



# Policy on Institutional Conflicts of Interest In Human Subjects Research

*Issuing Department:*  
Administration

*Effective Date:* April 1, 2009  
*Last Update:* December 31, 2019

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## I. Summary

NYU Langone Health is committed to operating in an ethical manner and in compliance with applicable legal and regulatory requirements. Even the appearance of an institutional conflict of interest in human subject research can be damaging to the reputation of NYU Langone Health.

NYU Langone Health's *Policies on Conflicts of Interest, Commitment and Consulting* provides a comprehensive approach for the identification, disclosure and oversight of all conflicts arising from the external interests and activities of the NYU Langone Health and members of its community, as well as the conduct of NYU Langone Health's business. This Policy is a part of the *Policies* and sets forth NYU Langone Health's policies governing when it will participate in a human subjects research project despite the existence of a financial interest held by New York University (NYU) or NYU Langone Health in the product being tested in the project or in the for-profit research sponsor of the project.

Under this Policy, NYU Langone Health must identify when an Institutional Financial Interest (as defined below) may affect or appear to affect the design, conduct, reporting, review, or oversight of a human subjects research project. NYU Langone Health, through its Conflict of Interest Management Unit (CIMU), will then review and evaluate such interests, determine if an institutional conflict of interest exists, and determine whether such institutional conflict can be managed or eliminated in order to permit NYU Langone Health to engage in the project.

## II. Applicability

This Policy applies to all Investigators participating in human subjects research conducted at or under the auspices of NYU Langone Health. All capitalized terms shall have the meaning set forth in Section VI below.

### III. General Policy

A. An “**Institutional Conflict of Interest**” arises in human subjects research when a financial interest of NYU or NYU Langone Health may affect or appear to affect the design, conduct, reporting, review, or oversight of the human subjects research. Institutional Conflicts of Interest are of significant concern when an Institutional Financial Interest (as defined below) creates the potential for inappropriate influence over a human subjects research project, particularly to the integrity of the research and the safety and care of patients enrolled in the research.

B. An “**Institutional Financial Interest**” is held when either (i) NYU or NYU Langone Health receives or might reasonably be expected to receive royalty income from the sale of a product covered by any patent (whether issued or pending), copyright, license or other intellectual property right, held by NYU or NYU Langone Health and proposed to be used in the human subjects research project; and/or (ii) NYU or NYU Langone Health holds or proposes to hold, directly or indirectly, equity interests of any amount (or entitlement to the same), in the research sponsor for the human subjects research project, whether such research sponsor is public or non-public, through NYU’s or NYU Langone Health’s technology licensing activities or investments related to such activities.

C. All potential Institutional Conflict of Interests require disclosure, evaluation and either management or elimination under this Policy.

D. Certain Institutional Conflicts of Interest are too significant to manage and must be eliminated. As a matter of policy, NYU Langone Health will not participate in a human subjects research project that involves a significant Institutional Conflict of Interest, such as (i) a clinical trial, or other human subjects research project of greater than minimal risk, testing, validating or developing a product covered by an NYU or NYU Langone Health intellectual property right or (ii) a clinical trial sponsored by a for-profit company in which NYU or NYU Langone Health holds or proposes to hold any equity interests. An exception to this policy may be made only when diligent efforts to eliminate the conflict do not succeed, or when NYU Langone Health’s Business Conflict of Interest Committee, Chief Scientific Officer and/or CIMU determines that facts and circumstances exist to merit an exception and a conflict management plan is adopted to maintain research integrity and serve the best interests of subjects enrolled in the research.

### IV. Reporting

A. The Office of Industrial Liaison (OIL) will periodically develop a list of Institutional Financial Interests, including (i) all drugs, devices and other possible investigational products covered by any patent (whether issued or pending), copyright, license or other intellectual property right held by NYU or NYU Langone Health which may be the subject of human subjects research at NYU Langone Health, and the entities that have licensed the intellectual property rights covering such drugs, devices and other investigational products, and (ii) the entities in which NYU or NYU Langone Health has acquired any equity interests (or entitlements to the same) of any amount through NYU’s or NYU Langone Health’s technology licensing activities.

B. OIL will periodically provide such lists to the CIMU and the following offices in the Office of Science & Research: the Clinical Research Support Unit (CRSU), Sponsored Programs Administration (SPA), Institutional Review Board Operations (IRB), and Human Research Regulatory Affairs.

C. OIL, the CRSU, SPA, and NYU Langone Health’s IRB will review all proposed human subjects research projects against such lists to identify potential Institutional Conflicts of Interest and report identified matters to the CIMU.

## V. Review and Evaluation

A. Conflict of Interest Management Unit (CIMU) Review. The CIMU is responsible for reviewing each disclosure of an Institutional Financial Interest in a human subjects research project and for determining whether an Institutional Conflict of Interest exists under the circumstances. In cases where the CIMU determines that a significant Institutional Conflict of Interest may exist, the CIMU, in consultation with the Office of Legal Counsel and the Chief Scientific Officer, will make a determination on whether Compelling Circumstances exist to justify NYU Langone Health's participation in the project and on whether diligent efforts to eliminate the conflict have not succeeded. In other cases where CIMU determines that an Institutional Conflict of Interest may exist but is not of significant concern, the CIMU will normally determine that NYU Langone Health may participate in the project and issue a management plan as provided in Section V.B below.

B. Conflict Management Plan. If NYU Langone Health's participation in a project is permitted notwithstanding the Institutional Financial Interest, NYU Langone Health's participation is subject to a conflict management plan which maintains research integrity and serves the best interests of subjects enrolled in the research. Management strategies to be considered are listed in NYU Langone Health's *Procedures on Research Conflict of Interest and Sponsored Programs*. The conflict management plan must be agreed to by the principal investigator. Conflict management plans are to be considered as part of the IRB's review. The human subjects research cannot commence until IRB approval is released following receipt of the conflict management plan. The principal investigator on the human subjects research project must comply with all terms in the conflict management plan of the duration of the research. The CIMU is responsible for monitoring the compliance with the conflict management plan on an ongoing basis until the completion of the project.

C. Research Conflict of Interest Committee. Any matter under this Policy may be presented for review and evaluation by NYU Langone Health's Research Conflict of Interest Committee (RCOIC). The RCOIC's role is advisory to NYU Langone Health's Business Conflict of Interest Committee, the Chief Scientific Officer and the CIMU.

D. Appeals to the Senior Vice President and Chief Scientific Officer. Determinations of the CIMU may be appealed to NYU Langone Health's Chief Scientific Officer. Appeals must be in writing and submitted to the CIMU. The CIMU will provide copies of the appeal to the Chief Scientific Officer. Decisions of the Chief Scientific Officer are final.

E. Timing. The review and evaluation of an Institutional Financial Interest as contemplated by this Policy shall be completed prior to the expenditure of any awarded funds for the human subjects research project or any commencement of the project (including enrollment of any research subjects).

## VI. Definitions

A. "**Compelling Circumstances**" means those facts that convince the Chief Scientific Officer and/or the CIMU that NYU Langone Health may participate in a human subjects research project despite the existence of an Institutional Financial Interest. Factors that may be evaluated by the CIMU in determining whether Compelling Circumstances are present are listed in NYU Langone Health's *Procedures on Research Conflict of Interest and Sponsored Programs*.

B. "**Institutional Conflict of Interest**" has the meaning set forth in Section III.A. above.

C. "**Institutional Financial Interest**" has the meaning set forth in Section III.B. above.

D. “**NYU Langone Health**” includes NYU Langone Health System, NYU Langone Hospitals (including all inpatient and ambulatory facilities), NYU Grossman School of Medicine, NYU Long Island School of Medicine, and all entities that are controlled by any of them, except where specifically excluded. This Policy also has been adopted by the Family Health Centers at NYU Langone; therefore, for purposes of this Policy, “NYU Langone Health” also includes the Family Health Centers at NYU Langone.

## VII. **Enforcement**

Violations of this Policy are subject to disciplinary action, up to and including termination of employment or association with NYU Langone Health, in accordance with NYU Langone Health’s applicable disciplinary policies and procedures.

## VII. **Administration**

A. Questions. Any questions relating to this Policy should be directed to the Office of Legal Counsel or the CIMU.

B. Reporting. The CIMU shall provide reports of its activities under this Policy to NYU Langone Health’s Business Conflict of Interest Committee and the Chief Scientific Officer on an annual basis.

## VIII. **Relationship to Other Policies**

A. This Policy replaces the *Policy on Institutional Conflicts of Interest in Human Subjects Research* dated April 1, 2009, as previously updated August 1, 2014, November 1, 2016, and December 1, 2017.

B. This Policy is intended to supplement, but not replace, other policies and guidelines applicable to conflicts, including NYU Langone Health’s *Policies on Conflicts of Interest, Commitment and Consulting*.