**Conflicts of Commitment in Research UPPS No. 02.02.08**

**and Sponsored Program Activities Issue No. 2**

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**Next Review Date: 05/01/2023 (E3Y)**

**Sr. Reviewer: Assistant Vice President for Research and Federal Relations**

1. **POLICY STATEMENTS**

01.01 This policy relates to the participation of researchers in outside activities or employment that may conflict with their primary research commitment to Texas State University and to its research mission.

01.02 Expansion of the research mission is a critical priority as Texas State 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 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.

01.04 Texas State 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.

01.05 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 program activities exist. This policy provides 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 [UPPS No. 04.04.06,](https://policies.txstate.edu/university-policies/04-04-06.html) Outside Employment and Activities, but pertains only to conflicts of commitment in research and other sponsored activities.

02.02 This policy applies to all researchers and pertains to their university contract period (nine-month, twelve-month, or other) and the percent time the university pays them. When researchers have a less than twelve-month contract, the university does not concern itself with how those researchers spend the balance of their non-contract time, as long as it does not conflict with their obligations to the university and does not reflect unfavorably on the university.

02.03 Researchers may not direct more than 20 percent of their total professional effort to outside work during the time period that is normally required to meet their primary obligation.

02.04 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.

02.05 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.

02.06 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, the chief research officer is the associate vice president for Research and director of Federal Relations (AVPR).

03.02 Researcher – all individuals who are engaged in research, whether funded or unfunded, or in sponsored program activities. For the purposes of this policy, the term “researcher” refers to any Texas State faculty or staff member having direct responsibility for the design, conduct, or report of funded or unfunded research or other sponsored program activities funded or proposed for funding by the federal government or other external funder.

03.03 Sponsored Programs – all extramurally-funded activities, including research, training, instruction, or public service projects involving funds, materials, or other compensation from sources (sponsors) outside of the university 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. Indications of such specificity are the plan, stipulation, or requirements for orderly testing or validation of particular approaches, or the designation of performance targets;

b. the sponsor’s requirements or the proposal submitted for consideration contain 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 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 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 OF ACTIVIES THAT MAY OR MAY NOT REQUIRE DISCLOSURE AND MITIGATION**

This section provides 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 include:

1. acceptance of royalties for published scholarly works or other writings, or of honoraria for commissioned papers and occasional lectures;
2. service on committees or boards of organizations, public or private, which does not conflict with university obligations or create financial conflicts of interest;
3. 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 (see [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities);
4. ownership of or equity in a corporation used solely for the individual’s consulting activities, provided that the university does not have, and is not expected to enter into, a contract for services with said corporation, and the ownership does not create a financial conflict of interest (see, [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities);

e. dissemination of scholarly and creative works including presentation of papers, lectures, concerts, or exhibits; and

f. participation in seminars, conferences, reviewing or editing scholarly publications and books, and service to accreditation bodies.

04.02 Activities requiring examination on a case-by-case basis and advance approval, which may also require disclosure of financial conflict of interest (see [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities) include:

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; and

d. assigning postdoctoral fellows or other trainees of similar status (except undergraduate and graduate students) to university projects sponsored by a for-profit or not-for-profit business, provided the arrangement is in compliance with [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities.

04.03 Activities that are probably unacceptable include:

a. attempting to mitigate researchers over commitment by directly or indirectly involving students in activities outside their normal academic pursuits;

b. service involving executive responsibility for an outside concern working in areas related to the researcher'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 [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities), 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 [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities);

e. accepting support for research under university auspices under terms and conditions where results are confidential, unpublished, or significantly delayed in publication, other than the delay permitted for patents and copyrights;

f. assigning students or other trainees of similar status (except postdoctoral scholars) 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 a significant consulting relationship (see [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities); and

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 Sections 04.02 and 04.03. In addition, per [UPPS No. 04.04.06](https://policies.txstate.edu/university-policies/04-04-06.html), Outside Employment and Activities, it may also be necessary and appropriate for researchers to notify their department chair or other supervisor. An activity’s significance does not depend on the amount of time the activity involves. For example, a single guest lecture or a one-time consulting visit is not normally significant, but a lecture series or an ongoing consulting relationship would be.

05.02 The chief research officer, the dean, and the researcher involved shall make their best efforts to resolve disputes regarding an activity’s propriety in a manner consistent with the shared mission of the department and the university.

05.03 If researchers engage in any activities explicit or implicit to Section 04.02, it is the responsibility of the researcher to comply with the policy and procedures outlined in [UPPS No. 02.02.07](https://policies.txstate.edu/university-policies/02-02-07.html), Researcher Conflicts of Interest in Research and Sponsored Program Activities.

**06. PROCEDURES FOR NON-COMPLIANCE**

06.01 Texas State requires that all researchers 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 the university and [The Texas State University System (TSUS) Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html). Such action could result in a formal reprimand, non-renewal of appointment, termination of appointment, or other enforcement action.

06.02 If a researcher’s failure to comply with this policy has biased the design, conduct, or reporting of funded or unfunded research or sponsored program activities, the university will promptly notify the appropriate granting agency, sponsor, or other appropriate agency of the incident so they may take corrective action.

**07. PROCEDURE FOR REQUIRED CHANGES**

07.01 The university will change the policy and procedures set forth in this document as required by future changes in federal, state, TSUS, or university regulations.

**08. REVIEWERS OF THIS UPPS**

08.01 Reviewers of this UPPS include the following:

 Position Date

Assistant Vice President for May 1 E3Y

Research and Federal Relations

Director, Office of Research May 1 E3Y

Compliance

**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