

Managing Conflicts of Interest Guidelines

Function: Compliance Office
Procedure: Management of Conflicts of Interest
Contact: RFCompliance@rfsuny.org or IEA@rfsuny.org

Guideline Recommendations

The following Research Foundation (RF) documents apply to and govern the scenarios outlined by these COI Guidelines. Please refer to these materials in conjunction with the RF Conflict of Interest Policy. *Unless otherwise noted, all activity requires prior approval from the campus Operations Manager ("OM") or designee.*

- [SUNY Conflict of Interest Policy](#);
- [Conflict of Interest Policy](#);
- [Policy on Conflicts of Interest in Public Health Service Sponsored Programs](#);
- [Conflict of Interest Disclosure Statement](#);
- [SUNY Patents and Inventions Policy](#);
- Established [SUNY](#) and [RF](#) Procurement Policies;
- [SUNY Computer Software Policy](#).

| 1. OUTSIDE WORK | | | |
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| SCENARIO | EMPLOYEE ACTION | Applicable Ethical Considerations | MANAGEMENT PLAN |
| 1.1 During a regularly scheduled workday (including teaching) an employee wants to perform work outside of SUNY, whether compensated or not. Examples include but are not limited to consulting, teaching, or research for an outside company, or volunteering. | <p>Employee should provide a detailed plan for the proposed outside activity. The plan should contain the following information:</p> <ul style="list-style-type: none"> • Details about the outside activity <ul style="list-style-type: none"> • Nature of the outside activity, including time commitment; • Type and amount of expected compensation; • Details about the outside company; | <ul style="list-style-type: none"> • The time commitment for the outside activity cannot exceed the individual campus rule. • The proposed activity cannot create a substantial conflict of interest with the discharge of the employee's duties. See NYS POL 74(2). • The outside activity cannot create an appearance of impropriety or violation of public trust. See NYS POL 74(3)(f), (h). | <p>The institutional official will review the employee's detailed plan. In view of the applicable ethical considerations and the employee's detailed plan, the OM, in consultation with the department chair if necessary, will decide if the proposed activity is permissible.</p> <p>In particular, the OM should ensure that outside activity does not give the</p> |

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| 1.2 Employee creates an invention and assigns the invention to RF. RF licenses invention to a company in which employee has no equity interest. Company wants to retain employee as a consultant and will pay him consulting fees. | <ul style="list-style-type: none"> • Use or sharing of SUNY facilities or proprietary information; • Relationship with the outside company including any ownership/equity interest of the employee or spouse or dependent children in the outside company. • Details about the employee's responsibilities at SUNY/RF <ul style="list-style-type: none"> • Current workload and expected workload during outside activity including teaching, research, and administrative obligations; • Other current or previous outside activity undertaken. | <ul style="list-style-type: none"> • The outside activity cannot impair the employee's official independence. See NYS POL 74(3)(a). • If any proprietary or confidential information is to be shared with the outside company, appropriate non-disclosure agreements should be in place. See NYS POL 74(3)(b), (c). • Travel expense reimbursement must be approved by supervisor or appropriate administrator. Requires reporting to New York State Commission on Ethics and Lobbying in Government if reimbursement is over \$1,000. Honoraria or official travel does not give to a COI. • Paid policy-makers should not engage in any outside activity for more than \$1,000 per year without prior SUNY/RF approval, or for more than \$4,000 per year without prior Joint Commission on Public Ethics approval. See 19 NYCRR §932. | <p>appearance of impropriety or violation of public trust, and does not interfere with the discharge of employee's duties or his independent judgment.</p> <p>If permissible, the OM will ensure compliance with the applicable ethical considerations by having a management plan requiring the following:</p> <ul style="list-style-type: none"> • Compliance with the individual campus outside activity time commitment rule; • Statement of the nature and extent of outside activity that is permissible including nature and extent of compensation; • Statement that non-disclosure agreements are required if confidential information is to be shared with the outside company; • Statement informing employee that all honoraria or travel reimbursement should be approved in advance; • Statement requiring disclosure of "own time" inventions to OM or designee. |
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2. FINANCIAL INTEREST IN COMPANIES DOING BUSINESS WITH RF

| SCENARIO | EMPLOYEE ACTION | Applicable Ethical Considerations | MANAGEMENT PLAN |
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| <p>2.1 Employee (or spouse or dependent children) wants to take an equity interest in a company that will provide services or products to the university.</p> <p>2.2 Employee (or spouse or dependent children) wants to take an equity interest in a company that will license technologies from SUNY/RF.</p> <p>2.3. Same as 2.2 and additionally, employee wants to negotiate the license on behalf of the company.</p> | <p>Employee should provide a detailed plan concerning the proposed financial interest, which should include the following information:</p> <ul style="list-style-type: none"> • Details about the company; • The nature and amount of the ownership/equity interest of employee or spouse or dependent children; • Details about other details compensation from the company in addition to equity; • Details about the scope of employee's primary job responsibilities and decision making authority at SUNY/RF. | <ul style="list-style-type: none"> • The financial interest should not create a substantial conflict of interest with the discharge of the employee's duties. See NYS POL 74(2). • The financial interest should not create an appearance of impropriety or violation of public trust. See NYS POL 74(3)(f), (h). • The financial interest should not impair the employee's official independence. See NYS POL 74(3)(a). • Employee should not have any financial interest in a company which may be directly involved in decisions made by employee. See NYS POL 74(3)(g). | <p>The OM will review the employee's detailed plan. In view of the applicable ethical considerations and the employee's detailed plan, the OM, in consultation with the department chair if necessary, will decide if the proposed activity is permissible. In particular, the OM should ensure that outside activity does not give the appearance of impropriety or violation of public trust, and does not interfere with the discharge of employee's duties or his independent judgment.</p> <p>If permissible, the OM will ensure compliance with the applicable ethical</p> |

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| | | <ul style="list-style-type: none"> Employee should not act on behalf of SUNY/RF in transactions with the company. See NYS POL 74(3)(e). | <p>considerations by having a management plan requiring the following:</p> <ul style="list-style-type: none"> OM will inform employee that he may not represent SUNY/RF in transactions with the company; OM will assign someone at SUNY/RF who does not have an interest in the relevant company to represent SUNY/RF in any transactions with the company. See NYS POL 74(3)(e), (g); Potentially conflicted individuals cannot put pressure on a campus administrator by threatening to go to his or her supervisor during a negotiation. If employee holds an administrative position at SUNY/RF, then institutional official will inform employee that he cannot negotiate with the relevant Technology Transfer Office ("TTO") nor may he or she make any attempt to influence the process. If it is not feasible for the conflicted individual to recuse himself or herself, arrangements may be made for the license to be negotiated by a different SUNY TTO (i.e., from another SUNY campus) or a third party. |
| 2.4 Continuation of Scenario 2.3. After securing the license, employee seeks to further develop the technology using company facilities. | <p>Same detailed plan as in 2.1, 2.2, and 2.3 and additionally:</p> <ul style="list-style-type: none"> Scope of further development proposed to be undertaken at the company. | <p>Further development of technology is a new outside activity requiring disclosure if not disclosed and approved by the OM under the procedures for Scenario 1.</p> <p>In the absence of an agreement, ownership of later-developed technology will be governed by the SUNY Patents and Inventions Policy.</p> | <p>Same course of action as in 2.1, 2.2, and 2.3 and additionally:</p> <ul style="list-style-type: none"> OM will also review later-developed technology and the circumstances under which such technology will be developed with the TTO/Patents Committee to determine ownership. Ownership should be determined prior to a decision on the proposed activity. |
| 2.5 Employee (or spouse or dependent children) has an equity interest in a company. Employee | <p>Same detailed plan as in 2.1, 2.2, and 2.3 and additionally:</p> <ul style="list-style-type: none"> Details of the proposed contract, including type and amount of compensation, and | <p>Same considerations as in 2.1, 2.2, and 2.3 and additionally:</p> | <p>Same course of action as 2.1, 2.2, and 2.3 and additionally:</p> <p>OM may consult with the employee's department or academic chair, or other</p> |

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| wants to contract out work (such as part of a grant project) to company. | reasons why the company should handle the contracted work. | <ul style="list-style-type: none"> Need for outside contracting, company's qualifications, and SUNY/RF's procurement policies. | <p>administrator to determine if it is necessary to contract out the work, and if so, whether the process complies with relevant procurement policies.</p> <p>If OM does not approve company, employee will need to find an alternative to company prior to submission of the grant proposal.</p> <p>If permissible, the OM will ensure compliance with the applicable ethical considerations by having a management plan that includes the following:</p> <ul style="list-style-type: none"> Statement of work to be contracted out to the company, including any costs and disbursements; Periodic review by OM or designee of the contract work to ensure compliance. |
| 2.6 Employee (or spouse or dependent children) has an equity interest in a company. Employee wants to contract out work on a non-PHS funded award to that company. | Employee must disclose the interest. The OM or designee will review and determine if the proposed activity creates a conflict. If so, a written conflict management plan must be followed for the activity to continue. | <ul style="list-style-type: none"> The proposed activity cannot create a substantial conflict of interest with the discharge of the employee's duties. See NYS POL 74(2). The financial interest should not impair the employee's official independence. See NYS POL 74(3)(a). Employee should not have any financial interest in a company which may be directly involved in decisions made by employee. See NYS POL 74(3)(g). Employee should not act on behalf of SUNY/RF in transactions with the company. See NYS POL 74(3)(e). | The OM or designee would ensure that the potential conflict is managed under the Research Foundation's Management of Conflict of Interest Procedure. |
| 2.7 Employee (or spouse or dependent children) has an equity interest in a company. Employee wants to contract out work on a PHS funded award to that company. | Employee must disclose the interest according to the Policy on Conflicts of Interest in Public Health Service Sponsored Programs. Disclosure must occur prior to expending PHS dollars, annually thereafter, or within 30 days of acquiring the interest. If it is determined that the interest gives rise to a conflict that can be | <ul style="list-style-type: none"> Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors, published in Federal Register, vol. 76, No. 165, on August 25, 2011. | The OM or designee must review the employee's disclosure and determine whether the interest is related to the PHS funded research. IF the interest is related and may affect the design, conduct, or reporting of the research a written |

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| | managed, the Employee must follow the written management plan. | | <p>management plan must be followed. This plan may include:</p> <ul style="list-style-type: none"> • Public disclosure of the conflict; • Monitoring of the research by independent reviewers; • Modification of the research plan; • Divestiture; ect. <p>The conflict and the management plan must be reported to PHS as described in the PHS COI Policy.</p> |
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| 3. OUTSIDE USE OF SUNY RESOURCES | | | |
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| SCENARIO | EMPLOYEE ACTION | Applicable Ethical Considerations | MANAGEMENT PLAN |
| <p>3.1 Employee wants to run tests in his lab for a company or to allow a company to use SUNY/RF space and facilities.</p> <p>3.2 Same as in 3.1, and additionally, employee (or spouse or dependent children) has an equity interest in the company.</p> <p>3.3 Similar to 3.2 and additionally, employee wants to use SUNY time and resources to provide consulting to company.</p> <p>3.4 In return for allowing otherwise permitted use of SUNY/RF facilities (under, for example, 3.1 above), company wants to pay employee or give employee stock in company as compensation.</p> | <p>All contract work involving the use of SUNY facilities must be performed under the oversight of campus administration.</p> <p>Employee should contact his or her campus sponsored programs office and provide details of the proposed activity, which should include:</p> <ul style="list-style-type: none"> • Details about the proposed use of SUNY/RF facilities, including time requirements for the employee and lab space, and details concerning use of proprietary information; • Details about the outside company for which SUNY/RF facility is to be used, including how such research will be used by the company; • Details about employee's relationship with the outside company including any ownership/equity interest of the employee or spouse or dependent children and other compensation in addition to equity; • Employee's responsibilities at SUNY/RF, including current and expected teaching, research, and administrative workloads. | <ul style="list-style-type: none"> • Employee does not have authorization to allow outside use of SUNY facilities without approval of campus administration. • Any technology developed is subject to the SUNY Patents and Inventions Policy. • The proposed activity cannot create a substantial conflict of interest with the discharge of the employee's duties. See NYS POL 74(2). • The outside activity cannot create an appearance of impropriety or violation of public trust. See NYS POL 74(3)(f), (h). • The outside activity cannot impair the employee's official independence. See NYS POL 74(3)(a). • If any proprietary or confidential information is to be shared with the outside company, appropriate non-disclosure agreements should be in place. See NYS POL 74(3)(b), (c). • SUNY/RF must appropriately be compensated for use of time and facilities. Employee may not misappropriate state resources for private purposes. See NYS POL 74(3)(d). • There should be no direct involvement of employee on behalf of SUNY/RF in decisions affecting company use. See NYS POL 74(3)(g). | <p>The OM will review the employee's detailed plan. In view of the applicable ethical considerations and the employee's detailed plan, the OM, in consultation with the department chair and the TTO director if necessary, will decide if the proposed activity is permissible.</p> <p>In particular, the OM should ensure that outside activity does not give the appearance of impropriety or violation of public trust, or does not interfere with the discharge of the employee's duties or his independent judgment.</p> <p>If permissible, the OM will ensure compliance with the applicable ethical considerations by having a management plan requiring the following:</p> <ul style="list-style-type: none"> • Statement of the nature and extent of time and facilities allocated for use by the outside company; • Statement that non-disclosure agreements are required if confidential information is to be shared with the outside company; |

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| | | <ul style="list-style-type: none"> Employee cannot receive compensation for allowing use of SUNY facility, whether in cash or in stock. See NYS POL 74(3)(d). | <ul style="list-style-type: none"> Statement of appropriate level of compensation owed to SUNY/RF; OM will also review later-developed technology and the circumstances under which such technology will be developed to determine ownership. Ownership should be determined prior to a decision on the proposed activity; OM will inform employee that he may not represent SUNY/RF in transactions with the company; OM will assign someone at SUNY/RF who does not have an interest in the relevant company to represent SUNY/RF in any transactions with the company; OM will inform employee that he cannot receive compensation for allowing use of SUNY facility, whether in cash or in stock. |
| 3.5 An external entity seeks a "loan" of lab personnel (post-doc, graduate student, research assistants, etc.) to perform work for the company. | <p>External partners seeking to utilize University staff may engage in industrial sponsored research; an arrangement between a sponsor and the University whereby a University researcher or research team will perform a specific scope of work with deliverables in exchange for cash or in-kind contributions to the University for the cost of the research, including salaries, supplies, equipment use fees, and other direct and indirect costs.</p> <p>In contrast, in some cases individuals may enter a consulting engagement; an arrangement between an individual researcher and a private partner. A consulting contract may or not specify a scope of work, usually entails the dedication of a specific amount of time or effort to the partner's activities, and may require travel to the partner's facilities for the performance of the contract. Consulting activity constitutes Outside Activity under the RF</p> | Same as in 1.1 and 1.2. | Same as in 1.1 and 1.2. |

| | Conflict of Interest Policy and should be reviewed under Scenario 1 of this document. Employee should include a separate detailed plan for each loaned person. | | |
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| 4. DISCLOSURE OF PROPRIETARY INFORMATION | | | |
| SCENARIO | EMPLOYEE ACTION | Applicable Ethical Considerations | MANAGEMENT PLAN |
| <p>4.1 Employee wants to provide research data (including clinical data) to a company that wants to use it in commercialization of their products.</p> <p>4.2 Same scenario as 4.1 and additionally, employee (or spouse or dependent children) has an equity interest in the company.</p> | <p>Employee must provide a detailed plan for the proposed activity, which should include:</p> <ul style="list-style-type: none"> Type of data to be disclosed; If any external funding was used to create the data, then details about the source of funding; Reason for proposed disclosure of data to company; Details about the company; Products/services that will be created/provided by the company using the data; The nature and amount of the ownership/equity interest of employee or spouse or dependent children in the company; Details about the scope of employee's primary job responsibilities and decision making authority at SUNY/RF. | <ul style="list-style-type: none"> Any data obtained by employee is the intellectual property of SUNY/RF. See SUNY Patent and Inventions Policy. Employee does not own rights to the data and therefore does not have the right to transfer data to any entity outside of SUNY/RF. SUNY/RF is appropriately compensated for the data. Employee may not misappropriate state resources for private purposes. See NYS POL 74(3)(d). Non-disclosure agreements should be in place. See NYS POL 74(3)(b), (c), (d). Transfer of data cannot create an appearance of impropriety or violation of public trust. See NYS POL 74(3)(f), (h). Transfer of data cannot create a substantial conflict of interest with the discharge of the employee's duties. See NYS POL 74(2). Transfer of data cannot impair the employee's official independence. See NYS POL 74(3)(a). Employee should not have any financial interest in a company which may be directly involved in decisions made by employee. See NYS POL 74(3)(g). Employee should not act on behalf of SUNY/RF in transactions with the company. See NYS POL 74(3)(e). | <p>The OM will review the employee's detailed plan. In view of the applicable ethical considerations and the employee's detailed plan, the OM, in consultation with the department chair and the TTO director if necessary, will decide if the proposed activity is permissible. In particular, the OM should ensure that outside activity does not give the appearance of impropriety or violation of public trust, or does not interfere with the discharge of employee's duties or his independent judgment.</p> <p>If permissible, the OM will ensure compliance with the applicable ethical considerations by having a management plan requiring the following:</p> <ul style="list-style-type: none"> Statement of the nature and extent of data that can be provided to the company; Statement that data may only be transferred under appropriate non-disclosure agreements; OM or designee will monitor transfer of data and company's use of data; Determine appropriate level of compensation owed to SUNY/RF in consultation with the department chair and TTO director; OM will inform employee that he may not represent SUNY/RF in transactions with the company; |

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| | | | <ul style="list-style-type: none"> OM will assign someone at SUNY/RF who does not have an interest in the relevant company to represent SUNY/RF in any transactions with the company. |
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Change History

| Date | Summary of Change |
|-------------------|---------------------------------|
| October 25, 2024 | Updated contact information |
| December 28, 2022 | Updated links |
| May 2, 2022 | Updated second document contact |
| March 15, 2013 | New document |

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.