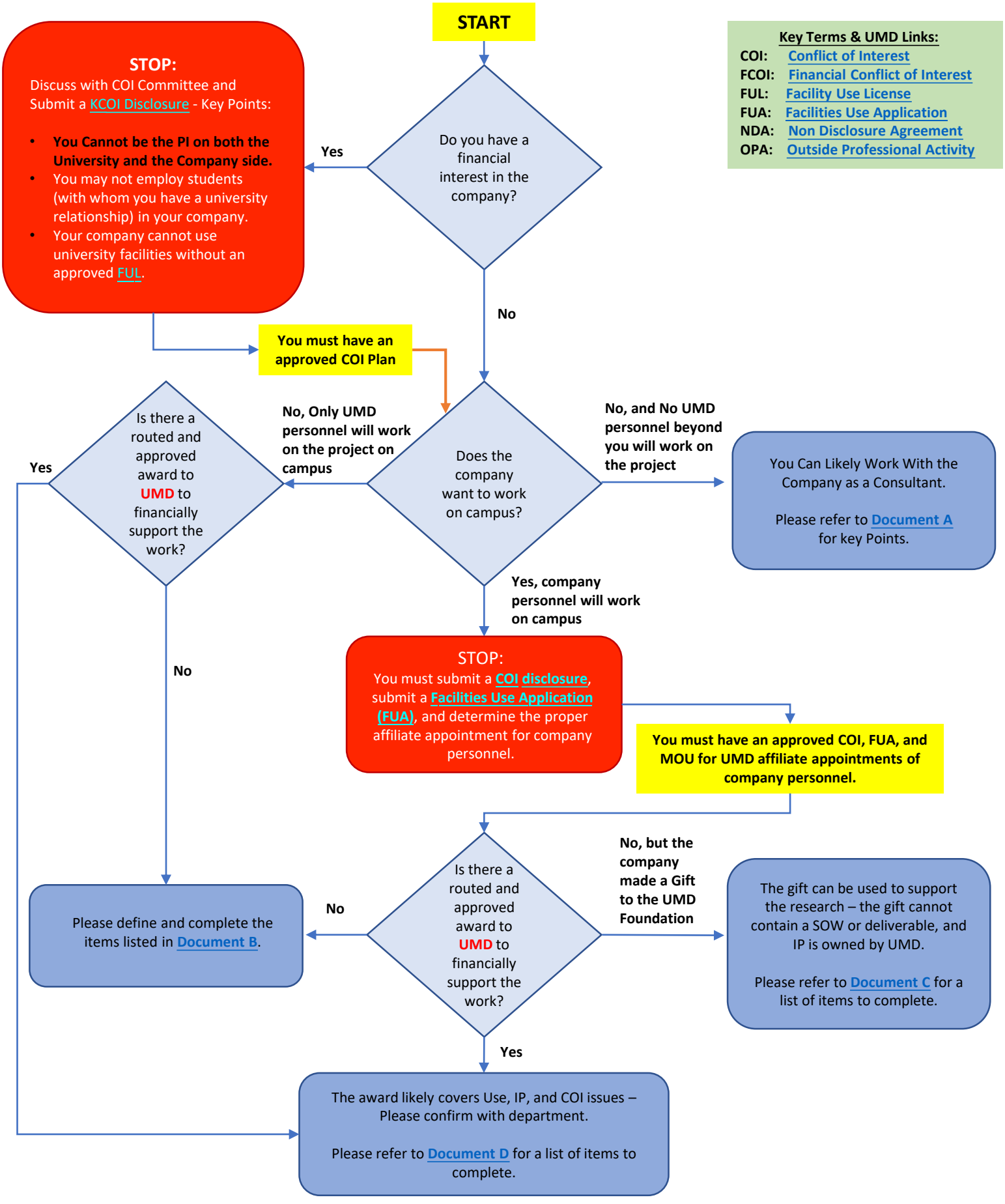
I Want To Collaborate with a Company – What Should I Consider?



Conflict of Interest Committee
College Park, MD 20742 ● 301-405-1459 ● coi@umd.edu

Document A: Work With the Company as a Consultant

You can likely work with the company as a consultant.

Key Points:

- What is the scope of work (SoW) for the consultancy?
- A Non-Disclosure Agreement (NDA) is recommended. Examples can be found here.
- You must follow the University of Maryland Policy on Conflict of Commitment.
- Important: You cannot simultaneously accept a Sponsored Research Agreement or Gift through the UMD Foundation or another UMD Unit while serving as a consultant.

ITEMS TO COMPLETE:

- Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy))
- Contact COI@umd.edu to determine if a disclosure is required (if applicable)
- Include the consultancy as part of your OPA Report

Revised: 02/22/2022

Document B:

Please create a document that defines the following:

- What is the scope of work (SoW) for the project?
- What is the source of funding? Do you have the funding already?
- Have you completed a Facilities Use Application and/or do you have a Facilities Use License?
- Is there a signed Intellectual Property Agreement? If not, is one needed? If yes, where are you in the process?

ITEMS TO COMPLETE:

- Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy)
- Contact COI@umd.edu to determine if a disclosure is required (if applicable)
- Complete FUA (if applicable)
- Affiliate Appointment Documentation (if applicable)
- Department Approval of Work / Funds
- IP Agreement / UM Ventures
- OPA Report

Document C: Research Gifts

The gift can be used to support the research – the gift cannot contain a SoW or deliverable, and IP is owned by UMD.

ITEMS TO COMPLETE:

- Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy)
- Complete the Gift checklist
- Contact COI@umd.edu to determine if a disclosure is required (if applicable)
- Complete FUA (if applicable)
- Affiliate Appointment Documentation (if applicable)
- Revise OPA Report

Document D:

The grant likely covers Use, IP, and COI issues – Please confirm with department.

ITEMS TO COMPLETE:

- Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy)
- Contact COI@umd.edu to determine if a disclosure is required (if applicable)
- Complete FUA (if applicable)
- Affiliate Appointment Documentation (if applicable)
- Revise OPA Report

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I WANT TO COLLABORATE WITH A COMPANY – WHAT SHOULD I CONSIDER?

DO YOU HAVE AN INTEREST IN COLLABORATING OR AN EXISTING RELATIONSHIP WITH THE COMPANY?

IF YES…

☐ You must first discuss your efforts with your Department Chair to determine if you have a potential conflict of interest and/or a conflict of commitment.

THINGS TO CONSIDER:

- Discuss any possible conflict of commitment with your Department Chair
- Discuss any possible conflict of interest with your Department Chair and then reach out to the UMD COI Office: coi@umd.edu or visit the COI Website.

☐ If you have a perceived or actual conflict, please contact the UMD Conflict of Interest (COI) Office to determine when a COI Disclosure should be submitted and to discuss what documentation may be required. To contact the COI Office, please email coi@umd.edu or visit the COI Website.

THINGS TO CONSIDER:

- You cannot be the PI for both the University and the company on the project.
- You may not employ students (with whom you have a university relationship, i.e. work in your group, are students in a course you currently teach, etc.) in your company.
- Your company cannot use University facilities, equipment, or resources without an approved Facilities Use License (FUL). Follow instructions for submitting a Facilities Use Application (FUA).

☐ You must have an approved COI Management Plan or an Acknowledgement Letter to confirm that no COI exists.

IF NO….
Please proceed to the next question.

DOES THE COMPANY WANT TO WORK ON CAMPUS?

IF YES…

☐ You must submit a COI disclosure.
☐ You must submit a FUA and receive a Facilities Use License (FUL) if university resources (lab space, equipment, etc. are to be utilized in the project.
☐ You must determine and apply for the proper affiliate appointment for the company personnel.

IF NO… and no UMD personnel beyond you will work on the project.
You can likely work with the company as a consultant.

- A Non-Disclosure Agreement (NDA) is recommended.
- You must follow the University of Maryland Policy on Conflict of Commitment.

Revised: 2/22/2022

- **NOTE**: You cannot simultaneously accept a Sponsored Research Agreement or Gift through the UMD Foundation or another UMD unit from the company while serving as a consultant to the same company.

ITEMS TO COMPLETE:

- ☐ Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy)
- ☐ Disclose COI (If Applicable)
- ☐ Include on Annual Outside Professional Activities (OPA) Report

IF NO… and only UMD personnel will work on the project on campus.
Please proceed to the next question.

IS THERE A ROUTED AND APPROVED AGREEMENT TO UMD TO FINANCIALLY SUPPORT THE WORK?

IF YES…
Your agreement likely covers Use, IP, and COI issues – confirm with Department, but you are likely OK to proceed with your work as defined in the agreement.

ITEMS TO COMPLETE:

- ☐ Disclose COI (If Applicable)
- ☐ FUA (If Applicable)
- ☐ Affiliate Appointment Documentation (If Applicable)
- ☐ Include on and/or update Annual OPA Report when due

IF NO…
A number of items need to be defined:

- ☐ Scope of Work
- ☐ Source of Funding
- ☐ FUA / FUL
- ☐ IP Agreement

ITEMS TO COMPLETE:

- ☐ Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy)
- ☐ Disclose COI (If Applicable)
- ☐ Submit FUA (If Applicable)
- ☐ Affiliate Appointment Documentation (If Applicable)
- ☐ Department Approval of Work/ Funds
- ☐ IP Agreement / UM Ventures
- ☐ Include on Annual OPA Report

IF NO… but the company made a gift to the UMD Foundation.
The gift can be used to support the Research – the gift cannot contain a scope of work or deliverable, and all intellectual property is owned by UMD.

ITEMS TO COMPLETE:

- ☐ Discuss with Department Chair to avoid a Conflict of Commitment (see Conflict of Commitment Policy)
- ☐ Disclose COI (If Applicable)

☐ Submit FUA (If Applicable)
☐ Submit Gift Checklist
☐ Affiliate Appointment Documentation (If Applicable)
☐ Include on Annual OPA Report

DO YOU HAVE ACTIVE US FEDERAL RESEARCH AWARDS OR DO YOU PLAN TO SUBMIT PROPOSALS FOR FEDERAL RESEARCH FUNDING?

IF YES…

Your company collaborations will likely need to be disclosed to current and future funding agencies.

More information on disclosure requirements can be found here: https://ora.umd.edu/resources/fadi.

Please review your contract and grant terms and contact your Office of Research Administration contract administrator if you have questions about new proposals or need to update your disclosures on an existing award.