MSU Conflict of Interest Guidance:

Providing Technical Testing Services to Entity in which MSU Employee Holds a Financial Interest

See also: Guidance: MSU Contract with Entity in which MSU Employee Holds an Interest

Providing Technical Testing Services to Outside Entities:
Occasionally, other academic institutions, non-profit organizations, or companies request that MSU conduct specific tests for a fee using special or unique University facilities managed and overseen by academic units. Current MSU practice requires only that a formal commitment by the outside entity to pay the established and advertised fee for the technical testing services, and that the service be made available to all outside entities equally. The fee must be sufficient to cover all direct and indirect costs incurred by MSU to perform the service, including use of MSU facilities, equipment, and personnel used in carrying out the work.

The University's agreement to perform these technical tests is justified only when:

- the desired facilities and services are not readily accessible elsewhere (in particular, there is no Michigan business that can perform the function);
- the tests to be performed involve established methods of a primarily technical nature that can be specified in advance; and
- the work does not require original, creative research input by MSU faculty, staff, or students.

The academic unit proposing to conduct such testing, as well as the requesting entity, should understand that technical tests are not cooperative research investigations. Under a testing service agreement, the University makes no claim of ownership with respect to the resulting observational data, information, or other test results specified in the statement of work. The University does not seek a proprietary position in the entities' intellectual property. As such, in situations where a potentially patentable invention may result from the testing work, or where it is questionable whether the proposed work qualifies as testing or research, the chair should consult with the dean, Office of Sponsored Programs, Contract and Grant Administration, Business Connect and/or MSU Technologies before agreeing to perform the work as a technical testing service.

Units should use all reasonable efforts to conduct the technical testing services as advertised and in accordance with accepted professional standards. Units should also exercise reasonable care of testing materials delivered to the University, but the University does not accept responsibility in case of loss or damage. The University is not liable for use of the test results, or any loss, claim, damage, or liability of any kind that may arise in connection with the work.

Providing Technical Testing Services to an Entity in which a MSU Employee Holds a Financial Interest:
Before the academic unit agrees to perform a technical testing service for an entity in which an employee holds a financial interest, the chair, in consultation with the dean, must make a considered judgment regarding the appropriateness of the proposed work and whether provision of the service constitutes outside work for pay. (See Outside Work for Pay Policy.) The chair and dean should also take a leadership role in the review of the conflict situation under the Faculty Conflict of Interest Policy and provide a recommendation to the Vice President for Research and Graduate Studies for approval. This recommendation should include the following information (use attached form):

- Name, address and type of organization requesting testing services;
- Description of services to be provided;
- Anticipated total cost and duration of proposed services;
- Facilities or personnel to be used to provide the services;
- Name of MSU employee(s) with financial interest in the organization;
- Description of the financial interest held;
- Nature and degree of the employee's role in providing the services;
- Statement assuring that all aspects of the requested testing services have been reviewed and:
  - they are consistent with advertised and approved rates that are available to all entities;
  - any associated outside work for pay has been reviewed and approved;
  - they do not adversely affect, violate, or circumvent the University's interests, policies, or regulations; and
  - any conflicting interest related to the services has been reviewed and managed or resolved under the Faculty Conflict of Interest Policy.
Contact:
For more information, see coi.msu.edu. For consultation and assistance, please contact:

Brian Mattes, Faculty Conflict of Interest Officer
408 W. Circle Drive, 105D Olds Hall
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517.884.7000 office/voice mail
517.432.9555 fax
MSU Conflict of Interest
Provision of Technical Testing Services to Entity in which MSU Employee Holds a Financial Interest

Name of Entity Requesting Technical Services: _______________________________________________________

Entity Address: ________________________________________________________________________________

Type of Organization: ____________________________________________________________________________

Description of services to be provided: ___________________________________________________________________

Anticipated cost and duration of proposed services: ______________________________________________________

Facilities or personnel to be used to provide services: ___________________________________________________

Name(s) MSU employee(s) with financial interest in the entity and description of interest held: _________________

Nature and degree of employee’s role in providing the services: _____________________________________________

We have reviewed all aspects of the requested testing services summarized above and assure that:

• They are consistent with advertised and approved rates available to all entities;
• Any associated outside work for pay has been reviewed and approved;
• They do not adversely affect, violate, or circumvent the University’s interests, policies, or regulations; and
• Any conflicting interest related to the services has been reviewed and managed or resolved under the Faculty Conflict of Interest Policy.

Chair ____________________________ Date: ______________________

Dean ____________________________ Date: ______________________

Please send the original of this document to:
The Vice President for Research and Graduate Studies
232 Hannah Administration Building
426 Auditorium Road
vprgs@msu.edu
517.355.0306 office/voice mail
517.432.1171 fax

Approved: ____________________________ Date: ______________________

Vice President for Research and Graduate Studies