

Faculty Participation in SBIR and STTR Programs

SUNY and the RF recognize that Small Business Innovation Research (SBIR) and Small Business Technology Transfer Research (STTR) programs are intended to help encourage small business concerns (SBCs) to engage in federal research and development and to encourage and create partnerships with research institutions to promote the commercialization of innovative technologies. Each federal agency that sponsors these programs has regulations concerning the relationships between the SBCs and research institutions. Specific regulations and requirements are detailed in the Request for Proposals (RFP) and the SBIR/STTR websites for the awarding agencies.

SUNY faculty and other members of the campus community may be interested in participating in SBIR or STTR funded activities. Involvement by faculty in these programs is highly encouraged; however, participation in these programs can create a conflict of interest in situations where the faculty member holds equity or has other interests in or with the SBC. These conflicts are expected, but must be properly disclosed and managed. Due to the potential for conflicts of interest and/or conflicts of commitment, and the potential need or desire to use SUNY or RF resources, individuals considering involvement in SBIR and STTR proposals must consider the following while planning:

- All equity, employment and other interests in the SBC must be disclosed either through the annual disclosure process or through submission of an updated or situational disclosure. These disclosures should be made consistent with the campus disclosure process, e.g. SUNY Pre-Award Compliance System (SUNY PACS) or the RF's COI Risk Manager system (contact the [RF Office of Compliance Services](#)). See additional information about conflicts of interest in the section below.
- For SBIR projects and some NSF STTR projects, the primary employment (more than 50%) of the Principal Investigator/Program Director (PI) must be with the SBC at the time of the award and for the duration of the project. Primary employment with the SBC precludes full-time

employment at another organization. Therefore, a full-time SUNY employee may not serve as the SBC PI of the SBIR or some STTR grants unless they have a reduced University appointment. Employees are responsible for seeking approval for the reduced appointment per the appropriate campus policy/guidelines before they serve as the SBC PI on any proposal being submitted for SBIR/STTR funding by a SBC.

- For STTR projects, an individual may be employed by the SBC as the PI or the University as the PI, as long as there is a formalized, official relationship between the SBC and that individual. They cannot be the PI of both. The SBC PI must commit at least 10% effort to the project. When SBC effort is combined with their University appointment, faculty effort may not exceed 100%. In most situations, a full-time employee of the University may not serve as the SBC PI of an STTR grant during the academic year unless they have a reduced University appointment or have the appropriate level of effort “bought out” by the SBC via a formalized agreement with the University.
- SUNY employees cannot be the PI for the SBC and the PI of the University on the same SBIR or STTR project. Some Phase I STTR proposals are not subject to this rule; it is important to understand the sponsor guidelines. In these cases if the grant is awarded, one of the PI roles must be reassigned to a different individual.
- SBCs may use SUNY facilities for their portion of the work provided the SBC is charged the standard rate applicable to other non-University entities and there is a documented agreement between the SBC and University relating to the use of space, equipment, etc. SBC work may not be conducted by the SBC in the University PI’s laboratory. The University PI’s laboratory may only be used for work subcontracted to the University by the SBC.
- All relevant campus rules and policies must be followed regarding any use of SUNY facilities, equipment, or services.
- The offices of sponsored programs and sponsored funds administration (or the equivalent office on each campus) cannot be used to support the SBC application or SBC post-award administration. The support of these offices is limited to the activities of the University as an intended subrecipient.

Conflict of Interest Disclosures and Management

- In any case where the faculty member holds equity or serves as an officer, director or employee of the SBC, a conflict of interest management plan must be executed between the University personnel and their School/Department.
- If during the conduct of a project a new interest arises, a situational or updated disclosure must be filed. The disclosure must be made consistent with the campus disclosure process as discussed above.
- All disclosures must be reviewed by appropriate individuals to determine whether any potential conflict or other violation of relevant laws, rules, regulations, or policies exists or could exist. SBIR and STTR related disclosures should be reviewed in consultation with sponsored programs, technology transfer AND research compliance offices to ensure that all potential issues are managed and that all administrators involved are aware of any potential issues.
- Management plans must be implemented to manage potential issues, including conflicts. See [Managing Conflicts of Interest Guidelines](#) for examples of scenarios and management plan considerations. The disclosure, review, and management plan should be documented as a permanent record and periodically monitored to ensure compliance. Note that most electronic systems will provide the required level of documentation.