

**BINGHAMTON UNIVERSITY**  
**START-UP NY CAMPUS PLAN**

**AMENDMENT 1**

**Date: 2/1/2015**

*Please return comments to:*

**Per Stromhaug**

Assistant Vice President

Innovation and Economic Development

Office of Entrepreneurship and Innovation Partnerships

Binghamton University

&

Executive Director

Southern Tier High Technology Incubator

***per@binghamton.edu***

**607-777-5873**



The State University  
of New York

Office of General Counsel

State University Plaza  
Albany, New York 12246

[www.suny.edu](http://www.suny.edu)

March 4, 2015

President Harvey Stenger  
Binghamton University  
State University of New York  
P.O. Box 6000  
Binghamton, NY 13902-6000

Re: START-UP NY

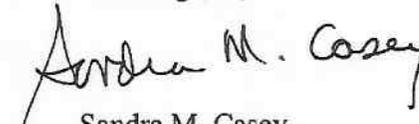
Dear President Stenger:

Congratulations. Attached is the approved application for Binghamton University's Campus Plan for Designation fo Tax-Free Area(s).

After completion of the required 30-day comment period, please submit evidence of stakeholder notification, along with your complete campus plan, to Emire State Development at [designations@esd.ny.gov](mailto:designations@esd.ny.gov).

Best of luck to you and Binghamton University in launching the START-UP NY program.

Best Regards,

  
Sandra M. Casey  
General Counsel-in-Charge

Attachment

Copy: SUNY START-UP NY Proposal Review Team

To Learn  
To Search  
To Serve

the Power of 



The State University of New York

SUNY START-UP NY
Campus Plan for Designation of Tax-Free Area(s) Memorandum (CPM)

To: SUNY Chancellor

From: Per Stromhaug

Re: Binghamton University Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan")

Date: 1/31-2015

For campus Office of the President:

The arrangement documented in the attached Campus Plan is aligned to the academic mission of Binghamton University and in accordance with all SUNY policies, procedures, and guidelines.

Handwritten signature of Harvey Stenger

Signature of campus President

Harvey Stenger

Print Name

FOR SUNY SYSTEM ADMINISTRATION USE ONLY

For SUNY's START-UP NY Proposal Review Team Co-Chair: It is recommended by the SUNY START-UP NY Proposal Review Team that SUNY [approve/reject] the attached Campus Plan:

Handwritten signature of Jeffrey A. Boyce

Proposal Review Team Co-Chair

3-2-15

Date

Handwritten signature of Jeffrey A. Boyce

Print Name

For SUNY Office of the Chancellor:

The attached Campus Plan is hereby [approved/rejected] for campus submission to the NYS Commissioner of Economic Development.

Handwritten signature of Sandra M. Casey

Signature of the Chancellor or designee

3/4/15

Date

Handwritten signature of Sandra M. Casey

Print Name



The State University  
of New York

To: Mr. Kenneth Adams, NYS Commissioner of Economic Development  
From: President **Harvey Stenger** of **Binghamton University, State University of New York**  
Re: **Binghamton University's** Campus Plan for Designation of Tax-Free Area(s)  
Date: **1/31-2015**

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I, President **Stenger** of **Binghamton University** hereby certify the following:

- a.) we have provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Area, to the municipality or municipalities in which the proposed Tax-Free NY Area is located, local economic development entities, the applicable faculty senate, union representatives, and student government at least 30 days prior to submitting the plan to you and attached evidence of submission herewith; and
- b.) we comply with Public Officers Law Section 74; State University of New York's Policy on Conflict of Interest; and the Research Foundation's Conflict of Interest Policy and Guidelines for the Management of Conflicts of Interest; and attached copies of the policies and/or guidelines herewith; and
- c.) we comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect. 440); and
- d.) we are aware of the non-governmental use limitations associated with state issued tax exempt bonds and if our proposed Tax-Free NY Area was financed with tax exempt bonds, we will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and
- e.) we consulted with the municipality or municipalities in which such land or space is located prior to including such space or land in the proposed Tax-Free NY Area and we have given preference to underutilized properties; and
- f.) we have not relocated or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, parking, or any other facility, space or program that actively serves students, faculty or staff in order to create vacant land or space to be designated as a Tax-Free NY Area; and
- g.) the information contained in the enclosed application is accurate and complete.

  
\_\_\_\_\_  
PRESIDENT'S SIGNATURE

2/4/15  
\_\_\_\_\_  
DATE

Attachments/Enclosures:

- 1.) Tax-Free Area Plan with Polygon shapefile of campus area (if available) and/or point data of vacant space (if available), **OR** outline and shaded delineation of proposed tax-free area on a campus aerial photo and/or campus map shaded to indicate land or building containing proposed tax-free space, and floor plans of building space with designated space clearly labeled and shaded.
- 2.) Excel spreadsheet of property to be designated
- 3.) Applicable conflict of interest policies
- 4.) Evidence of submission of Tax-Free Area Plan to interested parties



**START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)**

Campus Name: **Binghamton University, State University of New York**  
Campus Contact Name: **Per Stromhaug**  
Campus Contact Title: **Assistant Vice President**  
Campus Contact E-mail: **per@binghamton.edu**  
Campus Contact Phone: **607-777-5873**

**THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:**

- 1) Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:
  - i. Provide the name and address of the SUNY, CUNY or community college seeking approval as a Sponsor, the address of the space or land proposed for designation as a Tax-Free NY Area, and a written description of the physical characteristics of the area for designation.

Name: <b>Binghamton University, State University of New York</b>
Campus Address: <b>PO Box 6000, Binghamton, NY-13902-6000</b>
Address(es) of Proposed Tax-Free NY Area(s) : <b>85 Murray Hill Road, Vestal, NY-13850 (campus)</b> <b>110-124 Hawley Street, Binghamton, NY-13901 (campus)</b> <b>59-61 Court Street, Binghamton, NY-13901 (campus)</b>
Description of Physical Characteristics of Proposed Tax-Free NY Area(s): <b>85 Murray Hill Road:</b> 7,496 sq. ft. office space in the Start-Up Suite Pre-Incubator on the Binghamton University campus, which is part of the Southern Tier Regional Hotspot. The offices are housed within three of the buildings at the Innovative Technologies Complex: the Biotechnology Building (SU-107-1-B-0136-000-A); the Engineering & Science Building (SU-107-1-B-0148-000-A); and, the Center of Excellence Building (SU-107-1-B-0156-000-A). 3,825 SF laboratory space in the Start-Up Suite Pre-Incubator in the Center of Excellence Building (SU-107-1-B-0156-000-A). Companies in the Start-Up Suite have access to shared services, conference rooms and other common areas. <b>110-124 Hawley Street:</b> Several adjoining lots in downtown Binghamton combined into a 2.1 acre parcel (SU-107-1-L-0176-000-A) that will house the 34,064 sq. ft. Southern Tier High Technology Incubator (SU-107-1-B-0175-000-A) (construction to start in 2015). There

will be opportunities for additional development on the site under the Start-Up NY program. The lots were previously used for parking, and also contained a few vacant structures that have been removed.

**59-61 Court Street, Binghamton, NY-13901:** 4,300 sq. ft. of second floor will be used for the BCIDA Incubator affiliated with the Start-Up Suite at Binghamton University and the Southern Tier Regional Hotspot, offering office and co-work space as well as shared services, conference room and other common areas. (SU-107-2-B-1002-000-A).

- ii. Complete the Excel spreadsheet template provided with this document, noting the instructions on page 2. Include the official SUNY Physical Space Inventory (PSI) building number and a clear description of the spaces in the building or floor (when the entire floor is under consideration), or floor/wing (with outer rooms defining the space specifically listed). Include only properties sought to be designated now and exclude potential sites that may be considered in the future (see 2a below). Attach the completed spreadsheet to this plan.
  - iii. Provide also a representation of each proposed site drawn in AutoCAD on a scaled campus map with boundaries drawn clearly. Two versions should be created; one including an imbedded layer from Google Earth or other aerial photograph of the property. The second version should exclude the photographic imagery. Each parcel under consideration must have a unique alpha numeric identifier, clearly labeled on each plan which ties to identifiers in the Excel spreadsheet. If digital files containing Polygon shapefile that delineates area for designation are available, provide these as well. Attach these materials to this plan.
  - iv. Provide a campus map with each proposed building shaded. Label each building with the official building number as listed in the SUNY Physical Space Inventory (PSI) along with the building name. For each building shaded and labeled, include floor plans of all areas under consideration with the specific spaces clearly shaded and labeled with official PSI room numbers. If digital files containing Point shapefiles that provide locations of area for designation are available, provide these as well. Attach these materials to this plan.
- 2) The total square footage of the space and/or acreage of land proposed for designation as a Tax-Free NY Area is:

- 3) 49,685 sq. ft. campus space
- 4) 95,000 sq. ft. (2.1 acres) campus land

2a) If applicable: You may include here a description of any potential space or acreage of land that you may seek to designate as a Tax-Free NY Area under the START-UP NY Program in the future. This may include campus property that may become vacant, or other properties in your community that are not currently part of your campus but may be desirable for a company partner and with which you may consider an affiliation if an appropriate partner is identified. Do not include these properties in the Excel spreadsheet.

Charles Street Business Park, Binghamton  
Huron Campus Building #258, Endicott (250,000 sq. ft.); several additional buildings available  
265 Industrial Park Dr., Binghamton ("L-3 Building")  
Broome County Industrial Park, Binghamton  
Airport Corp Center, Johnson City  
Glendale Business Park, Endicott  
Endicott Learning Center, 23 Jackson Avenue, Endicott (95,000 sq. ft.)  
200 Court St., Binghamton (100,000 sq. ft.)

2b) *If applicable:* The total square footage of the space or acreage of land that you may propose to designate as a Tax-Free Area as identified in 2a, if known.

TBD

- 3) Provide a description of the type of business or businesses that may locate in the area identified in #1.

Through Start-Up NY, Binghamton University will seek to help start, attract and partner with companies that align with our academic and strategic missions' focus on the student, and that augment the University's academic strengths and research areas.

Furthermore, in line with the strategic plan of the Southern Tier Regional Economic Development Council, Binghamton University is partnering with SUNY Broome Community College, Cornell University and other colleges in the region to develop a strategy for maximizing the impact of Start-Up NY throughout the Southern Tier. In collaboration with local economic and industrial development organizations and the chamber of commerce, the competencies and qualities found in the Southern Tier will be marketed to attract and match companies to the appropriate resources and facilities on the campuses and in the communities. The Vision statement of the Southern Tier Regional Economic Development Council reads:

*"Building on a strong foundation of existing businesses and higher education institutions the Southern Tier region uses a collaborative approach to leverage its globally competitive advantages to attract talent and investment for the development of industry clusters. Our focus will be on increasing the size and prosperity of the region's workforce through new business creation based on high-technology discoveries and other entrepreneurship activities, while ensuring healthy communities and protecting the natural beauty and resources of the region."*

Moreover, the objectives of the Southern Tier Regional Incubator Strategy adopted by the Southern Tier Regional Economic Development Council are to

- a) *increase the amount of technology being commercialized by regional research sources;*

- b) *increase the number of companies being formed in the region;*
- c) *increase the success rate of companies being formed; and*
- d) *increase the number of students educated in the region who then remain in the region to start companies and join startups.*

Binghamton University already works extensively with industry through our New York State Center of Excellence, the Small Scale Systems and Integrated Packaging Center (S3IP), the Thomas J. Watson School of Engineering and Applied Science's outreach programs such as the Watson Institute for Systems Excellence (WISE), the Strategic Partnership for Industrial Resurgence (SPIR), and other forms of engagement, to provide students with extensive experiential learning and applied research opportunities, both on campus and at the facilities of industry partners. The Start-Up NY program adds another dimension to these efforts, for example by incentivizing industry partners to co-locate within Binghamton University facilities or in proximity to campus. The initial focus areas for recruitment align with the focus areas of the S3IP, the Start-Up Suite and the Southern Tier High Technology Incubator. They are also congruent with the strategic plan of the Southern Tier Economic Development Council: companies that do research, development and manufacturing within energy efficiency and renewable energy, electronics packaging and microelectronics, nanotechnology, and health sciences sectors. Binghamton University has client companies in the Start-Up Suite Incubator and is in discussions with other start-up companies and with faculty, staff, students, alumni and other entrepreneurs about starting companies within these fields. Other areas include information gathering and analysis ("big data"), market and financial analytics, tools for human resources and social entrepreneurship, media content and technologies, cyber and computer security and monitoring, simulation platforms, health assessment tools and services, and life sciences and medical applications including pharmaceuticals. The companies sought as partners through the Start-Up NY program will further the academic mission of the University by providing opportunities for

- a) *internships, externships and other external student learning experiences;*
- b) *research and development collaborations that include faculty, staff or students;*
- c) *faculty, staff and students to apply for and win grants and contracts, either from the company or from other sources in collaboration with the company;*
- d) *employment for graduates;*
- e) *increased utilization of University assets, for example of Center of Excellence facilities and other core research and development resources;*
- f) *commercialization of University research and technologies through licensing or other partnerships; or*
- g) *mentoring, coaching or other means of intellectual or financial assistance of University entrepreneurs and University start-up companies.*

- 4) Provide a description of the campus academic mission, and explain how the businesses identified in #3 will align or further the academic mission of the university or college.

#### ACADEMIC MISSION

Binghamton University defines itself as a premier public university. As such, the University's mission is to enrich the lives of people through discovery, education, and engagement. The University identifies its academic mission as follows:

*"Binghamton University is a premier public university dedicated to enriching the lives of people in the region, state, nation and world through discovery and education and to being enriched by partnerships with those communities."*

#### STRATEGIC MISSION

The University's strategic plan identifies a commitment to sustain excellence during the period of transition, blending traditional and innovative approaches to create effective actions. Its vision is as follows:

*"Binghamton will distinguish itself as a stellar institution of higher education, one that combines an international reputation for graduate education, research, scholarship and creative endeavor with the best undergraduate programs available at any public university."*

#### ACADEMIC STRENGTHS

Binghamton offers 130 academic areas of study for undergraduates and 70 for graduate students. The campus currently has over 16,000 students, whereof 3,000 are graduate students, and 650 faculty.

Binghamton's programs are housed within six schools:

*Harpur College of Arts and Sciences'* main goal is to deliver the highest quality education possible in a full range of liberal arts studies, with a curriculum designed to strengthen intellectual skills and general knowledge.

*School of Management* provides unique undergraduate programs in accounting and management, which stress analytical capabilities, experiential learning and integration across functional areas, communication skills and global and ethical environment.

*Decker School of Nursing* has as mission to disseminate and advance knowledge about human health care, health promotion and the treatment of illness in individuals, families and communities,

with an emphasis on underserved and rural populations.

*Thomas J. Watson School of Engineering and Applied Science* offers bachelor's degrees, master's degrees, and doctoral programs in five fields of study: Bioengineering; Computer Science; Electrical and Computer Engineering; Mechanical Engineering; and, Systems Science & Industrial Engineering.

*The College of Community and Public Affairs (CCPA)* provides undergraduate degree programs in human development and graduate programs in public administration, social work and student affairs administration.

*Graduate School of Education* offers master's degree programs in Adolescence Education, Childhood Education, Literacy Education, and Special Education. All of these programs are approved for New York state teaching certification.

In addition, Binghamton University is in the process of establishing a *School of Pharmacy and Pharmaceutical Sciences* to be located in Johnson City.

## RESEARCH AREAS

Binghamton University research focuses on issues of societal, technological, economic, cultural, intellectual and aesthetic significance — all issues critical to our future — through thoughtful development of five transdisciplinary areas of excellence:

*Citizenship, Rights, and Cultural Belonging* seeks new understandings of the ideas of citizenship, rights and cultural belonging and supports inquiries that emphasize their cultural, ethnic, gendered, sexual, biological and transnational facets.

*Health Sciences* will help to ensure that the latest innovations in healthcare travel speedily from lab bench to bedside by integrating cutting-edge biomedical research with systems science, industrial engineering and microelectronic device development.

*Material and Visual Worlds* has scholars from a wide variety of disciplines – the social sciences, the humanities and the fine arts – and seeks to analyze things and images as gatherings of technologies, materials, histories and interactions extending through space and time.

*Smart Energy* will build upon existing strengths in alternative energy research such as solar and thermoelectric energy harvesting, energy storage, energy efficiency in electronic systems, and sensor development for energy resource management.

*Sustainable Communities* will help us understand what it takes to model, build and maintain sustainable communities. Collaboration among faculty from many disciplines enables a deeper

understanding of past, present and future trends in society and nature.

#### NEW YORK STATE CENTER OF EXCELLENCE

In addition to the teaching and research concentrations of its colleges and the transdisciplinary areas of excellence, Binghamton has unique strengths and capabilities resident in the New York State Center of Excellence, the Small Scale Systems Integration and Packaging Center (S3IP), which contains the following units and laboratories:

*The Integrated Electronics Engineering Center (IEEC)* is a New York State Center for Advanced Technology (CAT) in Electronics Packaging. The IEEC is dedicated to the advancement of electronic packaging technology and the electronics industry.

*The Center for Advanced Microelectronics Manufacturing (CAMM)* is the nation's first prototype research and development (R&D) facility in large-area flexible electronics.

*The Center for Autonomous Solar Power (CASP)* aims to reduce the cost of solar power and enhance energy efficiency by drawing on expertise from engineering, computer science, chemistry and physics.

*The Analytical and Diagnostics Laboratory (ADL)* is an interdisciplinary research facility that promotes high-tech commercialization of microelectronic technologies as well as life sciences research applications in medical areas.

*The Nanofabrication Laboratory (NLAB)* supports nano-scale research by providing state-of-the-art resources.

*The Center for Energy-Smart Electronic Systems (ES2)* is a National Science Foundation Industry/University Cooperative Research Center (I/UCRC) that aims to develop systematic methodologies for efficiently operating electronic systems including data centers.

*The NorthEast Center for Chemical Energy Storage (NECCES)* is a DOE funded international consortium dedicated to understanding and improving battery technology by researching new and current materials and reaction chemistries, and enabling new chemistries.

- 5) Provide a description of how participation by these types of businesses in the START-UP NY Program will generate positive community and economic benefits, including but not limited to:
  - Increased employment opportunities;
  - Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;
  - Diversification of the local economy;

- Environmental sustainability;
- Increased entrepreneurship opportunities;
- Positive, non-competitive and/or synergistic links to existing businesses;
- Effect on the local economy; and
- Opportunities as a magnet for economic and social growth.

Start-Up NY will stimulate to the formation of partnerships between the campus and the companies that will create positive community and economic benefits by creating opportunities for

- a) *job creation;*
- b) *commercialization of University technologies for public benefit;*
- c) *intellectual capital shared between the University and the company;*
- d) *access to business leaders by faculty, staff and students;*
- e) *public/private partnerships that enhance the attractiveness of the area for companies;*
- f) *enhanced teaching curricula;*
- g) *increased awareness of University programs and resources; and*
- h) *elevated brand of Binghamton University .*

In addition, Start-Up NY will help Binghamton University increase the overall economic activity in the region by

- a) *building an entrepreneurial ecosystem in the Greater Binghamton Area that fosters start-up company formation, recruits start-up companies to the region, and catalyzes small companies to grow and expand into new areas and product lines;*
- b) *being a preferred partner for small-, medium- and large-sized companies by making available intellectual capital and high technology assets that will help regional companies expand existing business and create new business areas, and that will recruit companies to the region; and by*
- c) *providing a highly trained workforce for new and existing companies of all sizes.*

- 6) Provide a description of the process the Sponsor (campus) will follow to select participating businesses. The description should identify the membership of any group or committee that may make recommendations, the final decision-maker, and the criteria that will be used to make decisions. This group or committee must include representation from faculty governance. The criteria may include some or all of the following:

**A. Academic and Research Alignment**

1. Is the business in an industry aligned with current and/or developing University research, scholarly, and creative activity?
2. Does the business provide experiential learning and workforce opportunities (e.g., internships, fellowships, full-time jobs) for students and graduates?
3. Does the business provide areas for partnership and advancement for faculty and students?
4. Will the business provide access to research instrumentation, tools, and/or equipment necessary to advance the academic and research mission?

5. Will the business fund scholarships, campus facilities or other academic services or amenities?
6. Will the business and/or its employees contribute to instruction or provide student mentoring?
7. Does the business offer the use of company resources, intellectual property or expertise to support the academic mission?

**B. Economic Benefit**

1. How many net new jobs will be created?
2. Is the business viable in both the short- and long-term?
3. Will the business attract private financial investment?
4. Does the business plan to make capital investments (e.g., renovation, new construction)?
5. Are the new jobs in critical areas of the economy?
6. How will the University financially benefit from the terms of the lease?

**C. Community Benefits**

1. Does the business have the support of one or more municipal or community entities?
2. Is the business recruiting employees from the local workforce?
3. Does the business invest in underserved, economically distressed regions?
4. Will the business rely on suppliers within the local and regional economy?

The following procedure will be followed at Binghamton University to select companies that may participate in the Start-Up NY program in the Greater Binghamton Area:

1. *Company will discuss with the Office of Entrepreneurship and Innovation Partnerships (E&IP) and the Small Business Development Center (SBDC) eligibility under the statute as well as the fit with the academic mission of the University. Discussions with faculty, staff and students will identify potential sponsors. Company submits application for space in the Start-Up Suite Pre-Incubator and/or for participation in the Start-Up NY program.*
2. *The application(s) will be endorsed or rejected by the Start-Up Committee appointed jointly by the Vice President for Research and the Faculty Senate Executive Committee. The endorsement will be based on a holistic review of academic and research benefits, economic benefits, and community benefits as described in 6A, 6B and 6C above. The Committee consists of nine members, whereof a minimum of six must be faculty and a minimum of two must be staff. Six members are required for a quorum and a minimum of four voting members must be faculty.*
3. *Endorsed applications will be forwarded to the Vice President for Research for review and approval.*
4. *Approved Start-Up NY Business applications will be forwarded to the Binghamton University President for review and approval.*
5. *Approved Start-Up NY Business Application will be submitted by the Binghamton University President to ESD.*
6. *Applications not rejected by ESD within 60 days are considered approved and the application becomes a contract between the University and the company.*

Annually, each company will submit a report on their progress in meeting their business and university engagement goals to be reviewed by the Start-Up Committee. The Committee will make a recommendation to continue, end or modify the relationship with the company. This recommendation will be made to the Vice President for Research and the President for consideration and action.

Sponsor	Location	UniqueID	16V Incubator	Owner	Property Type*	Street/Address	City	Zip Code	Parcel ID	Building	Space Type**	SqFt	Acres	Description	on Campus	Within 1 mile Of Campus	More than 1 mile off campus (requires waiver)	Latitude	Longitude	Note	County
SUNY Binghamton	Vestal	SU-107-1-B-0136-000-A	Yes	Binghamton University	1	85 Murray Hill Rd	Vestal	13850		Biotechnology Building 136	C	3,151		Rooms 2100-2113	Yes	No	No	42.0938740	-75.9591970		Broome
SUNY Binghamton	Vestal	SU-107-1-B-0148-000-A	Yes	Binghamton University	1	85 Murray Hill Rd	Vestal	13850		Engineering & Science Building 148	C	2,583		Rooms 2400-2413	Yes	No	No	42.0943410	-75.9583710		Broome
SUNY Binghamton	Vestal	SU-107-1-B-0156-000-A	Yes	Binghamton University	1	85 Murray Hill Rd	Vestal	13850		Center of Excellence Building 156	C	1,762		Rooms 2221-2229	Yes	No	No	42.0944310	-75.9598750		Broome
SUNY Binghamton	Vestal	SU-107-1-B-0156-001-A	Yes	Binghamton University	1	85 Murray Hill Rd	Vestal	13850		Center of Excellence Building 156	C	1,608		Room 0400	Yes	No	No	42.0944310	-75.9598750		Broome
SUNY Binghamton	Vestal	SU-107-1-B-0156-002-A	Yes	Binghamton University	1	85 Murray Hill Rd	Vestal	13850		Center of Excellence Building 156	C	2,217		Rooms 0200, 0201, 0202	Yes	No	No	42.0944310	-75.9598750		Broome
SUNY Binghamton	Binghamton	SU-107-1-L-0176-000-A	Yes	Broome County IDA	1	110-124 Hawley St	Binghamton	13901	n/a		D		2.1	Land	Yes	No	No	42.0976690	-75.9079480		Broome
SUNY Binghamton	Binghamton	SU-107-1-B-0175-000-A	Yes	STHTI, Inc	1	110-124 Hawley St	Binghamton	13901		Southern Tier High Technology Incubator	A	34,064		Technology Incubator	Yes	No	No	42.0976690	-75.9079480		Broome
SUNY Binghamton	Binghamton	SU-107-1-B-1002-000-A	Yes	59-Sixtyone, LLC	1	59-61 Court St	Binghamton	13901			C	4,300		Part of second floor	Yes	No	No	42.0987120	-75.9125910		Broome

\* 1= on campus  
2= 1 mile off campus  
3= State Asset

\*\* A=entire building  
B=floor within building  
C=Room within building  
D=land on campus  
E=land off campus  
F=entire building off campus  
G=partial building off campus  
H=state asset

# PUBLIC OFFICERS LAW

## § 74. Code of ethics.

**1. Definition.** As used in this section: The term "**state agency**" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of section fifty-three-a of the finance law or their successors.

The term "**legislative employee**" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

**2. Rule with respect to conflicts of interest.** No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

### **3. Standards.**

- a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
- b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he by reason of his official position or authority.
- c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
- d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.
- e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

- g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services of any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.

**4. Violations.** In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

 <p>Category: HR / Labor Relations Legal and Compliance</p> <p>Responsible Office: <a href="#">University Counsel</a></p>	<p>Policy Title: Conflict of Interest Document Number: 6001</p> <p>Effective Date: October 01, 1995</p> <p>This policy item applies to: State-Operated Campuses</p>
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- [Policy](#)
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**Summary**

Faculty and staff of the State University of New York (University) are encouraged to foster an atmosphere of academic freedom by promoting the open and timely exchange of scholarly knowledge independent of personal interests and are required to avoid conflicts of interest. Where potential or actual conflicts exist, faculty and staff are expected to consult with appropriate University officers and abide by University policy. This policy represents a restatement of existing University policy and pertinent state and federal law and regulations.

**Policy**

Faculty and staff of the State University of New York (University) are encouraged to foster an atmosphere of academic freedom by promoting the open and timely exchange of scholarly knowledge independent of personal interests. In keeping with this obligation, they are also required to avoid conflicts of interest.

In instances where potential or actual conflicts exist, faculty and staff are expected to consult with appropriate University officers and abide by this University policy. It is the responsibility of campus officials charged with implementing this policy to identify potential or actual conflicts of interest and take appropriate steps to manage, reduce, or eliminate them.

This policy represents a restatement of existing University policy and pertinent state and federal law and regulations.

1. University faculty and staff may not engage in other employment which interferes with the performance of their professional obligation.
2. University faculty and staff are expected to comply with the New York State Public Officers Law provisions on conflict of interest and ethical conduct.
3. University faculty and staff, to the extent required by law or regulation, shall disclose at minimum whether they (and their spouses and dependent children) have employment or financial interests or hold significant offices, in external organizations that may affect, or appear to affect, the discharge of professional obligations to the University.
4. University campuses shall ensure that all faculty and staff subject to pertinent laws and regulations disclose financial interests in accordance with procedures to be established by the Chancellor or designee. Campuses shall retain the reported information as required, identify actual or apparent conflicts of interest and seek resolution of such conflicts.
5. Each campus president shall submit to the chancellor's designee the name and title of the person or persons designated as financial disclosure designee(s) and shall further notify the chancellor's designee when a change in that assignment occurs. The chancellor's designee shall also be notified of any reports regarding conflict of interest that are forwarded to state or federal agencies.

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### **Definitions**

**Conflict of interest** — any interest, financial or otherwise, direct or indirect; participation in any business, transaction or professional activity; or incurring of any obligation of any nature, which is or appears to be in substantial conflict with the proper discharge of an employee's duties in the 'public interest. A conflict of interest is also any financial interest that will, or may be reasonably expected to, bias the design, conduct or reporting of sponsored research.

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### **Other Related Information**

[Outside Activities of University Policy Makers](#)

[Ethics in State Government - A Guide for New York State Employees](#)

[National Science Foundation, Grant Policy Manual](#)

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### **Procedures**

There are no procedures relevant to this policy.

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### **Forms**

There are no forms relevant to this policy.

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### **Authority**

[42 CFR 50, Subpart F](#)

The following link to FindLaw's [New York State Laws](#) is provided for users' convenience; it is not the official site for the State of New York laws.

[NYS Public Officers Law, Section 73-a, and 73 and 74](#)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

[Board of Trustees Policies - Appointment of Employees \(8 NYCRR Part 335\)](#)

State University of New York Board of Trustees Resolution adopted June 27, 1995

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**History**

Memorandum to presidents from the office of the University provost, dated June 30, 1995 regarding revision to University conflict of interest policy to bring it in conformity with federal guidelines issued by the National Science Foundation and the Public Health Service.

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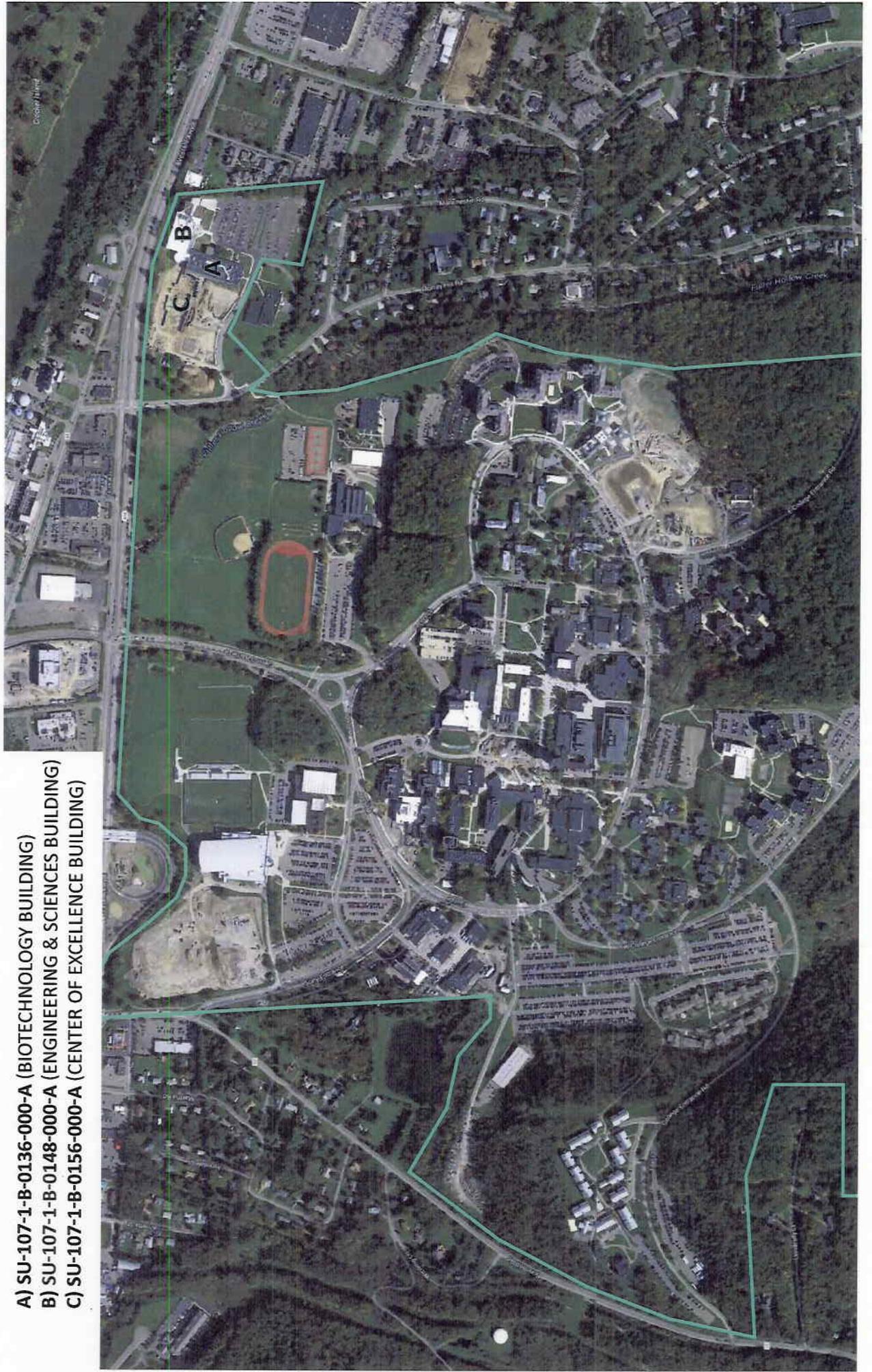
**Appendices**

There are no appendices relevant to this policy.

# BINGHAMTON UNIVERSITY

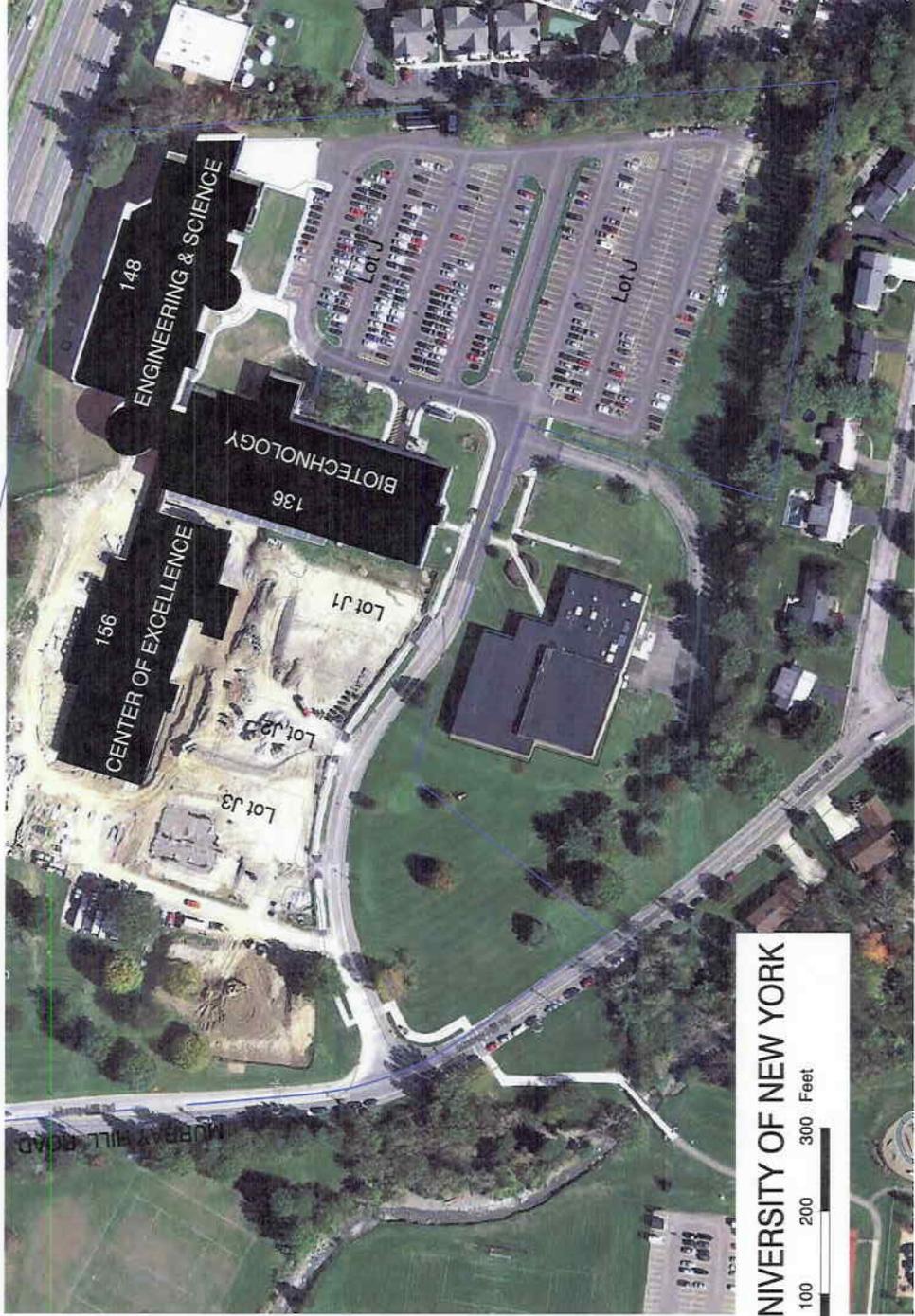
STARTUP NY- MAIN CAMPUS MAP

- A) SU-107-1-B-0136-000-A (BIOTECHNOLOGY BUILDING)
- B) SU-107-1-B-0148-000-A (ENGINEERING & SCIENCES BUILDING)
- C) SU-107-1-B-0156-000-A (CENTER OF EXCELLENCE BUILDING)



**BINGHAMTON UNIVERSITY**  
START-UP SUITE - 85 MURRAY HILL RD, VESTAL, NY 13850

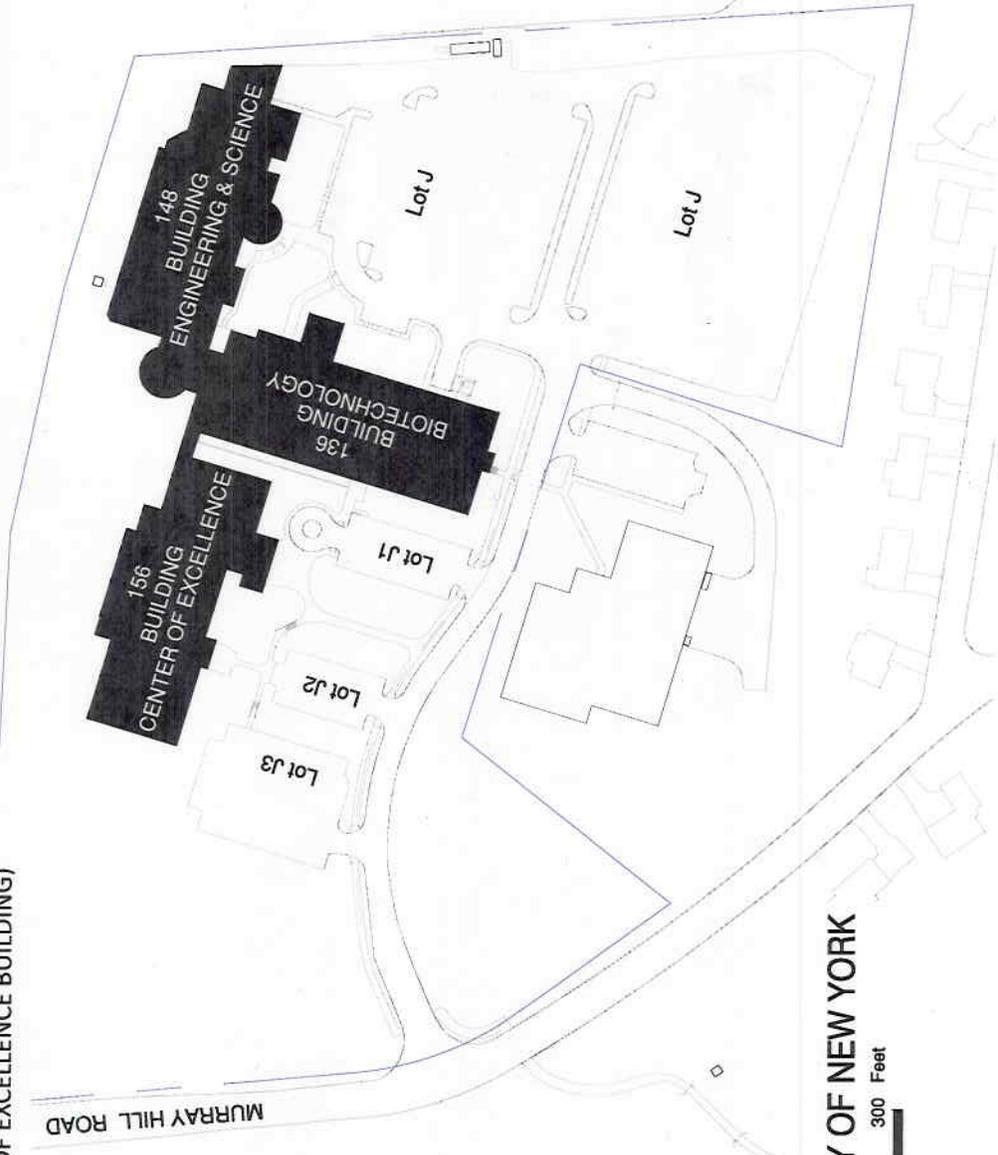
- SU-107-1-B-0136-000-A (BIOTECHNOLOGY BUILDING)
- SU-107-1-B-0148-000-A (ENGINEERING & SCIENCES BUILDING)
- SU-107-1-B-0156-000-A (CENTER OF EXCELLENCE BUILDING)



STATE UNIVERSITY OF NEW YORK  
Scale 0 100 200 300 Feet

**BINGHAMTON UNIVERSITY**  
START-UP SUITE- 85 MURRAY HILL RD, VESTAL, NY 13850

- SU-107-1-B-0136-000-A (BIOTECHNOLOGY BUILDING)
- SU-107-1-B-0148-000-A (ENGINEERING & SCIENCES BUILDING)
- SU-107-1-B-0156-000-A (CENTER OF EXCELLENCE BUILDING)



**STATE UNIVERSITY OF NEW YORK**  
Scale 0 100 200 300 Feet

**BINGHAMTON UNIVERSITY**  
START-UP NY- DOWNTOWN CAMPUS MAP

- D) SU-107-1-L-0176-000-A (STHTI SITE)
- SU-107-1-B-0175-000-A (STHTI)
- E) UNIV. DOWNTOWN CENTER
- F) SU-107-1-B-1002-000-A (BC IPA INCUBATOR)

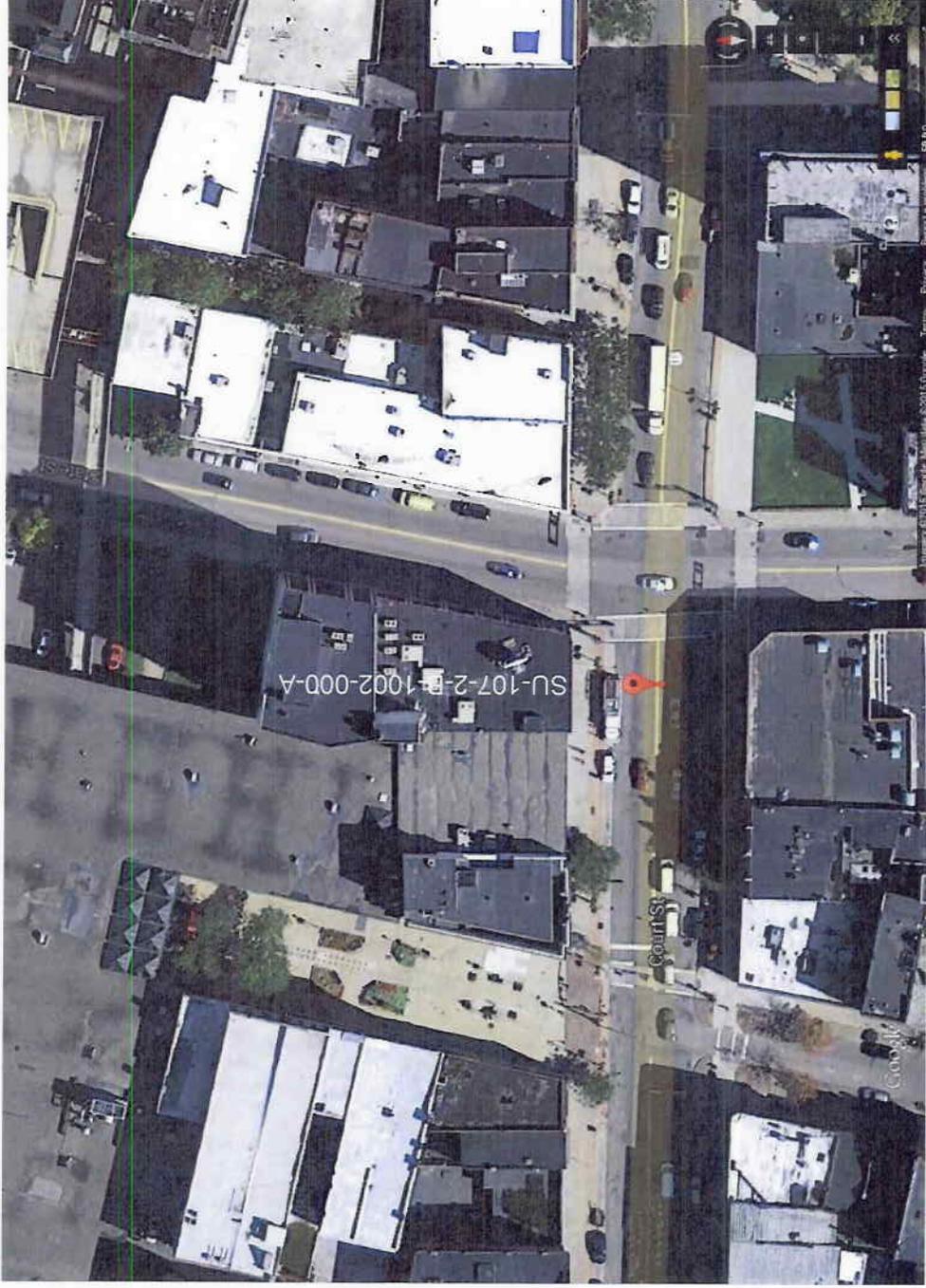






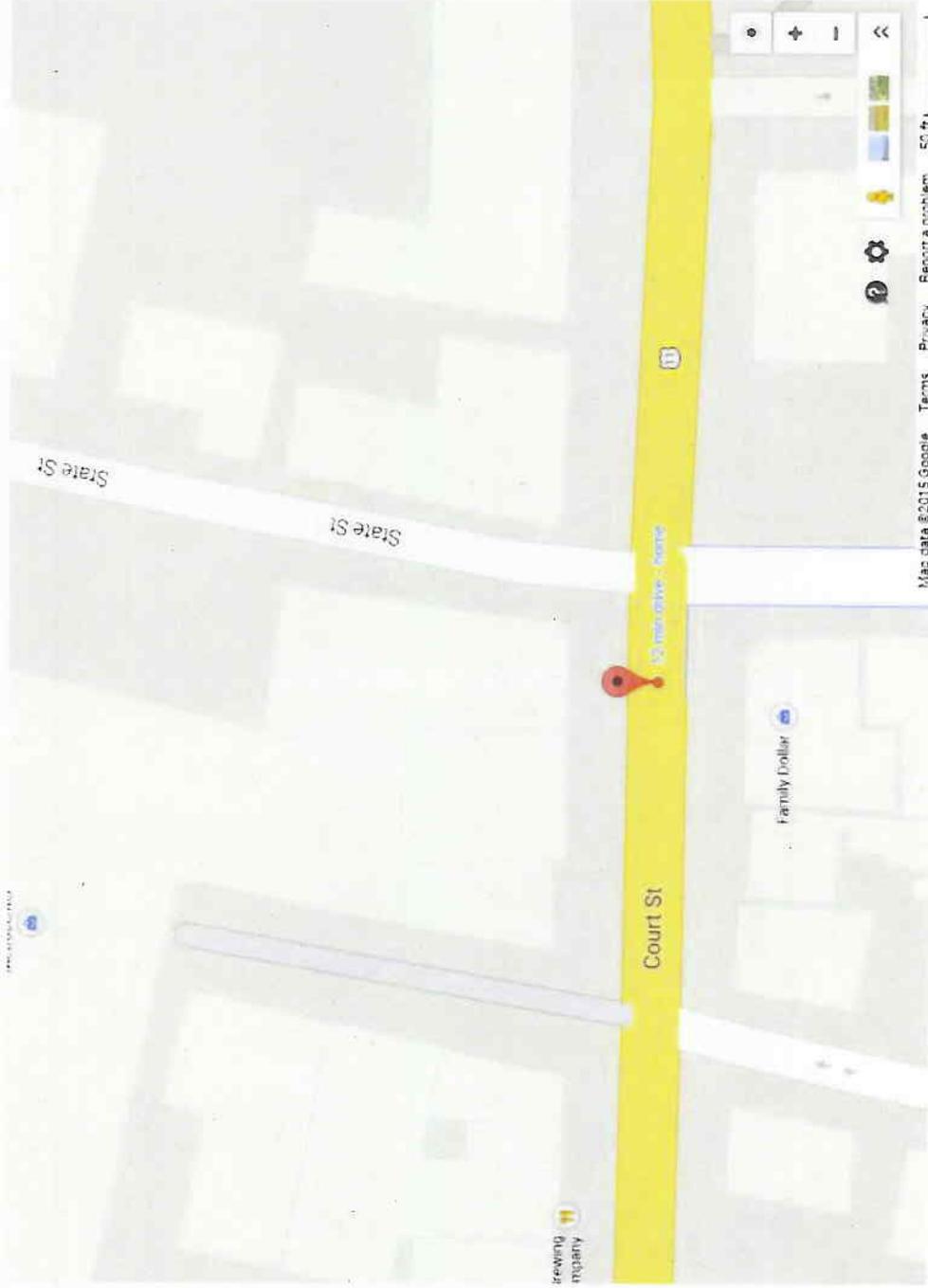
**BCIDA Incubator**

59-61 Court Street, Binghamton, NY 13901



# BCIDA Incubator

59-61 Court Street, Binghamton, NY 13901





## Conflict of Interest Policy

<b>Effective Date:</b>	March 15, 2013
<b>Supersedes:</b>	Conflicts of Interest Policy pursuant to 95-5 Resolution and the Procedure of Investigating Conflict of Interest Policy
<b>Policy Review Date:</b>	February 2016
<b>Issuing Authority:</b>	Research Foundation President
<b>Responsible Party:</b>	Chief Compliance Officer
<b>Contact Information:</b>	(518) 434-7145 <a href="mailto:rfcompliance@rfsuny.org">rfcompliance@rfsuny.org</a>

### Reason for Policy

As Research Foundation Board Members, Officers, and Employees, we hold positions of trust and must act in the best interests of the Research Foundation. We must avoid any activity that impairs or would reasonably appear to impair the ability to perform our duties with independence and objectivity. A conflict of interest arises if our personal relationships, activities, or finances interfere, or appear to interfere, with our ability to act in the best interests of the Research Foundation.

Research Foundation Board Members, Officers, and Employees must incorporate, where necessary and possible, the following rules into their services on behalf of the Research Foundation. Research Foundation Officers and Employees must adhere to the standards outlined in the New York State Public Officers Law Section [74](#). This policy incorporates the key standards outlined in Section [74](#).

### Statement of Policy

Research Foundation Board Members, Officers, and Employees may not have any interest or engage in any outside activity which results in an unmanaged conflict of interest. To this end, Board Members, Officers, and Employees must disclose their interests and outside activities, and those of a Related Party, which may affect their ability to perform their duties with independence and objectivity. A conflict of interest must be managed so the conflict is reduced or eliminated, and compliance with conflict of interest management plans should be monitored where necessary.

### Prohibited Conflicts of Interest

A conflict of interest exists if you or a Related Party has a Financial or Other Interest that will or may reasonably be expected to:

- substantially conflict with the proper discharge of your duties in the Research Foundation's best interests;
- result in the disclosure of the Research Foundation's information that you have gained by reason of your position or authority; or
- impair your ability to exercise independent judgment in the performance of your duties and responsibilities.

### **Conflicts of Interest Posed By Outside Employment, Investments, or Other Business Activities**

As a Research Foundation Board Member, Officer or Employee, you must not make personal investments in enterprises that you have reason to believe may be directly involved in decisions to be made by you or will otherwise create substantial conflict between your duty on behalf of the Research Foundation and your private interest.

If you or a Related Party has a Financial or Other Interest in any business entity, you may not represent the Research Foundation in any transaction with that entity and must disclose the interest in accordance with this policy and the Procedure for Managing Conflicts of Interest.

Procurement of goods or services by the Research Foundation shall be conducted consistent with the Foundation's established procurement policy.

You may not accept employment or engage in any business or professional activity that will impair the independence of your judgment in the exercise of your duties for the Research Foundation or require you to disclose confidential information that you gained by reason of your affiliation with the Research Foundation.

### **Prohibition Against Disclosure or Use of Confidential Material for Personal Gain**

The Research Foundation prohibits disclosure of information that is confidential to the Research Foundation, acquired by any Board Member, Officer, or Employee in the course of his/her duties, except as required by law or as expressly authorized in writing by an Officer or other designated representative of the Research Foundation.

Board Members, Officers, and Employees may only use such confidential information in furtherance of their duties as a representative of the Research Foundation and shall not use such confidential information to further their personal interests or that of a Related Party.

You must not accept employment or engage in any business or professional activity that will require you to disclose confidential information that you gained by reason of your official position or affiliation with the Research Foundation.

### **Use of Research Foundation or State Resources**

You may not misappropriate the property, services or other resources of the Research Foundation, SUNY, or others, whether for yourself or someone else.

### **Avoiding the Appearance of Impropriety**

Board Members, Officers, and Employees shall not, by their conduct, give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in performance of their duties, or that they are affected by the kinship, rank, position, or influence of any party or person.

You may not use, or attempt to use, your position to secure unwarranted privileges or exemptions for yourself or others.

Similarly, bribery, extortion, and other attempts to exert undue influence are strictly prohibited. The Research Foundation expects Research Foundation Board Members, Officers, and Employees to avoid any conduct that may give the appearance of engaging in acts that are in violation of their trust.

### **Disclosing a Real, Apparent, or Potential Conflict of Interest**

Board Members, Officers, and Employees must disclose all real, apparent, or potential conflicts of interest for review as described below. At an Operating Location, those disclosures should be made to the operations manager or his/her designee in accordance with this policy and the Procedure for Managing Conflicts of Interest. Disclosures are required in three instances:

- 1. Annual Disclosures By Research Foundation Board Members, Officers, and Key Employees.** Board Members, Officers, and Key Employees must report Direct or Indirect Financial or other Interests that pose or may pose a real, apparent, or potential conflict of interest on an annual basis. These disclosures must be updated both annually and as new reportable interests are obtained or as new reportable activities occur.

2. **Grant-Related Disclosures.** Principal investigators must follow the policy at their respective campus locations.
3. **Situational Disclosures.** Board Members, Officers, and Employees must report any Direct or Indirect Financial Interest or other activity that may pose a conflict of interest under this policy. Such situational disclosures must be made as soon as practicable after the individual learns of the potential conflict.

When a disclosure is made under this policy, the actual, apparent, or potential conflict of interest will be reviewed pursuant to Procedure for Managing Conflicts of Interest. If a conflict of interest is found to exist, the Research Foundation must take steps to manage, reduce, or eliminate the conflict of interest. Individuals may appeal determinations with which they disagree. Please consult the Procedure for Managing Conflicts of Interest for more information.

#### **Violation**

In addition to any penalty contained in any provision of law or federal or state policy, individuals who knowingly and intentionally violate any of these provisions may be subject to action by the Research Foundation. For employees, this may include action under the Research Foundation's progressive discipline policy, including suspension or termination from employment.

#### **Recordkeeping**

The operating location operations manager must designate an appropriate office of record and must ensure that records related to the disclosure, review, and management of a potential, apparent, or actual conflict of interest are retained and documented. In addition to any recordkeeping process established by the operations manager, all final determinations or management plans must be included in the personnel file of the individual with potential, apparent, or actual conflict of interest.

At the central office, the chief compliance officer must ensure that records related to the disclosure, review, and management of a potential, apparent, or actual conflict of interest for all disclosures, at the central office or otherwise brought to the attention of the chief compliance officer, are retained and documented. In addition to any recordkeeping process established by the chief compliance officer, all final determinations or management plans must be included in the personnel file of the individual with potential, apparent, or actual conflict of interest.

#### **Campus Policy**

An Operating Location may adopt a policy no less restrictive than this Policy. If a local policy is adopted, then a copy of that policy must be filed with the RF's chief compliance officer.

#### **Staffing Services**

Employees employed by the RF under an agreement or contract, other than the 1977 Agreement between the RF and SUNY must adhere to the conflicts of interest policy in place by the entity the employees are employed to support. In the absence of a policy, the conflicts of interest policy effective at the associated operating location must govern.

### **Responsibilities**

The following table outlines the responsibilities for compliance with this policy:

<b>Responsible Party</b>	<b>Responsibility</b>
Board Members, Officers, and Key Employees	Annual Disclosures
Principal Investigators	Grant-Related Disclosures
Employees	Situational Disclosures as needed

## **Definitions**

*Board Member:* A member of the Research Foundation's board of directors.

*Direct or Indirect Financial or Other Interests:* Financial or Other Interests held by the Research Foundation Employee or by their spouse, domestic partner, significant other, family member, dependent, member of household, or business partner.

*Employee:* Officers, Key Employees, and any individual compensated employee of the Research Foundation.

*Financial or Other Interests:* Shall include, but are not limited to, the following:

- ownership or investment in any outside enterprise;
- serving as a director, officer, partner, consultant, broker, agent, or representatives of any outside enterprise;
- outside professional activity; or
- outside employment.

*Key Employee:* A Key Employee for purposes of this Policy includes:

1. Vice presidents;
2. Operations managers;
3. Deputy operations managers;
4. Chief research officers;
5. Technology transfer directors;
6. Sponsored program office directors or equivalent;
7. Other appointed officers
8. At the central office:
  - a. Vice presidents
  - b. Senior directors;
  - c. Assistant Vice-Presidents; and
  - d. Directors;
  - e. Other appointed officers; and
9. Any other persons who have procurement authority equal to or exceeding \$100,000 per transaction.

*Officer:* An officer elected under the Research Foundation's bylaws, including the Research Foundation's president, general counsel, secretary, and chief financial officer and those appointed pursuant to Article IV Section 13 of the RF's bylaws as appointed officers.

*Operating Location:* Research Foundation office located at a SUNY campus location or other SUNY location supporting the Research Foundation mission and SUNY operations overseen by an operations manager.

*Operations Manager:* An individual appointed to the position of operations manager by the Research Foundation.

*Principal Investigator:* Primary individual(s) in charge of a research grant or other project administered by the Research Foundation. The term "Principal Investigator" includes those individuals serving as co-principal investigators.

*Related Party:* A Research Foundation Employee's spouse, domestic partner, significant other, family member, dependent, member of household, or business partner.

Research Foundation (or Foundation or RF): The Research Foundation for The State University of New York.

### **Related Information**

[Management of Conflicts of Interest Procedure](#)

[Managing Conflicts of Interest Guidelines](#)

NYS Public Officer's Law Sections [73](#) & [74](#)

[Conflicts of Interest in Public Health Service Sponsored Programs](#)

[Nepotism Policy](#)

[Gifts to Employees from Non-RF Sources Policy](#)

### **Forms**

[Conflict of Interest Annual Disclosure Statement](#)

[Conflict of Interest Situational Disclosure Statement](#)

### **Change History**

Date	Summary of Change
December 7, 2012	Clarifies who is required to disclose conflicts, how, and when. Also allows for locations to use their own conflicts of interest policies and procedures, provided the policy is submitted to the compliance office and is no less restrictive than RF policy. Effective 3/15/2013

### **Feedback**

Was this document clear and easy to follow? Please send your feedback to [webfeedback@rfsuny.org](mailto:webfeedback@rfsuny.org).

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## Guidelines for Managing Conflicts of Interest in Innovation and Partnerships

**Department:** Innovation and Partnerships  
**Function:** Partnering  
**Policy:** Conflict of Interest Policy  
**Contact:** Heather M. Hage

### Background

Integrity and ethical behavior are core values of The Research Foundation for the State University of New York ("RF") and are fundamental to accomplishing our vision and mission to serve the State University of New York ("SUNY"). These Guidelines for Managing Conflicts of Interest in Innovation and Partnerships were designed in conformance with RF's Conflict of Interest Policy and Code of Conduct to guide researchers and administrators to be aware of applicable legal and regulatory standards in identifying, disclosing and managing conflicts of interest which may arise in the conduct of SUNY research and commercialization programs. Wherever these Guidelines refer to an institutional official ("IO"), it is intended to include any individual or committee with authority or responsibility to receive and/or review disclosures and/or issue or approve conflict management plans.

### Guidelines

1. OUTSIDE WORK			
SCENARIO	EMPLOYEE ACTION	APPLICABLE ETHICAL CONSIDERATIONS	MANAGEMENT PLAN
1.1 During a regularly scheduled workday (including teaching) an employee wants to perform work outside of SUNY, whether compensated or not. Examples include but are not limited to consulting, teaching, or research for a third party	Employee should provide a detailed plan for the proposed outside activity. The plan should contain the following information: <ul style="list-style-type: none"> <li>• Details about the outside activity</li> <li>• Nature of the outside activity, including time commitment;</li> <li>• Type and amount of expected</li> </ul>	<ul style="list-style-type: none"> <li>• The time commitment for the outside activity cannot exceed the individual campus or location rule.</li> <li>• The proposed activity cannot create a substantial conflict of interest with the discharge of the employee's duties. See <a href="#">NYS POL 74(2)</a>.</li> <li>• The outside activity cannot create an</li> </ul>	The IO should review the employee's plan and determine, in view of the applicable ethical considerations and in consultation with the individual's supervisor or department chair, whether the proposed activity is permissible.

<p>company.</p> <p>1.2 Employee creates an invention and assigns the invention to RF. RF licenses invention to a company. Company seeks to retain employee as a consultant and will pay him or her consulting fees not administered by RF or the University.</p>	<p>compensation;</p> <ul style="list-style-type: none"> <li>• Details about the company;</li> <li>• Use or sharing of SUNY facilities or proprietary information;</li> <li>• Relationship with the outside company including any ownership/equity interest of the employee or spouse or dependent children in the outside company.</li> </ul> <p>Details about the employee's responsibilities at SUNY/RF</p> <ul style="list-style-type: none"> <li>• Current workload and expected workload during outside activity including teaching, research, and administrative obligations;</li> <li>• Other current or previous outside activity undertaken.</li> </ul>	<p>appearance of impropriety or violation of public trust. See <a href="#">NYS POL 74(3)(f)</a>, (h).</p> <ul style="list-style-type: none"> <li>• The outside activity cannot impair the employee's official independence. See <a href="#">NYS POL 74(3)(a)</a>.</li> <li>• If any proprietary or confidential information is to be shared with the outside company, appropriate non-disclosure agreements should be in place. See <a href="#">NYS POL 74(3)(b)</a>, (c).</li> <li>• Travel expense reimbursement must be approved by supervisor or appropriate administrator. Requires reporting to JCOPE if reimbursement is over \$1,000. Honoraria or official travel does not give to a COI.</li> <li>• Paid policy-makers should not engage in any outside activity for more than \$1,000 per year without prior SUNY/RF approval, or for more than \$4,000 per year without prior Joint Commission on Public Ethics approval. See <a href="#">19 NYCRR §932</a>.</li> </ul>	<p>In particular, the IO should ensure that outside activity does not give the appearance of impropriety or violation of public trust, and does not interfere with the discharge of employee's duties or his independent judgment.</p> <p>An appropriate management plan should include at least the following:</p> <ul style="list-style-type: none"> <li>• Statement acknowledging compliance with the individual campus outside activity time commitment rule;</li> <li>• Statement of the nature and extent of outside activity that is permissible including nature and extent of compensation;</li> <li>• Statement that non-disclosure agreements are required if confidential information is to be shared with the outside company;</li> <li>• Statement informing employee that all honoraria or travel reimbursement should be approved in advance;</li> <li>• Statement requiring disclosure to the university of all inventions made during the course of the consulting,</li> </ul>
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2. FINANCIAL INTEREST IN COMPANIES DOING BUSINESS WITH RF		whenever and whenever made.
SCENARIO	EMPLOYEE ACTION	MANAGEMENT PLAN
<p>2.1 Employee (or spouse or dependent child) seeks to take an equity interest in a company that will provide services or products to RF or SUNY.</p> <p>2.2 Employee (or spouse or dependent child) seeks to take an equity interest in a company that has licensed or will license technologies from RF.</p> <p>2.3. Same as 2.2 and additionally, employee (or spouse or dependent child) wants to negotiate the license on behalf of the company.</p>	<p>Employee should provide a detailed plan concerning the proposed financial interest, which should include the following information:</p> <ul style="list-style-type: none"> <li>• Details about the company;</li> <li>• The nature and amount of the ownership/equity interest of employee or spouse or dependent children;</li> <li>• Details about other details compensation from the company in addition to equity;</li> <li>• Details about the scope of employee's primary job responsibilities and decision making authority at RF or SUNY.</li> </ul>	<p>The IO should review the employee's plan and determine, in view of the applicable ethical considerations and in consultation with the individual's supervisor or department chair, whether the proposed activity is permissible.</p> <p>In particular, the IO should ensure that the outside activity does not give the appearance of impropriety or violation of public trust, and does not interfere with the discharge of employee's duties or his independent judgment.</p> <p>If employee holds an administrative (non-project staff) position at RF or SUNY, then he or she may <u>not</u> negotiate an agreement with RF on behalf of the company, nor may he or she make any attempt to influence or control the contracting process. If it is not feasible for the conflicted individual to recuse himself or herself effectively, arrangements may be made for the license or other agreement to be negotiated by a reasonably</p>
	<p><b>APPLICABLE ETHICAL CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>• The financial interest should not create a substantial conflict of interest with the discharge of the employee's duties. See <a href="#">NYS POL 74(2)</a>.</li> <li>• The financial interest should not create an appearance of impropriety or violation of public trust. See <a href="#">NYS POL 74(3)(f)</a>, (h).</li> <li>• The financial interest should not impair the employee's official independence. See <a href="#">NYS POL 74(3)(a)</a>.</li> <li>• Employee should not have any financial interest in a company which may be directly involved in decisions made by employee. See <a href="#">NYS POL 74(3)(g)</a>.</li> <li>• Employee should not act on behalf of SUNY/RF in transactions with the company. See <a href="#">NYS POL 74(3)(e)</a>.</li> </ul>	

			<p>competent individual from another SUNY campus (e.g., a similarly-situated TTO or OSP) or a designated third party (e.g., an outside attorney or qualified consultant).</p> <p>The RF or SUNY representative(s) assigned to negotiate and administer the transaction for the RF may not have any interest in the company or a subordinate reporting relationship to the conflicted individual.</p> <p>An appropriate management plan should include at least the following:</p> <ul style="list-style-type: none"><li>• Statement prohibiting employee from representing RF in any transaction with the company, disclosing any information he or she may have about RF operations to the company, or using any such information to his or her benefit or advantage in dealings with the company;</li><li>• Statement prohibiting any attempt to communicate with, influence, threaten, intimidate, pressure, or control the RF or SUNY representative assigned</li></ul>
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	<p>2.4 Continuation of Scenario 2.3. After securing the license, employee seeks to further develop the technology using company facilities.</p>			<p>to administer the transaction with the company. See <a href="#">NYS POL 74(3)(e), (g)</a>.</p>
	<p>Same detailed plan as in 2.1, 2.2, and 2.3 and additionally:</p> <ul style="list-style-type: none"> <li>• Scope of further development proposed to be undertaken at the company.</li> </ul>			
				<p>Same course of action as in Scenario 1 and additionally:</p> <ul style="list-style-type: none"> <li>• IO should review the proposed scope of work to be performed at the company and assess, in consultation with the cognizant Technology Transfer Office, the implications for ownership of later-developed technology. In some cases it may be appropriate for the university to own improvements to its technology developed by its employees even when developed on the employees "own time", if other disposition would pose an unmanageable conflict with the individual's university duties.</li> <li>• Ownership of potential inventions under this scenario should be determined as part of a decision on the proposed activity <u>before</u> the work is performed.</li> <li>• Under any circumstances, any invention made by the employee in the course of the work for the company should</li> </ul>

<p>2.5 Employee (or spouse or dependent child) has an interest in a company. Employee proposes to subcontract work to the company as part of a project proposal to be submitted to an external sponsor.</p>	<p>Same detailed plan as in 2.1, 2.2, and 2.3 and additionally:</p> <ul style="list-style-type: none"> <li>• Details of the proposed contract, including type and amount of compensation, and reasons why the company should handle the contracted work must be disclosed before submission of the proposal to a sponsor.</li> </ul>	<p>Same considerations as in 2.1, 2.2, and 2.3 and additionally:</p> <ul style="list-style-type: none"> <li>• Need for outside contracting, company's qualifications, and RF and SUNY procurement policies.</li> </ul>	<p>be disclosed to the university.          Same course of action as 2.1, 2.2, and 2.3 and additionally:          IO should consult with the employee's supervisor or department or academic chair, or other informed administrator to determine if it is necessary to contract out the work, and if so, whether the process of selecting the company as a supplier or vendor complies with applicable procurement policies.          If IO does not approve the transaction, the employee must seek an alternative prior to submission of the proposal.          If permissible, the IO should ensure compliance with the applicable ethical considerations by implementing a management plan that includes the following:</p> <ul style="list-style-type: none"> <li>• Statement of work to be contracted out to the company, including any costs and disbursements;</li> <li>• Periodic review by IO or designee of the contract work to ensure compliance.</li> </ul>
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<p>2.6 Employee (or spouse or dependent child) has an interest in a company. Employee wants to contract out work on a non-PHS funded award to that company.</p>	<p>Employee must disclose the interest. The IO or designee will review and determine if the proposed activity creates a conflict. If so, a written conflict management plan must be followed for the activity to continue.</p>	<ul style="list-style-type: none"> <li>• The proposed activity cannot create a substantial conflict of interest with the discharge of the employee's duties. See <a href="#">NYS POL 74(2)</a>.</li> <li>• The financial interest should not impair the employee's official independence. See <a href="#">NYS POL 74(3)(a)</a>.</li> <li>• Employee should not have any financial interest in a company which may be directly involved in decisions made by employee. See <a href="#">NYS POL 74(3)(g)</a>.</li> <li>• Employee should not act on behalf of SUNY/RF in transactions with the company. See <a href="#">NYS POL 74(3)(e)</a>.</li> </ul>	<p>The IO or designee would ensure that the potential conflict is managed under the Research Foundation's Management of Conflict of Interest Procedure.</p>
<p>2.7 Employee (or spouse or dependent children) has an interest in a company. Employee wants to contract out work on a PHS funded award to that company.</p>	<p>Employee must disclose the interest according to the Policy on Conflicts of Interest in Public Health Service Sponsored Programs. Disclosure must occur prior to expending PHS dollars, annually thereafter, or within 30 days of acquiring the interest. If it is determined that the interest gives rise to a conflict that can be managed, the Employee must follow the written management plan.</p>	<ul style="list-style-type: none"> <li>• Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought and Responsible Prospective Contractors, published in Federal Register, vol. 76, No. 165, on August 25, 2011.</li> </ul>	<p>The IO or designee must review the employee's disclosure and determine whether the interest is related to the PHS funded research. If the interest is related and may affect the design, conduct, or reporting of the research a written management plan must be followed. This plan may include:</p> <ul style="list-style-type: none"> <li>• Public disclosure of the conflict;</li> <li>• Monitoring of the research by independent reviewers;</li> <li>• Modification of the research plan;</li> <li>• Divestiture; ect.</li> </ul>

			The conflict and the management plan must be reported to PHS as described in the PHS COI Policy.
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3. OUTSIDE USE OF SUNY RESOURCES			
SCENARIO	EMPLOYEE ACTION	APPLICABLE ETHICAL CONSIDERATIONS	MANAGEMENT PLAN
<p>3.1 Employee wants to run tests in his lab for a company or to allow a company to use SUNY/RF space and facilities.</p> <p>3.2 Same as in 3.1, and additionally, employee (or spouse or dependent child) has an interest in the company.</p> <p>3.3 Similar to 3.2 and additionally, employee wants to use SUNY time and resources to provide services to company.</p> <p>3.4 In return for allowing otherwise permitted use of SUNY or RF facilities (under, for example, 3.1 above), company wants to pay employee or give employee equity in company as compensation.</p>	<p>All work involving the use of SUNY facilities must be performed under the oversight of campus administration.</p> <p>Employee should contact his or her campus sponsored programs office and provide details of the proposed activity, which should include:</p> <ul style="list-style-type: none"> <li>• Details about the proposed use of SUNY/RF facilities, including time requirements for the employee and lab space, and details concerning use of proprietary information;</li> <li>• Details about the outside company for which SUNY/RF facility is to be used, including how such research will be used by the company;</li> <li>• Details about employee's relationship with the outside company including any ownership/equity interest of the employee or spouse or dependent children and other compensation in addition to equity;</li> <li>• Employee's responsibilities at SUNY/RF, including current and expected teaching, research, and administrative workloads.</li> </ul>	<ul style="list-style-type: none"> <li>• Employee does not have authorization to allow outside use of SUNY facilities without approval of campus administration.</li> <li>• Any technology developed is subject to the <a href="#">SUNY Patents and Inventions Policy</a>.</li> <li>• The proposed activity cannot create a substantial conflict of interest with the discharge of the employee's duties. See <a href="#">NYS POL 74(2)</a>.</li> <li>• The outside activity cannot create an appearance of impropriety or violation of public trust. See <a href="#">NYS POL 74(3)(f)</a>, (h).</li> <li>• The outside activity cannot impair the employee's official independence. See <a href="#">NYS POL 74(3)(a)</a>.</li> <li>• If any proprietary or confidential information is to be shared with the outside company, appropriate non-disclosure agreements should be in place. See <a href="#">NYS POL 74(3)(b)</a>, (c).</li> <li>• SUNY/RF must appropriately be compensated for use of time and facilities. Employee may not misappropriate state resources for private purposes. See <a href="#">NYS POL 74(3)(d)</a>.</li> <li>• There should be no direct involvement</li> </ul>	<p>The IO should review the employee's plan and determine, in view of the applicable ethical considerations and in consultation with the individual's supervisor or department chair, whether the proposed activity is permissible.</p> <p>In particular, the IO should ensure that any activity does not give the appearance of impropriety or violation of public trust, and does not interfere with the discharge of the employee's duties or his independent judgment.</p> <p>The RF or SUNY representative(s) assigned to negotiate and administer the transaction for the RF may not have any interest in the company or a subordinate reporting relationship to the conflicted individual.</p> <p>An appropriate management plan should include at least the following:</p> <ul style="list-style-type: none"> <li>• Statement of the nature and extent of time and facilities</li> </ul>

		<p>of employee on behalf of SUNY/RF in decisions affecting company use. See <a href="#">NYS POL 74(3)(g)</a>.</p> <ul style="list-style-type: none"> <li>Employee cannot receive compensation for allowing use of SUNY facility, whether in cash or in stock. See <a href="#">NYS POL 74(3)(d)</a>.</li> </ul>	<p>allocated for use by the company;</p> <ul style="list-style-type: none"> <li>Statement that non-disclosure agreements are required if confidential information is to be shared with the company;</li> <li>Statement requiring all compensation for use of SUNY/RF resources to be paid to SUNY/RF;</li> <li>Statement requiring review of any technology developed by employee in connection with the company, whenever and wherever made;</li> <li>Statement prohibiting employee from representing SUNY or RF in any transaction with the company;</li> <li>Statement prohibiting employee from receiving compensation for use of SUNY resources, whether in cash or equity.</li> </ul>
<p>3.5 An external entity seeks a "loan" of lab personnel (post-doc, graduate student, research assistants, etc.) to perform work for the company.</p>	<p>External partners seeking to utilize University staff may engage in industrial sponsored research; an arrangement between a sponsor and the University whereby a University researcher or research team will perform a specific scope of work with deliverables in exchange for cash or in-kind contributions to the</p>	<p>Same as in 1.1 and 1.2.</p>	<p>Same as in 1.1 and 1.2.</p>

	<p>University for the cost of the research, including salaries, supplies, equipment use fees, and other direct and indirect costs.</p> <p>In contrast, in some cases individuals may enter a consulting engagement; an arrangement between an individual researcher and a private partner. A consulting contract may or not specify a scope of work, usually entails the dedication of a specific amount of time or effort to the partner's activities, and may require travel to the partner's facilities for the performance of the contract. Consulting activity constitutes Outside Activity under the RF Conflict of Interest Policy and should be reviewed under Scenario 1 of this document. Employee should include a separate detailed plan for each person proposed to perform work for a company.</p>		
4. DISCLOSURE OF PROPRIETARY INFORMATION			
SCENARIO	EMPLOYEE ACTION	Applicable Ethical Considerations	MANAGEMENT PLAN
<p>4.1 Employee wants to provide research data (including clinical data) to a company for any purpose.</p> <p>4.2 Same scenario as 4.1 and additionally, employee (or spouse or dependent child) has an interest in the company.</p>	<p>Employee must provide a detailed plan for the proposed activity, which should include:</p> <ul style="list-style-type: none"> <li>Type of data to be disclosed;</li> <li>If any external funding was used to create the data, then details about the source(s) of funding;</li> <li>Reason for proposed disclosure of</li> </ul>	<ul style="list-style-type: none"> <li>Any data obtained by employee is the intellectual property of SUNY/RF. See <a href="#">SUNY Patent and Inventions Policy</a>. Employee does not own rights to the data and therefore does not have the right to transfer data to any entity outside of SUNY/RF.</li> <li>SUNY/RF is appropriately compensated for the data. Employee</li> </ul>	<p>The IO should review the employee's plan and determine, in view of the applicable ethical considerations and in consultation with the individual's supervisor or department chair, whether the proposed activity is permissible.</p> <p>In particular, the OM should ensure</p>

	<ul style="list-style-type: none"> <li>• data to company;</li> <li>• Details about the company;</li> <li>• Products/services that will be created/provided by the company using the data;</li> <li>• The nature and amount of the ownership/equity interest of employee or spouse or dependent children in the company;</li> <li>• Details about the scope of employee's primary job responsibilities and decision making authority at SUNY/RF.</li> </ul>	<ul style="list-style-type: none"> <li>• may not misappropriate state resources for private purposes. See <a href="#">NYS POL 74(3)(d)</a>.</li> <li>• Non-disclosure agreements should be in place. See <a href="#">NYS POL 74(3)(b)</a>, <a href="#">(c)</a>, <a href="#">(d)</a>.</li> <li>• Transfer of data cannot create an appearance of impropriety or violation of public trust. See <a href="#">NYS POL 74(3)(f)</a>, <a href="#">(h)</a>.</li> <li>• Transfer of data cannot create a substantial conflict of interest with the discharge of the employee's duties. See <a href="#">NYS POL 74(2)</a>.</li> <li>• Transfer of data cannot impair the employee's official independence. See <a href="#">NYS POL 74(3)(a)</a>.</li> <li>• Employee should not have any financial interest in a company which may be directly involved in decisions made by employee. See <a href="#">NYS POL 74(3)(g)</a>.</li> <li>• Employee should not act on behalf of SUNY/RF in transactions with the company. See <a href="#">NYS POL 74(3)(e)</a>.</li> </ul>	<p>that outside activity does not give the appearance of impropriety or violation of public trust, or does not interfere with the discharge of employee's duties or his independent judgment.</p> <p>The RF or SUNY representative(s) assigned to negotiate and administer the transaction for the RF may not have any interest in the company or a subordinate reporting relationship to the conflicted individual.</p> <p>An appropriate management plan should include at least the following:</p> <ul style="list-style-type: none"> <li>• Statement of the nature and extent of data that can be provided to the company;</li> <li>• Statement that data may only be transferred under appropriate non-disclosure agreements;</li> <li>• Procedure to monitor transfer of data and company's use of data;</li> <li>• Determine appropriate level of compensation owed to SUNY/RF in consultation with the supervisor or department</li> </ul>
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			<p>chair, TTO and/or OSP and/or other interested administrative units;</p> <ul style="list-style-type: none"><li>• Statement prohibiting employee from representing SUNY/RF in transactions with the company.</li></ul>
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5. OWNERSHIP OF INTELLECTUAL PROPERTY			
SCENARIOS	EMPLOYEE ACTION	Applicable Ethical Considerations	MANAGEMENT PLAN
<p>5.1 Pursuant to the SUNY Patents and Inventions Policy, RF waives its rights and/or assigns the rights to a given technology to an inventor. Inventor develops it further, whether on or off campus.</p> <p>5.2 Employee submits a disclosure to previous institution that waived it back to employee. Employee comes to SUNY and develops the technology further.</p>	<p>Any new developments in the technology are subject to the <a href="#">SUNY Patents and Inventions Policy</a>.</p> <p>Employee must disclose such new developments to the appropriate TTO.</p>	<ul style="list-style-type: none"> <li>RF waiver is limited to what was originally disclosed to the TTO.</li> <li>Waiver is limited to what was disclosed to the previous institution's TTO.</li> <li>Any work done after start of employment at SUNY/RF must be disclosed to TTO as a new technology to determine SUNY/RF ownership/interest.</li> </ul>	<p>The TTO director will determine ownership of the technology in accord with the <a href="#">SUNY Patents and Inventions Policy</a> and inform the employee in writing of his decision.</p>
<p>5.3 Employee creates invention on his or her own time and without using SUNY facilities, but in a field that is related to the field in which he or she works at SUNY.</p> <p>5.4 Employee creates invention on his or her own time and without using SUNY facilities, but in a field that is not related to the field in which SUNY hired the employee.</p>	<p>Employee must disclose the details of the invention, including where and when it was created, to the appropriate TTO under the <a href="#">SUNY Patents and Inventions Policy</a>.</p>	<ul style="list-style-type: none"> <li>Any work while employed at SUNY/RF must be disclosed to TTO as a new technology to determine SUNY/RF ownership/interest.</li> </ul>	<p>The TTO director will determine ownership of the technology in accord with the <a href="#">SUNY Patents and Inventions Policy</a> and inform the employee in writing of his decision.</p>

<p>5.5 Employee develops computer software or software support materials ("Software").</p>	<p>Employee must promptly disclose all Software to the TTO for review.</p>	<p>Ownership of Software is determined according to the <a href="#">SUNY Computer Software Policy</a>, whereby all Software developed by employees is owned by SUNY or RF unless all of the following conditions exist:</p> <ul style="list-style-type: none"><li>• The work is not within the scope of employee's employment;</li><li>• The work did not result from a work-for-hire relationship;</li><li>• The work was not a product or byproduct of sponsor-funded or contracted activity;</li><li>• The work was not developed through use of facilities, funds, or personnel owned by or under the control of SUNY or RF.</li></ul>	<p>The TTO director will determine ownership of the Software in accord with the <a href="#">SUNY Computer Software Policy</a> and inform the employee in writing of his decision.</p>
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