

# AnelleO Financial Conflict of Interest Policy for Research Supported by The National Institutes of Health

The purpose of this policy is to document the requirements and responsibilities associated with identifying and managing financial conflicts of interest to safeguard the integrity of AnelleO's research funded by the National Institute of Health

## A. Persons covered by this policy

This policy applies to all personnel, including all Members and full-time, part-time, temporary, and contract employees, of AnelleO, Inc. (AnelleO) ("company") who are planning to participate in, or are participating in, National Institute of Health ("NIH") funded research by means of a grant or cooperative agreement.

## B. Preamble

1. The primary goal of this policy is to promote 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 conflicts of interest and to prevent an employee's activities from adversely influencing COMPANY operations.
2. It is recognized that research related conflicts of interest can arise from legitimate and appropriate activities including economic development, public-private interactions, and employee's and their family's personal business relationships.
3. This policy is implemented in accordance with 42 CFR Part 50 Subpart F - "Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought" and 45 CFR Part 94 "Responsible Prospective Contractors" as well as all other relevant policies of federal funding and oversight agencies.

## C. Statement of general policy

4. The design, conduct, and reporting of Research funded under NIH grants or cooperative agreements should be free from bias resulting from Investigator financial conflicts of interest.
5. To provide a reasonable expectation of achieving the goal of this policy, Investigators shall complete appropriate training as required under this policy; Investigators shall disclose perceived and real financial conflicts of interest annually and provide new or updated disclosures in a timely manner; COMPANY shall provide for the elimination or management of Financial Conflicts of Interest; and COMPANY shall make disclosures to both the NIH and to the public as required under this policy.
6. Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law.
7. Nothing in this policy shall be construed to limit or abridge the authority of COMPANY Members to take such action as they deem appropriate regardless of any action or inaction by an Officer of COMPANY.

## D. Definitions

**Disclosure** means an Investigator's disclosure of significant financial interests to the Company.

**Financial Conflict of Interest (FCOI)** means a Significant Financial Interest that could directly and significantly affect the design, conduct, or reporting of PHS-funded research.

**FCOI Report** means the Company's report of a Financial Conflict of Interest to a PHS Awarding Component.

**Financial Interest** means anything of monetary value, whether or not the value is readily ascertainable.

**HHS** means the United States Department of Health and Human Services, and any components of the Department to which the authority involved may be delegated.

**Company** means any domestic or foreign, public or private, entity or organization (excluding a Federal agency) that submits a proposal, or that receives, Federal or State research funding.

**Company Responsibilities** means an Investigator's professional responsibilities on behalf of the Company, and as defined by the Company in its policy on financial conflicts of interest, which may include for example: activities such as research, research consultation, training, professional practice, and service on panels.

**Investigator** means the project director or principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by the PHS, or proposed for such funding, which may include, for example, collaborators, subcontractors, or consultants.

**Manage** means taking action to address a financial conflict of interest, which can include reducing or eliminating the financial conflict of interest, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

**Member** means any person executing the Company Operating Agreement, or thereafter admitted to the Company as a Member as provided in the Company Operating Agreement.

**PD/PI** means a project director or principal Investigator of a PHS-funded research project; the PD/PI is included in the definitions of senior/key personnel and Investigator under this subpart.

**NIH** means National Institutes of Health (NIH).

**Research** means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health. The term encompasses basic and applied research and product development. As used in this subpart, the term includes any such activity for which research funding is available from a NIH through a grant or cooperative agreement, such as a research grant, career development award, center grant, individual fellowship award, infrastructure award, Company training grant, program project, or research resources award.

**Senior/key personnel** means the PD/PI and any other person identified as senior/key personnel by the Company in the grant application, progress report, or any other report submitted to the PHS by the Company under this subpart.

## E. FCOI Disclosure Responsibilities

COI Coordinator

- Must review all Financial Conflict of Interest Disclosure Forms.
- Must determine whether an AnelleO investigator working on a funded research project has a FCOI.

#### CEO

- Ensures compliance with FCOI policy.
- In cases where the COI Coordinator determines that a potential FCOI exists, develops and coordinates implementation of FCOI Management Plan in consultation with the COI Coordinator.
- Coordinates the submission of annual reports related to the FCOI Management Plans through the COI Coordinator, as necessary.

When a conflict of interest determination is required by this policy, the employee should contact the COI Coordinator for guidance. Employees are required to cooperate fully in the review process by providing all necessary information. Requests for a conflict of interest determination will be reviewed on a case-by-case basis through the established conflict of interest review process. The employee should submit a Financial Conflict of Interest Disclosure form in a sealed envelope to the COI Coordinator.

Once a written determination has been made, it continues in effect until it is reversed, modified, or withdrawn. When changed circumstances or new developments occur, the employee is responsible for informing the COI Coordinator. Upon review, the previous decision may be reversed, modified, or withdrawn. Records of conflict of interest reviews will be retained by the COI Coordinator and a copy will be provided to the employee. An employee may appeal a conflict of interest review determination.

### **F. Violations and Sanctions**

1. Sanctions: Violations of Company policies, including the failure to avoid a prohibited activity or disclose a Significant Financial Interest in a timely manner, will be dealt with in accordance with applicable policies and procedures that may include disciplinary actions up to and including termination of employment.
2. Clinical Research: In any case in which the HHS determines that a NIH-funded 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 a FCOI that was not managed or reported by the Company as required by this policy, the Members shall require the Investigator involved to disclose the FCOI in each public presentation of the results of the research and to request an addendum to previously published presentations.

### **G. Financial Conflict of Interest Disclosure Form Guidelines**

The requested financial disclosure attempts to balance AnelleO's needs for information with the individual's reasonable expectation of privacy in his or her personal affairs. There are materiality guidelines to assist individuals with disclosures (see below). Should you need further guidance in preparing your form, please contact the COI Coordinator.

## H. Significant Financial Interest (SFI) means:

a) 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 Company 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 a management or governance position; or

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

(iv) Significant Financial Interests *do not* include:

- Financial interests in business enterprises or entities that, when aggregated for the investigator and his/her immediate family, meet both of the following tests:
  1. The financial interest does not exceed \$5000 in value as determined through reference to public prices or other reasonable measures of fair market value, and
  2. The financial interest does not represent more than a five percent ownership interest in any single entity
- Salary, royalties, or other remuneration (including equity) from the Company.
- Salary, royalties, or other payments that, when aggregated for the investigator and his/her immediate family, are not expected to exceed \$5000 during the next 12 month period
- 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 that is affiliated with an Institution of higher education
- Income from service on advisory committees or review panels for 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 that is affiliated with an 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
- An investigator may choose to disclose any other financial or related interest that might present an actual, potential, or perceived conflict of interest.

b) Travel:

(i) Investigators 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 readily available), related to their Company responsibilities;

(ii) 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 Institute of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institute of higher education.

(iii) Disclosure for travel shall include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. The Company will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes an FCOI with the PHS-funded research.

c) Exclusions: The term Significant Financial Interest does not include the following types of financial interests:

(i) salary, royalties, or other remuneration paid by the Company to the Investigator if the Investigator is currently employed or otherwise appointed by the Company, including intellectual property rights assigned to the Company and agreements to share in royalties related to such rights;

(ii) 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;

(iii) income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, an Institute of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institute of higher education; or

(iv) income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institute of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institute of higher education.

Potential means an opportunity with a reasonable likelihood of occurring.

## **I. Public Accessibility Requirement**

1. Company shall post this FCOI policy on the Company public website, as required by the regulation.

2. FCOI Informational requests by the public concerning identified FCOIs held by senior/key personnel should be made to the President. The President shall respond to requests for FCOI information within five (5) business days with minimum reporting elements as provided for under applicable regulations.