



Memorandum

Date: October 28, 2015
To: University Presidents
From: Dr. Steven W. Leslie 
Executive Vice Chancellor for Academic Affairs
Subject: House Bill 1295, Section 51.954, Education Code

The Texas legislature passed HB 1295 during the last legislative session. This statute requires that faculty and staff disclose the sponsor when publically communicating the results of their research.

Attached is a draft letter that I suggest you send to all your Deans and Directors of your organized research units so that your campus complies with this new law.

Please contact me if you have any questions.

cc: Chancellor McRaven
Dale Klein
Barry McBee



Memorandum

Date: October __, 2015
To: Deans and Directors of Research Units
From: President _____
Subject: House Bill 1295, Section 51.954 of the Texas Education Code

The Texas legislature passed HB 1295 during the last legislative session. This statute requires that faculty and staff disclose the sponsor when publically communicating the results of their research.

Enclosed is a copy of HB 1295, Section 51.954 of the Texas Education Code. Please notify your faculty and researchers of this new state requirement.

Sec. 51.954, Education Code.

This statute imposes a requirement that faculty or other staff who conduct or participate in sponsored research conspicuously disclose the identity of each sponsor whenever publicly communicating the results of that research. While the statute does not define "research," it is clearly intended to cover any type of research, including social science research.

"Public communication" means oral or written communication intended for public consumption or distribution, including:

- (A) testimony in a public administrative, legislative, regulatory, or judicial proceeding;
- (B) printed matter including a magazine, journal, newsletter, newspaper, pamphlet, or report; or
- (C) posting of information on a website or similar Internet host for information.

"Sponsored research" means research:

- (A) that is conducted under a contract with or a grant from an individual or entity, other than the institution conducting the research, for the purpose of the research; and
- (B) in which payments received or the value of materials received under that contract or grant, or under a combination of more than one such contract and grant, constitutes at least 50 percent of the cost of conducting the research.

"Sponsor" means an entity that contracts for or provides money or materials for research.

The statute is expressly not limited to faculty. Any employee or appointee of the university who participates in conducting the research is required to make the disclosure in public communications, the definition of which is quite broad.

The statute does not impose a sanction for noncompliance, nor does the statute require the university to monitor or ensure compliance. Compliance is the sole obligation of the faculty member or other person making the communication. However, as with any state law, the university expects all affected persons to comply.

Although not an express provision, the statute effectively prevents the university or a university researcher from accepting a gift or entering a contract for specific research if a condition of the gift or contract is that the sponsor remain anonymous. The statute does not prevent a researcher or the university from accepting an anonymous gift the purpose of which is to generally support research.