In instances where there is an organizational conflict or the existence of conflicting roles that might bias judgment as in the case of working with Family Members, the following management plan will help to address any existing or perceived biases.

The Code of Federal Regulations[[1]](#footnote-1) defines Family Members as any individual with any of the following relationships to another party:

1. Spouse, and parents thereof;
2. Children, and spouses thereof;
3. Parents, and spouses thereof;
4. Siblings, and spouses thereof;
5. Grandparents and grandchildren, and spouses thereof;
6. Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and
7. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
8. **Ownership Interests**

All JMU employees have the responsibility to disclose a spouse/partner or Family Member owned company that seeks to engage in collaborative research or any other project with JMU.

Significant COI risks are involved whenever a Family Member is expected to perform a part of the project as a contract employee or contractor (non-university employee), or when a subcontract or subaward is anticipated with the Family Member-owned company.

**Management Strategies:**

In the case of ownership interests that present conflicts, a management plan needs to include the following at a minimum:

* A plan that outlines the independent oversight of the work to be conducted by the Family Member-owned business other than by the Family Member disclosing the COI. This would include any oversight for reimbursement, completion of deliverables, and supervision of any personnel.
* If the project itself is funded by a family-member’s company, the JMU employee cannot be the sole PI. Therefore, the management plan would need to identify another JMU individual who can serve as Co-PI and is willing to take on the duties of independent oversight.
* Additional management strategies may be required depending on the situation, including the possibility of not proceeding with the subcontract if adequate independence cannot be achieved.
1. **Reporting Structure:**

Conflicts can arise with respect to reporting structure such as where an employee’s spouse/partner or Family Member is involved in the same project or lab. State law and university policy specifically prohibit an employee from directly supervising their spouse or immediate Family Member.[[2]](#footnote-2)

In the case of reporting relationships that present conflicts, a management plan needs to include the following at a minimum.

**Management Strategies:**

* A management plan must outline an alternative reporting structure and oversight for all financial transactions for the spouse and any other immediate Family Member. An organizational chart can be attached to the management plan showing the alternative reporting structure. Alternative supervisor should be of equal or higher rank than the individuals involved, preferably the department head. The individual must be able to supervise and sign off on the quality of the work, attendance, and manage any personnel issues that might arise including remuneration.
* If the Family Member is to be reimbursed from the project or receive any direct remuneration such as a contract, procurement or subaward, then a mechanism shall be established such that an independent person, of equal or higher rank than the PI, must approve any payments to the Family Member’s company or organization. Ideally this individual would be the same as the person supervising the technical progress of the project. This individual is often the department head, but can be another independent Co-PI of equal or higher rank than the PI who may be already on the project (with the approval of the department head). The Co-PI or individual providing the described fiscal oversight will be added as a signatory for authorization of financial transactions.

**Employee Discloser Information:** Please complete the sections below. The information provided will be shared with the Conflict of Interest (COI) Committee for review. Additional information *may* be requested from you before the management plan can be approved.

Name: Title/Rank

Department:

Email Address:

|  |
| --- |
| **Conflict Scenario**: *(to be completed by Employee Discloser for COI Committee review)* |
| Describe the outside activity, employment, interest, or relationship that creates an actual, potential, or perceived conflict of interest. Include the employee’s level of involvement and how or where the situation might impact the employee’s university responsibilities.Describe in detail the nature of the conflict; *Ownership Interest* or *Reporting Structure*Include the family member’s company name, name and role of family member and justification for use of services from Family-Member’s business or Family Member’s involvement in university project. |

|  |
| --- |
| **Actions to Manage or Reduce Potential Conflicts**: *(to be completed by Employee Discloser for COI Committee review)* |
| Describe in detail the Management Strategies that will be utilized to mitigate the COI, and explain how these oversight mechanisms are intended to address the potential conflict(s). |

**Fiscal Oversight Co-PI**: An individual must be named as a Co-PI on the project for fiscal responsibility. This person must review and approve any payments to the Family Member’s company or organization. Please identify below who has been identified and agrees to serve in this capacity to approve payments for this project.

Name:

Role *(i.e., Dean, AUH, Independent co-PI)*:

Department:

Email Address:

1. **Oversight Plan:**

**Fiscal Oversight Co-PI** *(i.e., Dean, AUH, Independent Co-PI)* **agrees to:** [*select only the paragraphs that apply to the situation*]

[ ]  Exercise reasonable oversight to verify that Employee’s service to or work for Outside Entity, compensated or uncompensated, does not interfere with the Employee’s university responsibilities.

[ ]  Exercise reasonable oversight to verify that Employee is not put in the position of discussing or making a decision to purchase products or services from Outside Entity in their university role.

[ ]  Review all invoices from Outside Entity (or assign a designee to do so) and provide final approval of payment to Outside Entity.

[ ]  Review and approve any agreements for use of university facilities, equipment, materials, and/or resources by Employee or the Outside Entity.

[ ]  Exercise reasonable oversight to verify that Employee is not involved in making a University employment decision, academic decision, or performance evaluation about any students or staff who also have an interest in Outside Entity.

[ ]  Exercise reasonable oversight to verify that Employee is not involved in the hiring, supervising, advising, or evaluation process of any immediate family members or close friends.

[ ]  Review this Management Plan with Employee at least on an annual basis to determine progress and what, if any, changes may need to be made to this plan.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Printed Name of Fiscal Oversight Co-PI |  |  |  |
| Title of Employee |  |  |  |
|  |  | Date: |  |
| Signature |  |  |  |
|  |  |  |  |

**Discloser’s Full Name** acknowledges that the university will monitor and evaluate this plan as well as policies related to it, and, at any time should James Madison University (JMU) determine, in its sole discretion, that the plan is not sufficient to guard actual or apparent conflicts of interest or is otherwise not in the interest of JMU, may determine the conflicts as not capable of management and may ask

**Acknowledgement and Agreement**

By signing below, the employee/discloser attests that:

* They agree to comply with the management mechanisms described herein.
* The information presented in this document is complete, accurate, and true to the best of their knowledge.
* They will complete the CITI online COI training and renew within 4 years.
* They will annually recertify all relevant [disclosures](https://www.jmu.edu/researchintegrity/fcoi/fcoiform.shtml) or update them within 30 days of discovering or acquiring any new financial interests or changes in the reported interests/relationship(s).

|  |
| --- |
|  |
| Printed Name of Employee Discloser |
|  |  |
|  |  | Date: |  |
| Signature |  |  |  |
|  |  |  |  |

**Dean/AUH Review and Approval** *(If not the oversight manager identified above.)*

By signing below, the Department Head, Dean, Dean’s designee, or equivalent acknowledges:

* They have read and agree to monitor the management mechanisms described herein, with annual reviews and updates to the plan as appropriate.
* The management plan is deemed to include mechanisms which are sufficient to manage or eliminate financial conflicts of interests disclosed per [Policy 2203](https://www.jmu.edu/jmu-policy/policies/pdfs/2203.pdf).

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Printed Name & Title  |  |  |  |
|  |  | Date: |  |
| Signature |  |  |  |

**COI Committee Chair Review and Approval** *(To be signed after COI Committee Review/Approval.)*

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Printed Name of COI Committee Chair |  |  |  |
|  |  |  |  |
|  |  | Date: |  |
| Signature |  |  |  |

1. CFR §200.465  [↑](#footnote-ref-1)
2. The JMU Nepotism and Employment of Family Members policy, to which JMU is subject can be found here: [Policy # 1301](https://www.jmu.edu/jmu-policy/policies/pdfs/1301.pdf). [↑](#footnote-ref-2)