

INTERIM POLICY

Conflicts of Commitment in Research
and Sponsored Program Activities

UPPS No. 02.02.XX
Effective Date: **04/01/11**

01. POLICY STATEMENTS

- 01.01 This policy relates to the participation of Researchers (see Section 03. Definitions) in outside activities or employment that may conflict with their primary research commitment to the University and to its research mission.
- 01.02 Expansion of the research mission is a critical priority as Texas State University-San Marcos moves into the future. Promoting public good by fostering the transfer of knowledge gained through research to the private sector is vital to this mission.
- 01.03 Texas State University-San Marcos recognizes and even encourages its Researchers to be involved in professional and other outside activities (e.g. consulting, guest lecturing, serving in professional and community organizations, etc.) when such activities enhance the Researcher's professional competence, complement their teaching mission, contribute to their professional discipline and do not conflict with their primary commitments to the University.
- 01.03 Texas State University recognizes it is not practical or desirable to define strict time and location restrictions on how Researchers meet their primary professional commitments due to the nature of University-related educational, research, service and related activities. It is expected, however, that Researchers will arrange any external activities they may engage in so as not to interfere with their commitment to the University and to its research mission.
- 01.04 Thus it may be necessary to disclose and question the extent of such involvement or the appropriateness of certain activities to determine if conflicts of commitment related to Research and Sponsored Programs Activities exist. This policy is intended to provide guidance to individual Researchers in identifying and avoiding possible problems in this area.

02. SCOPE OF POLICY

- 02.01 This policy is in conjunction with [\[link\]UPPS No. 04.04.06, Other State Employment and Outside Activities](#) but pertains only to Conflicts of Commitment in Research and other Sponsored Activities.

INTERIM POLICY

- 02.01 The policy applies to all Researchers and pertains to the period of their University contracts (nine-month, twelve-month, or other) and the percent time they are paid by the University. For Researchers on a less than twelve-month contract, it is not the concern of the University how those Researchers spend the balance of their non-contract time as long as they do not conflict with their obligations to the University or do not reflect unfavorably on the University.
- 02.02 No more than 20% of a Researcher's total professional effort during the period of time that is normally required to meet the primary obligation may be directed to outside work.
- 02.03 As a rule, Researchers should not take on substantial teaching or other commitments in another educational institution. Exceptions would include guest lecturing, participating in invited seminars, and similar activities
- 02.04 Researchers should not engage in external activities that are not consistent with good professional practices; that impose restrictions on the freedom to publish University-based work; or that involve any significant use of University facilities, materials, services, personnel, or restricted University information without specific advance written permission.
- 02.05 The Chief Research Officer may appoint a University-wide committee to address specific concerns or other unique circumstances arising from conflicts of commitment in Research and Sponsored programs.

03. DEFINITIONS

- 03.01 Chief Research Officer: an individual ultimately responsible for the oversight of funded and unfunded research and Sponsored Programs at Texas State. At Texas State, the Chief Research Officer is the Associate Vice President for Research (AVPR).
- 03.02 Researcher: All individuals who are engaged in research, whether funded or unfunded, or in Sponsored Programs activities. For the purposes of this policy, the term Researchers refers to any Texas State University faculty or staff member having direct responsibility for the design, conduct or reporting of funded or unfunded research or other Sponsored Programs activities funded or proposed for funding by the federal government or other external funder.
- 03.03 Sponsored Programs: all extramurally funded activities, including but not limited to, research, training, instruction and/or public service projects involving funds, materials, or other compensation from sources (Sponsors) outside of Texas State, under a grant, contract or other agreement that meets any of the following conditions:
 - a. Texas State is bound to a line of scholarly or scientific inquiry specified to a substantial level of detail. Such specificity may be indicated by a plan, by the

INTERIM POLICY

stipulation of requirements for orderly testing or validation of particular approaches, or by the designation of performance targets;

- b. The Sponsor requires or the proposal submitted for consideration contains a line-item budget or modular budget. A line-item budget details expenses by activity, function, or project period. The designation of overhead (or indirect costs) qualifies a budget as the Sponsor requires financial and/or programmatic reports;
- c. The Sponsor requires that the services performed, the funds awarded or the materials supplied under the agreement are subject to internal and/or external audit; OR,
- d. The agreement provides for the disposition of either tangible (e.g., equipment, records, technical reports, theses, or dissertations) or intangible (e.g., rights in data? or inventions) properties that may result from activities covered by the agreement.

04. EXAMPLES

Examples of activities that fall under this policy and may or may not require disclosure and mitigation. The examples below are general and given for the guidance of all concerned.

04.01 Activities consistent with guidelines that do not require advance permission:

- a. Acceptance of royalties for published scholarly works or other writings, or of honoraria for commissioned papers and occasional lectures;
- b. Service on committees or boards of organizations, public or private, which does not conflict with University obligations or create financial conflicts of interest.
- c. Consulting with outside organizations or clients, provided that it does not conflict with obligations to the University or the practice or policy restrictions of the college involved and does not create financial conflicts of interest. ([LINK UPPS No. 02.02.07, Researcher Conflicts of Interest in Research and Sponsored Program Activities](#)).
- d. Ownership of or equity in a corporation used solely for the ownership for the individual's consulting activities unless the University has, or can be reasonably expected to enter into, a contract for services with said corporation or the ownership creates a financial conflict of interest. ([LINK UPPS No. 02.02.07, Researcher Conflicts of Interest in Research and Sponsored Program Activities](#)).

INTERIM POLICY

- e. Presentation of papers, lectures, concerts or exhibits
- f. Participation in seminars, conferences, reviewing or editing scholarly publications and books and service to accreditation bodies.

04.02 Activities that need to be examined on a case-by-case basis and approved in advance. The activities in this section may also require disclosure of Financial Conflict of Interest ([LINK UPPS No. 02.02.07, Researcher Conflicts of Interest in Research and Sponsored Program Activities](#)).

- a. Service as a principal consultant or director of an outside concern Service as a consultant to a firm that in turn sponsors the Researcher's work, or related work at the University.
- b. Relationships that might enable (or appear to enable) the Researcher to influence the University's dealings with an outside organization in ways leading to personal gain or other conflicts of interest.
- c. Activities that appear to conflict with University policies governing research funded by an external agency and with funds administered by the University;

04.03 Activities that are probably unacceptable:

- a. Attempts to mitigate researcher overcommitment by directly or indirectly involving students in activities outside than their normal academic pursuits.
- b. Service involving executive responsibility for an outside concern working in areas related to the Researcher member's professional activities;
- c. Participating in research under University auspices involving technology owned by or contractually obligated (by license or exercise of an option to license or otherwise) to a business in which the individual or family member holds a significant financial interest (see financial conflict of interest policy), excluding a consulting relationship.
- d. Receiving, through contract or grant, support for research under University auspices from a business in which the individual or family member has a significant financial interest (see financial conflict of interest policy).
- e. Accepting support for research under University auspices under terms and conditions that results are held confidential, unpublished, or significantly delayed in publication; other than the delay permitted for patents and copyrights.
- f. Assigning students, postdoctoral fellows or other trainees to University projects sponsored by a for-profit or not-for-profit business in which the individual, or family member has a significant financial interest, including but

INTERIM POLICY

not limited to, a significant consulting relationship (see Financial Conflict of Interest policy).

- g. Situations where a research or service activity that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.

05. PROCEDURES

- 05.01 Researchers must inform the Chief Research Officer in writing before engaging in any significant outside professional activity as outlined in Section 04.02 and 04.03 above. In addition, per [\[link\]UPPS No. 04.04.06, Other State Employment and Outside Activities](#), it may also be necessary and appropriate for them to notify their department Chair or other supervisor. Such activities may be significant even though they involve comparatively little time. For example, a single guest lecture or a one-time consulting visit would not normally be considered significant, but a lecture series or an on-going consulting relationship would be.
- 05.02. In cases where the propriety of an activity is disputed, the Chief Research Officer, the dean and the Researcher involved shall make their best efforts to arrive at a resolution consistent with the shared missions of the department and the University.
- 05.03. If Researchers engage in any activities explicit or implicit to Section 04.02 above, it is the responsibility of the Researcher to comply with the policy and procedures outlined in the ([LINK UPPS No. 02.02.07, Researcher Conflicts of Interest in Research and Sponsored Program Activities](#)).

06. NON-COMPLIANCE

- 06.01 Texas State requires that all Researchers will comply fully, truthfully and in a timely manner with this policy. Instances of deliberate breach will subject the Researcher to disciplinary actions under policies of Texas State and the Texas State University System. Such action could result in a formal reprimand, non-renewal of appointment, termination of appointment or other enforcement action.
- 06.02 If the failure of a Researcher to comply with this policy has biased the design, conduct or reporting of funded or unfunded research or Sponsored Programs activities, Texas State will promptly notify the appropriate granting agency, Sponsor, or other appropriate agency of the incident and corrective action will be taken.

07. REQUIRED CHANGES

INTERIM POLICY

07.01 The policy and procedures set forth in this document will be changed as required by future changes in federal, state, Texas State University System, or university regulations.

08. REVIEWERS OF THIS UPPS

08.01 Reviewers of this UPPS include the following:

Position	Date
Assistant Vice President for Research and Federal Relations	Oct 1 E3Y
Director, Office of Research Compliance	Oct 1 E3Y

09. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Assistant Vice President for Research and Federal Relations; senior reviewer of this UPPS

Associate Vice President for Research and Director of Federal Relations

Provost and Vice President for Academic Affairs

President