflicts of interest

- 3.1. A financial conflict of interest is defined as the presence of assets, income or sponsored travel of
 - project staff,
 - their partners, or
 - their children under parental care

that are substantively related to the project that is to receive U.S. funding or that could influence the planning, implementation and publication of the project's results.

- 3.2.** Financial interests arising from a contractual relationship with DESY are excluded from this regulation
- 3.3.** Compensation from teaching or consulting activities for the benefit of public or non-profit institutions is also excluded.

4. Reporting obligations

- 4.1.** Applications for US-related project funding require the prior approval of the Executive Board.
- 4.2.** Applications for project funding with a US connection must also be reported in advance to the responsible office at DESY (here: Compliance Officer).
- 4.3.** Project employees must disclose all financial interests that could be designated as financial conflicts of interest according to this guideline (see 3.) to the responsible office at DESY (here: Compliance Officer).

5. Internal process: Declaration of financial interests

- 5.1.** At the beginning of the project and at the time of project extension, the project staff members declare whether and which financial interests exist according to Chapter 3 of this guideline by means of the "disclosure form of financial interests" (hereinafter: "disclosure form") developed for this purpose according to US specifications.
- 5.2.** Should financial interests arise during the term of the project, the project team members must report these to the responsible office (here: Compliance Officer) within 30 days using the disclosure form.
- 5.3.** The declarations of financial interests made by project staff (completed disclosure form) will be treated confidentially. These declarations of financial interests of project staff members may be disclosed by the competent body (here: Compliance Officer), the Management Committee and a designated representative of the Management Committee whose involvement is indispensable for the completion of operational steps.
- 5.4.** If a conflict of interest is identified (see chapter 6), the declarations can be disclosed to the authorised US agencies.
- 5.5.** The office responsible at DESY (here: Compliance Officer) keeps the declarations made regarding financial interests for at least three years after completion of a project.

6. Procedure in case of financial conflicts of interest

- 6.1. If financial interests are reported (declaration made by project employees), the office responsible at DESY (here: Compliance Officer) immediately informs the Directorate. If the Directorate comes to the conclusion that the objectivity within the framework of the project work is impaired due to the reported financial interests, a financial conflict of interest exists. The office responsible at DESY (Compliance Officer) shall report the financial conflict of interest to the responsible US offices within 60 days after the Directorate has determined the financial conflict of interest.
- 6.2. The Management Committee shall instruct the project staff member to regulate, reduce or eliminate the financial conflict of interest and to report on this within 60 days.
- 6.3. If the Directorate comes to the conclusion that the financial conflict of interest has been sufficiently regulated, reduced or eliminated, the office responsible at DESY (here: Compliance Officer) shall report this to the responsible US offices in accordance with 6.1.
- 6.4. If the Directorate comes to the conclusion that the objectivity in the participation in the project continues to be impaired due to the financial conflict of interest or if project members do not comply with the reporting obligation, the office responsible at DESY (here: Compliance Officer) shall inform the responsible US offices according to 6.1 and the DESY Directorate shall take the necessary measures. Possible measures are the exclusion of individual project staff members or premature termination of the project.

7. training obligation regarding financial conflicts of interest

- 7.1. Before the start of the project, the project staff must participate in an appropriate web-based training on financial conflicts of interest, such as the "FCOI Online Tutorial".
- 7.2. Project staff must repeat the training at least every four years and confirm their participation in writing to the competent body (here: Compliance Officer) using the "Certificate of Completion" form.

8. procedures for DESY as Main Awardee

- 8.1. If DESY carries out a relevant US project as Main Awardee, DESY obligates the participating universities (Sub Awardees) to comply with the US requirements in the NSF Grant Policy Manual, Section 510, or the 42 Code of Federal Regulation Part 50 Subpart F (NIH).
- 8.2. To this end, participating universities must have their own financial conflict of interest policies that meet the requirements of Chapter 2 of this policy. Participating universities undertake to report existing financial conflicts of interest in connection with a project to the office responsible at DESY (here: Compliance Officer) within 30 days of becoming aware of them. The Compliance Officer

will inform the Directorate and will notify NSF's Office of the General Counsel or the Chief Grants Management Officer of NIH. 8.3.

- 8.3.** In the event that a participating university does not have sufficient regulations, it may adopt the regulations of these guidelines from DESY for the project. Participating universities agree to report existing financial interests related to a U.S. project to the appropriate DESY office within 30 days of becoming aware of them. The procedure shall be in accordance with this policy.
- 8.4.** The participating universities shall confirm to DESY in writing, using the Subrecipient Financial Conflicts of Interest Certification Form, which of the options described under 8.2. and 8.3. apply to them.

9. Final provision

This guideline is used by decision of the DESY Directorate as a provisional basis with immediate effect to regulate possible financial conflicts of interest. The guideline shall initially apply until the end of the year 2023 and shall be extended by one year at a time if it is not amended.