

## University of Rochester

### Guidelines on Research Integrity and Conflict of Interest: Graduate Students and Postdoctoral Fellows

#### Introduction

These guidelines summarize existing policies and establish supplemental guidelines concerning relationships of graduate students and post doctoral fellows with industry and other entities external to the University of Rochester, to assure the primary commitment of the graduate students and fellows to their educational priorities and protect the interests of the University.

Graduate students and postdoctoral fellows may participate in relationships with external entities such as public or private companies, including (but not limited to) those in which University faculty serve as principals, as well as government agencies, foundations, and non-profit agencies. These activities may be a formal part of a student's education, such as an internship, or may be independent of the academic program. These activities must be consistent with University and school policy and oversight, assuring academic freedom including openness in research (versus proprietary interests of external organizations), application of appropriate strategies to address actual and potential conflicts of interest, a clear understanding of ownership of intellectual property, and the primary commitment of students and postdoctoral fellows to their training and research programs in the University.

#### CONFLICTS OF INTEREST

Students and postdoctoral fellows, through their creativity and productivity, have potential to contribute to society through transfer of research results to external organizations. Relationships between students and postdoctoral fellows and external entities may include research and stipend support; consulting arrangements; licensing of inventions; and fiduciary or other roles in external entities, including companies formed to commercialize the results of University research. Such relationships may result in actual or perceived conflicts of interest, in which there is some overlap of the individual's obligations to the external entity and their obligations to the University. Such conflicting interests must be managed to avoid situations where the individual's actions and decisions may result in, or be unduly or inappropriately influenced by, personal or financial gain, or may appear to be a conflict of interest because of such potential influence.

#### Students and fellows have the responsibilities to:

- 1) Support and actively promote academic freedom by both expecting and providing timely, open and full exchange of the results and products of research activities and assuring that their work is not unduly or inappropriately influenced by potential personal gain. Students and fellows should discuss any situation that has the potential to limit academic freedom with their advisor/program director, department chair and/or school dean/director for graduate studies.
- 2) Recognize and respect that University facilities, personnel, scientific equipment, office equipment, supplies, space and other resources, including confidential information, may not be used in work or consulting not related to the research, educational and service goals of the University and their school.

- 3) Report any consulting activities, financial interests or employment in external entities whose activities are related to, or may appear to be related to, their University research or educational activities. Such disclosures should be made to the research advisor/program director and also submitted to the department chair when they arise, and annually (if required by their advisor/program director), using the University's research conflict of interest disclosure form ([http://www.rochester.edu/ORPA/Forms/ur\\_coi\\_form.doc](http://www.rochester.edu/ORPA/Forms/ur_coi_form.doc)).
- 4) Report promptly discoveries or creation of processes or techniques that have the potential for patentable applications, both to their advisor/program director and to the URM or River Campus Technology Transfer Office. The disclosure form and its instructions are located at [http://www.urmc.rochester.edu/technology-transfer/Forms/Invention\\_Disclosure.pdf](http://www.urmc.rochester.edu/technology-transfer/Forms/Invention_Disclosure.pdf). (See below concerning ownership of intellectual property.)
- 5) Discuss any questions they may have about whether a particular situation may be deemed an actual or potential conflict of interest with their research advisor/program director, department chair, and/or school dean/director for graduate studies.

### **CONFLICT OF COMMITMENT TO PROGRAM AND INSTITUTION**

Students and postdoctoral fellows appointed in Arts, Sciences and Engineering (AS&E) and the School of Medicine and Dentistry (SMD) are ordinarily obligated to devote full-time to their academic activities. Full time is defined as forty (40) hours per week for AS&E, and at least forty (40) hours per week for SMD. AS&E and SMD graduate students may work outside their academic programs only with approval of their department chair and school dean for graduate studies, and their advisor (in AS&E) or program director (in SMD). The extent of "outside" time must be monitored by the advisor/program director and research thesis committee to assure that such efforts do not compromise or slow the accomplishments required by the Ph.D. program, or in the case of fellows, the obligation to the advisor/program director. Progress in the degree program and a complete description of the outside work should be reviewed by the department chair and school dean for graduate studies, at least annually.

Students and postdoctoral fellows appointed in the School of Nursing (SON) as full-time and receiving full stipends are expected to limit work outside the SON to ten (10) hours per week. Employment or commitments outside the SON for more hours per week must be approved in advance, as follows: for pre-doctoral students, by the student's advisor and the Ph.D Program Director; and for postdoctoral fellows, by the Associate Dean for Research. The extent of "outside" time must be monitored by the advisor and research thesis committee to assure that such outside efforts do not compromise or slow the accomplishments required by the Ph.D program, or in the case of fellows, the obligation to the advisor/program director. Progress toward the degree or accomplishment of postdoctoral fellowship goals should be reviewed by the advisor/program director each semester.

The expectations for commitment to the University and processes for approval of time spent on external activities in other schools depend on the guidelines established by each school. Graduate students in other schools should consult their school's dean/ director for graduate studies for information on these expectations and processes.

There are additional restrictions on work by international students outside of their academic programs. International students and their advisors or program directors should consult with the University's International Services Office (ISO) prior to entering into any external commitments.

### **OWNERSHIP OF INTELLECTUAL PROPERTY:**

Students and fellows are covered by the [University of Rochester's Policy on Intellectual Property and Technology Transfer](#) (the IP Policy). Under the IP Policy, the University of Rochester generally does not claim ownership of copyrights in scholarly work that is intended to disseminate the results of academic research during the educational process, including books, articles, theses, papers and similar works. However, the University does own the copyright of works that are (a) produced with the significant use of University resources, (b) institutional works, or (c) subject to contractual obligations, such as sponsored research obligations. In the context of theses, the University ordinarily will not assert ownership of the copyright in a student's thesis unless it is funded by externally sponsored research that requires the University to do so.

Ownership of a discovery or invention will also vest in the University if it results from the significant use of University resources, is an institutional work, or arises out of an externally sponsored research project. (See [definitions in IP Policy](#).) All students and fellows involved in activities that may result in creation of intellectual property are required to sign Intellectual Property Agreements assigning such discoveries and inventions to the University of Rochester regardless of the financial support of the work. Royalties, if any, are shared with individual inventors according to the IP Policy.

If students and fellows initiate work at one institution and continue the work in one or more other institutions, ownership of any resulting intellectual property (e.g. patents and copyrights) will depend on the facts surrounding the creation of the intellectual property. As such, a student or fellow who has begun work at another institution that will be continued at the University, or who intends to continue work done at the University at another institution, and/or their advisor should notify the URCM or River Campus Office of Technology Transfer. The Office of Technology Transfer will work with their counterparts at the other institution(s) to determine ownership of the resulting intellectual property.

The ownership of intellectual property created during the course of a student or fellow's arrangements with external entities may also depend on the terms of any written agreements with such entities. Before entering into consulting arrangements with outside entities, students and fellows should refer to the University's [consulting guidelines](#) and [sample consulting agreement](#) to assure that they appropriately protect their rights as well as the University's rights to resulting intellectual property. In addition, students and fellows interested in entering into arrangements with outside entities that may involve the University must consult with their advisors/program directors and department chairs; such arrangements must be negotiated and approved through their school's Finance Office, the Office of Research and Project Administration (ORPA) and/or the Office of Counsel.

### **USE OF EXTERNALLY-OWNED DATA AND DATA SETS**

Students or fellows may obtain or have access to data or data sets from an outside entity (e.g., CDC, Bureau of Labor Statistics, private entities) for the purposes of their thesis or research. Such data or data sets are obtained through agreements, which are ordinarily with their

advisor/program director or other faculty, but may on occasion be made directly with the student or fellow. These agreements ordinarily require that the data be held in confidence, and be used only for the agreed upon purpose. Further, the use of data shared by a federal entity is subject to the Confidential Information Protection and Statistical Efficiency Act of 2002, which imposes civil and criminal penalties for violation of use restrictions. Students and postdoctoral fellows should consult their advisors/program directors, departmental information technology professionals and the Office of Research and Project Administration prior to entering into such arrangements.

### **OPENNESS IN STUDENT RESEARCH:**

Research carried out at the University of Rochester, including research in academic programs, must meet the University's commitment to openness in research. When student research activities that are a significant element of the student's thesis research are sponsored by or otherwise performed under the auspices of an external entity, the student's advisor/program director and thesis committee are responsible for monitoring the student's relationships with the external entity to assure complete openness. It is inappropriate to permit arrangements where the external entity considers the student's work to be proprietary, imposes limits or restrictions on including the work in reports to the committee or the thesis, or may prevent timely completion and presentation of the student's thesis. It is also inappropriate for any external entity to require its approval of a student's thesis or publications related to the thesis.

### **STUDENT RIGHTS AND OBLIGATIONS IN PERCEIVED CONFLICT OF INTEREST INVOLVING FACULTY ADVISOR, PROGRAM DIRECTOR OR COMMITTEE MEMBER(S):**

Students and fellows who believe that a conflict of interest may exist between them and their advisors/program directors or committee members with respect to inventions or research results should discuss the matter with their advisor/program director, department chair and school dean/director for graduate studies for clarification and resolution of potential problems that may adversely affect their progress in their thesis research or other educational efforts.

Under University policy, it is considered a conflict of interest when students and fellows participate in research sponsored by a company in which their advisors/program directors or thesis committee members have a significant financial interest or director/officer role, or to consult for such companies. Students who are interested in participating in such activities must disclose this information to their department chair and/or school dean/director for graduate studies, and an appropriate management strategy must be put into place by their Dean. Management will include, at a minimum, ongoing oversight by a faculty committee (e.g., the thesis committee); a guarantee that financial support will not decline before completion of the degree requirements as long as the committee judges the student's progress to be acceptable; and a guarantee that a suitable advisor will be appointed to replace the conflicted advisor/program director if determined to be necessary.

Approved by Provost Ralph Kuncel, May 28, 2009