



DOE Interim COI Policy

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DOE Interim COI Policy objectives:

“The interim COI policy establishes standards that provide a reasonable expectation that the design, conduct, and reporting of projects wholly or in part funded under DOE financial assistance awards (e.g., a grant, cooperative agreement, or technology investment agreement) will be free from bias resulting from financial conflicts of interest or organizational conflicts of interest.”

DOE created an interim policy

- Goes into effect June 18
- Similar to PHS policy
- Process will follow current COI process
- Policy link:

<https://www.energy.gov/management/financial-assistance-letter-no-fal-2022-02>

JUNE 18 Deadline Applies to...

- All funding opportunity announcements (FOAs) issued on or after June 18
- Mods to FOAs on or after June 18
- Awards selected non-competitively on or after June 18

What does this apply to?

- Federal financial assistance awards (grants, cooperative agreements)
- Includes both DOE and the National Nuclear Security Administration (NNSA)
- Does not include the Labs

What you will see in FOA:

[FOA Section] Part VI:

[FOA section #] Interim Conflict of Interest Policy for Financial Assistance

a. Policy

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at [Link to FAL]. This policy is applicable to all non-Federal entities applying for, or that receive, DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. DOE's interim COI Policy establishes standards that provide a reasonable expectation that the design, conduct, and reporting of projects funded wholly or in part under DOE financial assistance awards will be free from bias resulting from financial conflicts of interest or organizational conflicts of interest. The applicant is subject to the requirements of the interim COI Policy and within each application for financial assistance, the applicant must certify that it is, or will be by the time of receiving any financial assistance award, compliant with all requirements in the interim COI Policy.

What you will see in T&C:

[Term #] Interim Conflict of Interest Requirements for Financial Assistance

a. Policy

The DOE interim Conflict of Interest Policy for Financial Assistance (COI Policy) can be found at [\[Link to FAL\]](#). The interim COI Policy is applicable to all non-Federal entities that receive DOE funding by means of a financial assistance award (e.g., a grant, cooperative agreement, or technology investment agreement) and, through the implementation of this interim COI Policy by the entity, to each Investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOE financial assistance award. The interim COI Policy establishes standards that provide a reasonable expectation that the design, conduct, and reporting of projects funded wholly or in part under DOE financial assistance awards will be free from bias resulting from financial conflicts of interest or organizational conflicts of interest. The Recipient is subject to the requirements of the interim COI Policy, and the Recipient must certify that it is compliant with all requirements in the interim COI Policy. The Recipient must flow down the requirements of the interim COI Policy to any subrecipient non-Federal entities.

b. Additional Requirements (optional)

The Recipient is required to disclose, manage, and report conflicts of interest as per the DOE interim COI Policy. In addition, the Recipient is required to:

What does this policy require?



The new policy requires...

- Must submit a disclosure annually
- Must update a disclosure within 30 days of acquiring a new interest
- Training about these policies every four years or:
 - There are revision to policies
 - Investigator is new to UCB
 - Investigator is in non-compliance

What is disclosed...

A **significant financial interest** related to the investigator's institutional responsibilities including:

- If publicly traded entity, total value of remuneration and equity interest (including stock, stock options, and other ownership interests) > \$5,000 over the past 12 months
- If non-publicly traded entity, total value of remuneration > \$5,000 or any equity interest (including stock, stock options, and other ownership interests) over the past 12 months
- Income received over the past 12 months related to intellectual property > \$5,000 (excluding intellectual property owned by the UC)
- Any reimbursed or sponsored travel (excluding (1) travel that is reimbursed or sponsored by a US Federal, state, local government agency, a domestic Institution of higher education or a domestic research institute affiliated with an Institution of higher education; and (2) sponsored or reimbursed travel for the Investigator's spouse/registered domestic partner and/or dependent children)

What are institutional responsibilities?

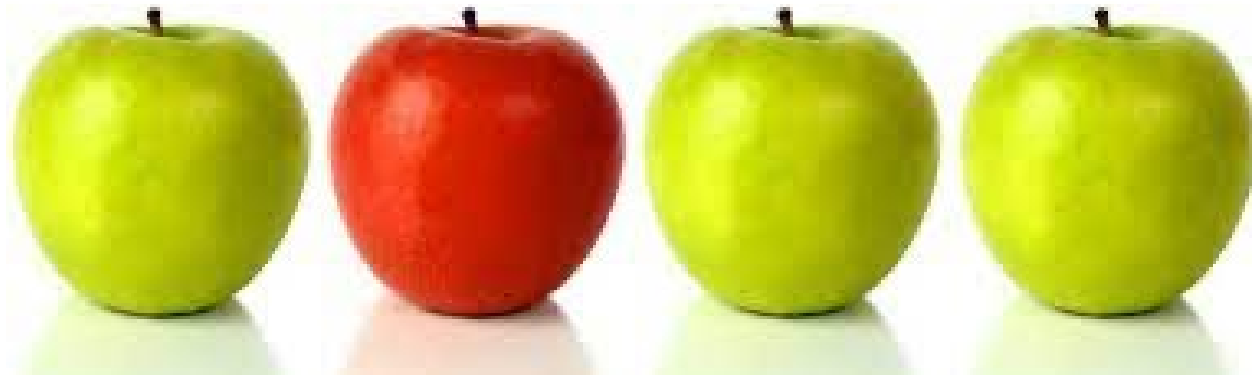
The interests related to *institutional responsibilities*:
activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards.

What is not an SFI?

Significant Financial Interest (SFI) **does not include:**

- salary, royalties, or other remuneration paid by UCB to the Investigator if the Investigator is currently employed or otherwise appointed by UCB, including intellectual property rights assigned to UCB and agreements to share in royalties related to such rights;
- income from seminars, lectures, teaching engagements, or service on advisory committees or review panels sponsored by a Federal, state, or local government agency of the United States, a domestic Institution of Higher Education, or a domestic research institute that is affiliated with a domestic Institution of Higher Education
- 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

What is unique about this policy?



A broad definition...

- Significant Financial Interest (SFI) applies to financial interest and *financial relationship*
- FCOI... affect the design, conduct, reporting or *funding* of a project.
- FCOI... affect the *purpose*, design, conduct, or reporting of the project funded under a DOE award.

What else?

- Includes Organizational COI
- No de minimus for travel reporting (governmental or UCB travel excluded from reporting)
- COI disclosure requires certification statement

DOE Certification

DOE: I understand that this Disclosure is required to obtain funding from the U.S. Government. I, [**Full Name and Title**], 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. 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.

New DOE COI Process



The DOE policy requirements that guide the process:

- Disclose SFIs no later than the time of application for the DOE award.
- Funds cannot be released until the disclosure and training are approved and completed
- Disclose annually and within 30 days of a new SFI
- Sub-awardees involved in a DOE project must certify they are compliant with these requirements. Policy requires that we flow down the terms.
- DOE requires a specific attestation that must be included in disclosure forms.

UCB DOE Process in a nutshell



- Initial question in Phoebe Proposal
- If yes (positive), then those investigators submit DOE Disclosure Form
- Annual screening question asked to check for new investigators, SFIs
- Annual submission of DOE for positive investigators
- Updates of new SFIs within 30 days

Phoebe Question:

The PI is responsible for answering “Yes” or “No” to the following question on behalf of all UC Berkeley personnel (including the PI) who meet the definition of investigator and are involved in the proposed project.

Do you, your spouse, your registered domestic partner and/or your dependent child(ren) have any of the following financial interests related to your institutional responsibilities?

- Receipt of income or other payment for services over the past 12 months from and/or equity interest(s) in a publicly traded entity totaling more than \$5,000
- Receipt of income or other payment for services over the past 12 months from a non-publicly traded entity totaling more than \$5,000
- Any equity interest(s) in a non-publicly traded entity, regardless of value
- Receipt of payments for any intellectual property rights and interests (e.g., from patents, copyrights assigned to any entity other than the Regents) totaling more than \$5,000
- Reimbursed or sponsored travel (excluding U.S. governmental agencies or U.S. institution of higher education)

Did any UC Berkeley investigator involved in this proposed project (including the PI) answer “Yes” to the above question?

If yes, please list the individuals who meet the definition of investigator on this project who answered “Yes.”

If yes, fill out the new DOE Disclosure Form...

The form will be similar to PHS and will be available on the Research COI website
(<https://researchcoi.berkeley.edu/>)

Screening Question form will include DOE

The form will be collected at award stage and annually.

If positive, the DOE Disclosure Form will be required.

The Research COI website...



The new DOE pages will include:

- the new DOE Disclosure Form
- information on the DOE interim policy
- guidance on the process
- UC policy to reflect DOE interim policy

Questions?





THANK YOU

Berkeley
UNIVERSITY OF CALIFORNIA