

# Serving as a co-investigator or consultant as a VA employee

## FAQs from MVAHCS Research Office and CVRE

10-22-2021

### Should your consulting/co-investigator role be submitted for formal approval as VA research?

The relevant committee (IRB, SRS, IACUC, or RDC for RDC-only studies) must approve all research projects that meet any of these criteria:

1. The work occurs on VA time or on VA property;
2. You are paid through VA or CVRE for your work;
3. You are specifically representing yourself as a VA employee; OR
4. Your participation in the project was requested specifically because of your position at VA.

*If VA committee approval is required, remember that the committee is only required to review and approve the specific components of the study that involve VA personnel, VA time, or occur on VA property.*

You do NOT need committee approval to participate in a research project as a consultant/co-investigator if ALL the following are true:

1. The work occurs outside of your VA tour and off VA property;
2. You are not paid for your role in the project, or you are paid through an entity other than VA or CVRE;
3. You are representing yourself as a private citizen or as faculty/employee of the University of Minnesota or other non-VA entity; AND
4. You were offered the role because of your expertise in a specific area of research, not because of your status as a VA employee.

### If you are paid as a consultant/co-investigator on a research project, what involvement (if any) should the VA and/or CVRE have in the process?

If the project is approved by the R&D Committee as VA research, funds related to the project may be administered by VA and/or CVRE, provided that your VA salary plus any payment for your role as a consultant does not exceed 8/8ths pay. If you are 8/8ths VA, no consulting fee can be paid to you without exceeding this limit.

If the project does not require R&D Committee approval, it is not VA research. Any payment to you for your role as a consultant should therefore not involve VA or CVRE.

### What about serving as a consultant (paid or unpaid) to a non-VA entity in a non-research project context (e.g. advising on what the major unanswered questions are in your area of expertise, commenting on the significance of results from recently published studies, reviewing research proposals for a company, reviewing a company's internal documents)?

This is not research so is not within Research Office purview. However, we advise that you check with the facility compliance officer (Brian Taylor) or OGC-ethics. You cannot ask the outside entity to donate the funds they would have paid you for consulting to CVRE since this could be construed as a violation of tax laws. Furthermore, CVRE will not enter contractual relationships with any entity on behalf of an investigator for consulting activities not associated with an RDC-approved project.

### How do the above impact VA Financial Conflict of Interest statements (OGE Form 450 Alternative-VA)?

Unpaid consulting positions do not need to be listed on VA FCOI statements UNLESS the entity or organization for which you serve as a consultant might benefit financially from your VA research. Any paid consulting work, whether it occurs on VA time or occurs on your own time, should be reported on a VA FCOI statement.