**Common Faculty Conflicts
(and how to avoid them)**

**Student Involvement in Faculty Private Enterprises**

Can my student, who is a WSU Research Employee as defined in [Executive Policy #27](https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep27-ethics-conflict-interest-technology-transfer/) (EP27), work for my company?

* Yes, provided that you have a Conflict of Interest (COI) Management Plan is in place.
* Students, as WSU Research Employees, must be free to pursue publication, advance their line of study, and publish their thesis or dissertation without restriction. See [EP27](https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep27-ethics-conflict-interest-technology-transfer/).
* If the student is an inventor, the student will need a separate COI Management Plan.

Can my student, who is not a WSU Research Employee, work for my company?

* Yes, provided that a Conflict of Interest Management Plan is in place.
* Yes, provided prior permission is obtained from the chair/director, dean, chancellor (if appropriate) and Provost. See [EP27](https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep27-ethics-conflict-interest-technology-transfer/).
* Students, who are not WSU Research Employees, must be free to pursue publication, advance their line of study, and publish thesis or dissertation without restriction. See [EP27](https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep27-ethics-conflict-interest-technology-transfer/).

What are the limits of my students’ activities with my company?

* The applicant may not engage students in the company’s activities if such Applicant has any evaluative authority (e.g., course grading, member of student’s graduate committee) over those students, *unless an approved COI Management plan is in place for the Applicant and the Applicant’s students.*
* Faculty who have no ties to the company must comprise a majority of a student's graduate thesis committee.

**Use of State Resources (Laboratory Space)**

What is the difference between a facility use agreement (FUA) and a sponsored agreement?

* + FUA: Utilized for small companies that do not have lab facilities at their disposal. The small company can enter into an agreement to lease university lab space for their small business research activities. Please contact orso@wsu.edufor more information.
	+ Sponsored Agreement: Engages the university for substantive programmatic work, where a budget and scope of work is negotiated with the university to complete research activities. Please contact orso@wsu.edu for more information.

If I want to create a startup company and utilize WSU facilities, personnel, or equipment and engage WSU employees or students who should I talk to first?

* First, contact the Office of Commercialization (OC) to discuss the logistical relationship between the startup company and WSU. If a conflict of interest review is necessary, the OC will recommend or initiate contact with Office of Research Support and Operations (ORSO), the COI support team, regarding the potential conflict.

**Use of State Resources (Personnel)**

What are some examples of supervisory conflicts which necessitate COI Committee review?

* A WSU employee works for a faculty member’s startup company and also reports to that specific faculty member at WSU.
* The employee’s performance at the company has an impact on the employee’s promotion/salary potential at WSU.
* The employee conducts company work on WSU’s time or with WSU resources.
* The mentor’s company employs his/her graduate students or directs student into a project that appears to benefit the mentor’s company.

**Representing WSU in contracts**

If my startup enters into a sponsored agreement with WSU, can I be PI at WSU and PI at my startup?

* This is a conflict of interest that cannot be managed because it provides no objectivity to the research being performed. WSU would recommend that a non-WSU, non-conflicted investigator lead the work at your startup. In addition, you may not negotiate and execute a sponsored agreement on behalf of the startup.

If my startup enters into a facility use agreement with WSU, can I be the technical point of contact for my startup?

* Yes, because no research is being done at WSU. However, you may not negotiate the facility use agreement on behalf of your startup.

Can I be the PI on a project if my spouse is the PI with a partnering entity?

* It depends on the partnering entity. If the entity is a startup owned by the spouse or PI, then there is a conflict of interest that is not manageable. The PI on one side would need to be someone who does not report to the faculty member or faculty member spouse.
* If the partnering entity is a nonconflicting institution, such as another research institution, a government agency, or a teaching hospital, for example, then there is no conflict. See [EP27](https://policies.wsu.edu/prf/index/manuals/executive-policy-manual-contents/ep27-ethics-conflict-interest-technology-transfer/).

**Promotion of employee-owned companies at WSU**

* Applicant MUST NOT promote, endorse, cite, market, advertise, or offer the sale of company products or services (his/her own company or others) while serving in his/her capacity as a WSU employee. This includes use of WSU email address or phone. Such use of persons, money or property for private gain (commercial purposes) is a state ethics violation (RCW 42.52.160). To use WSU facilities at other times, you must fully compensate the university and have the chair, director, or dean’s written permission to use the resource for any commercial purposes.

**COI Committee management of faculty COIs**

What’s the difference between a Limited Commercialization Management Plan and a standard Management Plan?

* Limited Commercialization Management Plans are reviews initiated by the OC of COI cases that are a result of commercialization efforts with licensees that do not utilize WSU resources. These Management Plans may be approved by the ORSO AVP utilizing a standard template with the ability to approve minor variations. All necessary compliance and annual reports still apply.
	+ When a WSU research employee has a relationship with private enterprise or startup where they need (or want) to utilize WSU facilities, personnel, equipment or engage our students past required thresholds, we proceed with a standard COI Management Plan. Following PHS rules, if the disclosure is significant ($5,000+) AND direct (overlap with current research program) we need to proceed with a standard COI Management Plan. These require full review and approval by the COI Committee.

How often does the COI Committee meet to approve COI Management Plans?

* + The COI Committee meets once per month to review and approve Management Plans
	+ In addition, a Standing Committee is available to approve Management Plans in between meetings.
	+ Limited Commercialization Management Plans (tech transfer plans) are reviewed and approved upon receipt.