Rice University Policy No. 216

Conflicts of Interest in Research and Scholarship

I. General Policy

Individuals engaged in scholarship and research activities or applying for federal, state, or local grants at Rice University have ethical and legal responsibilities to disclose certain activities to the university, and to avoid creating Conflicts of Interest (COI) or the appearance of a COI.

A COI arises when the design, conduct, outcomes, and reporting of a Scholar’s Research or scholarship have a real, potential or perceived connection to the Outside Interests or Outside Activities of that Scholar or their close family. These situations may compromise, or may have the appearance of compromising, a Scholar’s objectivity and judgment while conducting Research or scholarship activities. Such situations may create an actual or perceived bias affecting data collection, data interpretation, hiring staff, procurement of materials, sharing of results, confidentially, protocol choice, data analysis, and/or the overall integrity of Research. No area of scholarship is exempt from real, potential or perceived COI.

Participating in Research or scholarly activities that creates a COI or the appearance of a COI is prohibited, unless there is an approved Management Plan in place that mitigates the conflict, as detailed in Policy 218 Disclosure and Management of Outside Activities and Outside Interests.

Common examples of COI include, but are not limited to:

- The Research of a Scholar has a real or potential direct connection to the activities of an Outside Entity in which the Scholar or a Family Member has an Outside Interest. These activities include negotiation with companies, litigation preparation, litigation, founding start-up companies, or consulting services.
- Even uncompensated activities, such as volunteering on the board of a non-profit Outside Entity, may result in a COI if the Outside Entity is impacted directly by the outcomes of a Scholar’s Research or directly benefits from the Scholar’s Institutional Responsibilities.
- A Scholar receives sponsored Research funds from an Outside Entity in which they own stock or have a financial interest in the company.
- A non-customary or unusually luxurious travel reimbursement or gift is provided by either a for-profit or non-profit entity that may have a real or potential interest in the outcomes of a Scholar’s Research.

II. Definitions

Conflict of Interest (COI): a situation in which a Scholar or the Scholar’s Family Members are in a position to be influenced by considerations of personal gain due to an existing or potential Outside Interest or Outside Activity.

Family Members: include the Scholar’s spouse, domestic partners, and any other person financially dependent on the Scholar. This definition also includes other first-degree relatives (i.e., non-dependent child, sibling, or parent), and the spouses and domestic partners of those first-degree relatives, with financial interests related to the Scholar’s Research (when the Scholar is aware of such interests).
Scholars should also be sensitive to situations where other relatives have an Outside Interest reasonably related to the Scholar’s Institutional Responsibilities (such as a significant investment in a start-up company that has licensed the Scholar’s intellectual property).

**Faculty Conflict Committee (FCC):** is a committee composed of Faculty Members and staff appointed by the President, and chaired by the Vice Provost for Research (or his or her designee). The role of the FCC is to review, revise as needed, and recommend for approval management of any COI identified. The FCC also has responsibility for monitoring management plans.

**Institutional Responsibilities:** the professional responsibilities of a Scholar on behalf of the University. Institutional Responsibilities include, for example, teaching, preparing coursework, counseling students, service on departmental and University-wide committees, research, publishing scholarly work, and other work done for or on behalf of the University relevant to their academic field of endeavor, professional practice, and consultation.

**Management Plan:** a plan written for a Scholar that 1) describes the conflict, 2) creates an explicit agreement between the Scholar and Rice to mitigate and manage the conflict, and 3) facilitates oversight of the conflict.

**Outside Activity:** activities performed for or on behalf of Outside Entity that are similar in nature (as would be reasonably understood by others with knowledge of the field), practice, or title to a Scholar’s Institutional Responsibilities or require significant use of a Scholar’s professional expertise. An Outside Activity includes, but is not limited to, employment, consulting, self-employment, participation in a business partnership, appointments, research activities, and participation with professional, community, and charitable Outside Entities. An Outside Activity may be either compensated or uncompensated. In general, any service on any board (for-profit, non-profit, advisory, honorary, or otherwise) will constitute an Outside Activity. This term does not include religious, political, or purely personal activities. This term does not include the normal academic exchange of ideas that are not covered by a contract, do not involve any intellectual property (IP) exchange, and that are not subject to federal, state or local restrictions. Such activities must be in accordance with all other university policies.

**Outside Entity:** any foreign or domestic institution, organization, non-profit, corporation, partnership, sole proprietorship, institution of higher education, foreign or domestic government, or any other organized legal entity other than Rice University or its subsidiaries.

**Outside Interest:** an interest (financial interest or anything of monetary value) such as salary and any payment for services (e.g., consulting fees, honoraria, paid authorship); equity interest (e.g., stock, stock option, or other ownership interest); sponsored travel, that belongs to the Scholar or the Scholar’s Family Members with an Outside Entity. This term applies to both foreign and domestic interests.

**Research:** a systematic investigation, study, or experiment designed to develop or contribute to knowledge or advance a particular field(s) of study. This term is intended to be construed broadly, to cover all types of research that Scholars engage in at Rice University.

**Scholar:** for purposes of this policy, this term encompasses the following: Investigator, Principal Investigator, faculty member (regardless of status as Tenured, Tenure-Track, or Non Tenure-Track), laboratory personnel, postdoctoral fellows, research scientists, and any other personnel engaging in
Research at Rice University. Further, Adjunct Faculty and students who are Investigators (such as principle investigator or co-investigator) on a Rice sponsored Research award are considered Scholars.

III. Elaboration of Policy

A. Disclosures

Scholars engaged in Research and scholarly activities at Rice University must disclose Outside Interest and professional Outside Activities in accordance with Policy 218 Disclosure and Management of Outside Activities and Outside Interests and must keep the disclosure up to date throughout the year.

B. Training

In order to submit grants, receive awards, manage awards, or actively participate in Research, a Scholar must complete all required COI trainings. Scholars will be required to retake COI training at least once every four years, when significant revisions are made to relevant Research-related policies, or as required by law. Additionally, Scholars may be required to take COI trainings as part of a Management Plan. SPARC will be responsible for assigning appropriate COI trainings under this policy.

C. Sponsored Projects with Outside Entities

When Rice is exchanging sponsored Research funding with an Outside Entity in which a Scholar holds an Outside Interest, this activity creates the risk of an appearance of the Scholar controlling both the Rice portion of the award as well as the Outside Entity’s portion of the award. As such, a COI exists if the Scholar holds the title of a Principal Investigator on the Rice award and any of the following apply:

1. The Scholar or their Family Member also holds title of Principal Investigator on the Outside Entity’s award;
2. The Scholar or their Family Member holds a senior leadership position for, or may exercise substantial supervisory authority over or has substantial discretion when acting on behalf of, the Outside Entity; or
3. The Scholar or their Family Member each respectively or collectively holds a controlling interest in the Outside Entity.

The presumption is that such a COI is unmanageable and therefore prohibited. That presumption can be appealed pursuant to Policy 218 Disclosure and Management of Outside Activities and Outside Interests.

In the case of Small Business Innovation Research (SBIR) / Small Business Technology Transfer (STTR) Phase 1 awards, items III.C.2 and III.C.3 may be allowed upon consultation with the Faculty Conflicts Committee (FCC) with an approved Management Plan.

D. Entrepreneurship or Start Ups

Entrepreneurship and start up activities can have a positive impact on the University’s mission and global impact, but they can also lead to conflicts and intellectual property entanglements. Scholars must also
ensure that such activities are consistent with the terms and conditions of sponsored Research awards.

When graduate students are involved, additional caution must be taken. This is particularly true for any Scholar with Outside Interests in an Outside Entity that holds a supervisory or advisory role over students who are also involved or may be involved with the Outside Entity. These situations may occur when the Scholar and student form an Outside Entity together or when the student interns at or consults for an Outside Entity in which the Scholar has an Outside Interest. The overlap between the Scholar’s roles at the University and the Outside Entity may compromise the Scholar’s Institutional Responsibilities in terms of supporting the student’s academic progress and therefore may warrant additional monitoring.

In cases such as these, additional requirements must be put into place in the COI Management Plan, such as requiring disclosure to the student, or requiring the student to meet periodically with the dean’s office and department. Students may also be assigned a new advisor or co-advisor. Despite the potential benefits of entrepreneurship activities and available mitigation elements, the dean’s office, FCC, and the Provost have discretion to determine whether or not the entrepreneurship activities constitute a manageable COI.

A Management Plan may also include a requirement for monitoring of other university students and employees in similar COI situations such as undergraduate students, postdoctoral research associates, and University staff members who are involved with Outside Entities with Scholars who supervise them.

E. Rights of Students

Students retain certain rights in the event they feel that their educational activities are compromised by a Scholar who has disclosed a potential or actual COI and who teaches, supervises or advises them. Students retain the right to be informed in writing of their Scholar’s potential conflicts, as ordinarily required under Management Plans. As noted in these written disclosures, students have the right to discuss their concerns about potential conflicts with a variety of university offices, such as their deans’ offices and the Office of Sponsored Projects and Research Compliance (SPARC).

Students may also request to be placed on a different Research project that is not impacted by the potential conflict. However, granting this request is dependent upon school and departmental availability of substitute projects and the availability of suitable funding. In the event a substitute project is unavailable, the school, department and Scholar will work with the student to identify a suitable solution (such as assigning a new advisor).

F. Intellectual Property

Scholars should be aware that they must adhere to Rice University policies on Intellectual Property (IP), which generally hold that Research funded in whole or in part with federal or University funding or conducted using University resources is the property of the University and cannot be assigned by the Scholar. Scholars should be aware that attempts to profit from University owned IP, help Outside Entities profit from University owned IP, or generate sponsored Research funding from an Outside Entity may compromise their commitment to their Institutional Responsibilities and may expose them to legal
Examples of such inappropriate activities include but are not limited to:

- Negotiating with the University on behalf of an Outside Entity in which the Scholar has an Outside Interest;
- Negotiating with Outside Entities in which the Scholar has an Outside Interest on Facilities and Administrative (F&A) Costs charged to a particular Research project;
- Consulting for Outside Entities that have licensed their Rice technologies (without Rice approval);
- Consulting for Outside Entities in areas of Research currently funded in their lab at Rice;
- Executing an assignment agreement where the IP assignment term conflicts with the IP terms of the University, their sponsored Research, or a federal grant involving the same or related technology;
- Permitting Outside Entities use of University facilities and services without a service agreement; and
- Permitting Outside Entities access to Research materials and unpublished data generated in University facilities without a material transfer agreement or data services agreement.

In these and other situations which may pose COI risks, the Office of the General Counsel has the right to review Scholars’ consulting, employment, licensing or IP assignment agreements with Outside Entities, and to suggest to the VPR or FCC additional protections in the Scholars’ Management Plans. SPARC may also share with Office of Technology Transfer (OTT) information about Scholars’ disclosed activities with Outside Entities.

G. Obligations of Investigators to Hold Proprietary Information Confidential

Scholars must be cognizant that publication of Research results and the education of students are key values of the University. However, through consulting or other Outside Activities, Scholars may have access to proprietary or confidential information. Scholars should avoid situations in which access to such restricted information could impair their or their students’ ability to fully participate in the free discourse of scholarship. In other cases, sponsored Research agreements from for-profit entities may require non-disclosure agreements that can limit the free flow of information. Scholars are responsible for ensuring that such agreements do not fundamentally conflict with either their Institutional Responsibilities or the education of students.

H. Use of Rice Personnel, Students, Facilities or Materials

University personnel, students, offices, equipment, or facilities (other than the Library and Shared Equipment Authority) may not be used for a Scholar’s personal interest in Outside Activities. For example, using laboratory space and department services to support a Scholar’s personal consulting business or company if generally prohibited. Special exceptions may be granted with prior written approval of the Scholar’s dean, the provost or applicable vice president.

De minimus use of University-owned computers, authorized for home use, is appropriate without written approval. SPARC should be contacted in cases where the equipment to be used has been purchased with
federal funds. Scholars should also consult University Policy No. 831 on personal use of University property.

I. Usage of Rice University Name

The simple identification of the University as the employer of a Scholar is generally appropriate. However, while the Scholar may mention their employment at Rice University, the Scholar, their organizations, and Outside Entities must not use the trademarks, name or logos to endorse products or services. The Vice President for Public Affairs must be consulted concerning the proposed use of the name of Rice University or any Rice University logo or trademark in commercial matters or any situation where University endorsement is implied.

J. Requirements for Subawards/Subcontractors and Subrecipient Investigators / Institutions

Federal regulations pertaining to COI extend to subawards and/or subcontractors (including commercial entities). Accordingly, Rice will require appropriate certification from subrecipients both at the time of proposal submission and award acceptance. The written agreement terms between institutional partners shall establish which institution’s COI policy applies. See University Policy No. 307 on “Issuing and Monitoring Subawards and Subcontracts.”

V. Cross References to Related Policies

Policy No. 201, Faculty Appointments, Promotions, and Tenure
Policy No. 307, Issuing and Monitoring Subawards and Subcontracts
Policy No. 327, Research Faculty
Policy No. 333, Patent and Software Policies
Policy No. 334, Copyright Policy
Policy 411; Discipline
Policy 832, Conflict of Interest
Policy No. 831, Personal Use of University Property
Add 807 (political activity) and 832 (appropriate use of IT)

VI. Responsible Official and Key Offices to Contact Regarding the Policy and its Implementation

Responsible Official: Vice Provost for Research
Other Key Offices: Sponsored Projects and Research and Compliance
Office of Research

VII. Procedures and Forms

http://compliance.rice.edu/coi
https://coi.rice.edu/
https://coi.rice.edu/media/procedures.pdf
https://coi.rice.edu/certify/2017/
VIII. Links to Additional Information
Additional FAQ’s for faculty may be found at https://compliance.rice.edu/coi/faculty, and for graduate students at https://compliance.rice.edu/coi/grad

Signed David W. Leebron
David W. Leebron
President

Policy History
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