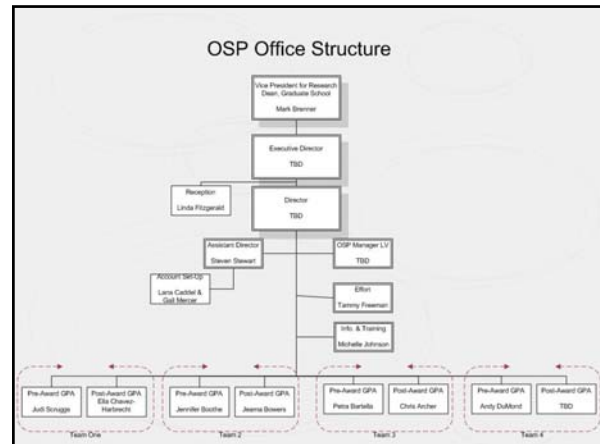


Sponsored Projects Module 1

OSP Overview,
Roles and Responsibilities,
Key Policies & Procedures



OSP Mission

- The Office of Sponsored Projects works with University employees, external sponsors and subcontractors to achieve funding for research and other scholarly activities and to provide oversight and advice on issues of federal, state, and institutional compliance, laws, and regulations.

OSP Mission, cont.

- OSP assists the university in assuring that maximum public benefit is derived from sponsored projects funding.

Classification of Funding

- Gift
- Sales/Service
- Sponsored Project

Gifts

- Example: donations, endowments, bequests
- Donor does not retain reversionary interest and cannot expect to receive material or benefit from the act of donating



Gifts

- No contractual requirements
- No deliverables, technical reports or early access to data expected
- No budgets or financial reports required
- Period of performance not specified
- Donor does not have audit rights
- No allocation of Intellectual Property Rights
- No Human or Animal Subjects of Research as part of an organized research program scope of work submitted to sponsor.



Gifts

- Gifts are handled by the University of Nevada Foundation (784-6622)
- NOTE: Funding from government entities and funding that requires deliverables, rights to intellectual property, or regulatory requirements must not be processed through gift accounts



Sales & Service

- Revenue from bookstore sales, athletic events, music/theater ticket sales, etc.
- Set-up and monitoring of sales & service accounts is handled by the Controller's Office (784-4166)
- If revenue results from sponsored project activity, it may end up under a sponsored project account as "program income"



Sponsored Project

- External support
- Research, education, clinical, training, other service
- Defined scope of work / objectives
- Utilizes UNR faculty, staff, students, facilities, and/or equipment
- Budgets & Sponsor related IP rights
 - Note: Material Transfer Agreements (MTAs), Non-Disclosure Agreements (NDAs), & License Agreements are normally processed by the Technology Transfer Office, not Sponsored Projects.



Sponsored Project: Funding Sources

- Funding can come from a variety of entities: Federal, State & Local Agencies, Other Universities, Chancellor's Office, Private industry, Public and Private Foundations, Cooperatives, etc.



Sponsored Project: Funding Type

- Funding can come in a variety of forms: Checks, Purchase Orders, Contracts, Grants, Cooperative Agreements, Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs), Consultant Agreements, Service Agreement, Clinical Trial Agreements, etc.



Vice President for Research

- Role
- Responsibilities



VPR Roles/Responsibilities

University – industry research partnerships through the offices of:

- Sponsored Projects
- Technology Transfer
- Human Research Protection
- Environmental Health & Safety
- Graduate School
- Various research centers and institutes



VPR Roles/Responsibilities

- Administrative support for pre and post-award administration
- Research support services
- Technology transfer
- Institutional regulatory & fiscal compliance
- Internal Research Awards



Office of Sponsored Projects

- Roles
- Services



OSP Roles/Services

- Funding opportunities resource
- Review and sign proposals **prior** to submission
- Negotiate award terms and conditions with sponsors
- Manage financial accounting, invoicing, and reporting requirements of awards
- Issue and negotiate subcontract agreements when needed



OSP Roles/Services, Cont.

- Provide training and assistance in sponsored projects administration
- Process modifications and supplemental requests on awards
- Verify compliance with regulatory requirements (IRB, IACUC, EHS, etc.)



OSP Roles/Services, Cont.

- Assist PIs in carrying out reporting and close-out requirements of awards
- Distribute Facilities and Administrative Costs as directed by the President and Vice President for Research



OSP Roles/Services, Cont.

- Maintains official institutional files of sponsored projects for audit purposes
- Liaison for auditors on project specific and A-133 annual audits
- Maintain proposal and award data
- Insure maximum public benefit of sponsored project activities
- Provide public and institutional reports of sponsored project activities



Principal Investigator (PI)

- Role
- Responsibilities



PI Roles/Responsibilities

- All awards are issued to the Board of Regents, NSHE on behalf of the University of Nevada, Reno as the legal fiduciary responsible for the conduct and commitments under the award
- A Principal Investigator (PI) is assigned to hold primary responsibility for conduct and management of the award



PI Roles/Responsibilities

- Coordinate preparation and submission of proposals
- Obtain approvals for the project via the Transmittal form (OSPA-1) and obtain OSP review and signature on the proposal prior to submission



PI Roles/Responsibilities

- Manage staff and record-keeping to ensure timely and accurate effort reporting for self and subordinates.
- Manage budgets and accounts to ensure all charges are allowable, allocable, reasonable, and consistent.
- Manage the technical/programmatic aspects of the project and oversee personnel and students assigned to the project
- Maintain highest ethical standards and properly disclose all potential conflicts of interest and intellectual property that results from their work



PI Roles/Responsibilities

- Manage the logistical aspects of the project by understanding and abiding by the award terms and conditions
- Avoid overruns and disallowances from inappropriate use of funds



PI Roles/Responsibilities

- Assure regulatory compliance with IRB, IACUC, EHS, etc.
- Prepare and submit timely deliverables and close out documents as required by the award



Dean & Chair

- Roles
- Responsibilities



Dean & Chair Roles/Responsibilities

- A Signature on the OSP transmittal form (OSP-1) indicates:
- The individual proposing the project is eligible to be a PI at the University
 - The PI has the knowledge, time and ability to work toward completion of the scope of work
 - The Department will take responsibility for the conduct of the agreement if the PI is not capable, able, or willing to complete it - including over-expenditures or non-payments



Dean & Chair Roles/Responsibilities

(Transmittal, cont.)

- The PI has the resources available which include equipment, space and support to complete the scope of work if the award is made
- The Dean and/or Chair is aware of a potential conflict of interest and is willing to manage, eliminate, or minimize as required by the conflict of interest policy and federal regulations.



Dean & Chair Roles/Responsibilities

(Transmittal, cont.)

- The Dean and Chair are aware of any cost sharing/matching commitments, and the source of such commitments and assures such cost share will be in place prior to the award
- The Dean and Chair have properly trained the PI, Co-I, and staff to ensure compliant grant management.
- The Deans/Chairs of Co-I's are aware of their participation and if needed have negotiated F&A splits and have the resources available to them to complete their scope of work.

Department Administrator Role/Responsibility

- Assist department/PI
- But, ultimate responsibility for conduct and management of award is with PI

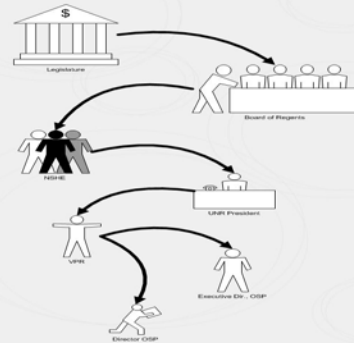
Overview of University policies:

- Signature Authority
- Misconduct in Research
- Conflict of Interest
- Anti-kick back
- Whistleblower Rights
- Cost Transfer Policy
- Effort Reporting Policy

Signature Authority

- NSHE Board of Regents
- UNR President
- Vice-President for Research
- Director of Sponsored Projects

Delegation of Signature Authority



Signature Authority

- Signature on proposal or award
- Invalid if not signature of an authorized representative of the institution
- Only the authorized representatives (i.e. OSP Exec. Director and Director) have signature authority.
 - Deans, Directors, Chairs, and Faculty PIs are not "authorized representatives" and may not sign proposals or awards on behalf of the institution.

Signature Authority

- Protect UNR and individual employee from liability
- Maintain compliance with NSHE, State, Federal, & private contract regulations

ETHICAL CONDUCT OF RESEARCH



ETHICAL CONDUCT OF RESEARCH

"The right to search for truth implies also a duty; one must not conceal any part of what one has recognized to be true."
- Albert Einstein



Ethical Conduct of Research and Scholarly Activities

- All participants in scholarly/research activity must avoid both intentional and negligent behavior which may result in violation of the law; dishonesty or fraud; fabrication, falsification, or misrepresentation of data; or plagiarism
- Federal False Claims Act – criminal sanctions

Ethical Conduct & Accountability

- The laboratory notebook represents the final authority on data collection, manipulation, and presentation. It must contain:
 1. All the information on an experiment's design and execution
 2. The original data (preferably as the raw data output)
 3. Calculations and data reductions
 4. Conclusions and interpretations

Ethical Conduct of Research Definitions

- **Fabrication:** making up data or results and recording or reporting them
- **Falsification:** manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record
- **Plagiarism:** the appropriation of another person's ideas, processes, results, or words without giving appropriate credit

Authorship

- Authorship on a scientific paper should be limited to those individuals who have contributed directly to the design and execution of the experiments and who have participated in the preparation of the manuscript.

Ethical Conduct: Regulatory Requirements

- Project directors must comply with all internal and external requirements for protecting the public, human subjects, and project personnel, and for ensuring the welfare of laboratory animals
- Conduct all research and scholarly activities with a high level of professionalism and ethical standards

ETHICAL CONDUCT OF RESEARCH EXAMPLE

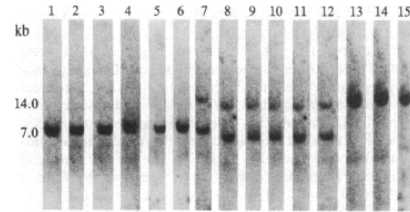


FIG. 2. Autoradiograms of DNA (from a sample of 15 of the 32 achondroplastic dwarfs) digested with *Hind*III and hybridized with pgHCol(II)A.

Research Misconduct – Example of Penalties

- June 28, 2006: Professor Eric Poehlman, University of Vermont sentenced to 1 year in federal prison and paid \$180,000 in penalties for falsifying data in an NIH grant application. Was also debarred from receipt of federal grant funds for life.

Ethical Conduct: Financial Responsibility

- A PI or program director must be knowledgeable of and responsive to the demands and requirements of financial responsibility and accountability

Ethical Conduct: Financial Responsibility

- OMB Circulars A-21, A-110, A-133
- Cost Accounting Standards (CAS)
- Effort Reports (formerly known as PARs)
- Cost Transfer Policy

Financial Responsibility Cost Accounting Standards

- Cost Accounting Standards DS-2: A document negotiated with the federal government that tells the feds how we do our financial and administrative oversight of projects in compliance with the OMB Circulars.
- The Primary Principle in CAS is CONSISTENCY – all costs are treated the same way by the University regardless of source of funds – federal, state, or private.

Financial Responsibility Effort Reporting

- Know Effort Reporting Requirements if you are going to Certify your own or someone else's effort on sponsored projects.
- For questions or concerns contact Tammy Freeman at 784-4040.
- Since 2/3rds of all Sponsored Costs are in salaries, it is the #1 highest financial liability the University faces if salary charges are not handled correctly.

Financial Responsibilities Cost Transfers

- Cost Transfers should occur only to correct clerical errors and should not occur solely because one project has more money than another one or for other reasons of convenience.
- Cost Transfers must occur within 90 days after transaction date or 30 days after effort certification.
- Beware of Cost Transfers in the last 45 days of a project. Such activity is a red flag for auditors.
- Cost Transfers after the end date of a project are normally not allowable unless the transfer is moving costs OFF of the sponsored account to a non-sponsored account.

Conflict of Interest (COI)

- The University must have a Conflict of Interest Policy and Procedure, disseminate the policy, and provide review and oversight for any conflict of interest situation
- University must "*manage, reduce or eliminate*" any conflict of interest
- Must report to federal sponsor as appropriate (NIH prior to account activation)

Conflict of Interest: Definition

- Any outside interest or activity that may adversely affect, compromise, or be incompatible with obligations of the employee to the University or professional norms. Includes situations where significant financial or other interests will affect the approval, design, conduct, or reporting of research and other projects.

Conflict of Commitment: Definition

- May occur when external activities demand excessive time, conflicting with a faculty or other employee's responsibility to the University.

Conflict of Interest: Employee's Responsibility

- DISCLOSE all external activities which may have an impact or a *perceived* impact on the university
- There must be a NEXUS between the University and the external activity
- Protect yourself. When in doubt, disclose

Unallowable Conflicts (examples)

- Solicitation or receipt of a gift or other compensation from a vendor
- Confidentiality agreements that could affect a student's degree requirements or grade
- Sponsor interference with publication or suppression of data
- Evaluation of faculty or students based on participation in outside business activities by an involved employee

Unallowable Conflicts (examples), cont.

- Non-reimbursement of employees or students for work in industry that was carried out on University time, reimbursed with public funds, and benefits the private entity
- Physician reimbursement for marketing a product when in receipt of funding from the same company

Unallowable Conflicts (examples), cont.

- Conflicts between an employee's outside activities and University commitments to sponsors. E.g. Employee agreement with a sponsor regarding IP in conflict with University policy governing ownership and rights to Intellectual Property

Requires Disclosure and Approval

- Any significant financial conflict of interest
- Use of University property and facilities for personal gain
- Confidential projects involving students
- Involvement of students that benefits a business entity in which a faculty has an interest

Requires Disclosure and Approval, cont.

- Sponsor directing student work when driven primarily by commercial considerations
- Research sponsored by a business in which an employee has a financial or other interest
- Commitment by an employee for University resources to a business when the employee has an interest in the company. e.g. commitment of laboratory or facilities
- Use of public funds to benefit an employee's business interest. e.g. purchase of equipment

Requires Disclosure and Approval, cont.

- Transfer of University technology or IP to a business entity in which the employee has a conflict of interest
- Individual employee receipt of incentive payments from a publisher in return for requiring or promoting specific educational books or materials for students (Does not include royalty payments for authors of published works)
- Consulting in the employee's same field of work for external parties during consultant days which involves an agreement, oral or written, regarding rights to data, intellectual property, or use of university resources



Clinical Investigations & COI

- Any financial interest must be disclosed to subjects and to the IRB
- Employee with conflict can be a PI or Co-I only under exceptional circumstances
- NOT ALLOWED: incentive payments to individuals from sponsors - these must go into a dept. account
- NOT ALLOWED: Consent of subjects by an employee with a conflict



Conflict of Commitment

- An employee who is consulting with a company that is sponsoring his/her research may consult only with approval from the President
- Consulting which demands excessive time and conflicts with University responsibilities must be reported and approved



Conflict of Interest Structure at UNR

- Delegated Official (reviews disclosures, makes recommendations, supports COI committee activities and maintains files)
- Conflict of Interest Committee: TTO, OSP, IRB, & Grad School Directors. One member elected by Faculty Senate & ad hoc members as necessary (reviews disclosures, recommends oversight, and reviews annual or semi-annual monitoring reports)



Conflict of Interest Structure at UNR: Confidentiality

- Disclosures of Financial Interest and Conflict of Interest will be maintained in confidence by the University to the extent allowable by federal and state law and regulations



Conflict of Interest Structure at UNR: Disclosure

- Annual and project-based disclosure forms provided on the sponsored project's website www.unr.edu/ospa
- Project-based COI forms submitted to Delegated Official through TTO, OSP, Development, or related office



Conflict of Interest Structure at UNR: Review & Approval

- Annual negative disclosures filed by Department Chair and/or Director during annual evaluation
- Positive disclosures are forwarded to delegated official for follow-up
- Project-based COI reviewed by DO and referred to appropriate administrative office for review and approval or to COI committee for further review

Conflict of Interest Structure at UNR: Appeals

- Appeals are to be made to the Vice President for Research or Provost's Office
- Final appeal is to the President for individual conflicts of interest
- Final appeal regarding institutional conflicts are to the Board of Regents

Conflict of Interest Structure at UNR: Sanctions

- Violation of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and dismissal as provided in University and NSHE Code, bylaws, and the administrative manual

Conflict of Interest Structure at UNR: Sanctions, cont.

- Additional sanctions under Nevada State Law or by Federal Sponsors may occur as well
- This could include felony level charges for violating the Nevada Ethics Act

Anti-Kickback

- The (federal) Anti-Kickback Act of 1986 was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with either a contract or subcontract relating to a prime contract. The provision is designed to ensure fair and equal competition among both prime and subcontractors. It is applicable to all prime contractors and their subcontractors.

Anti-Kickback: Definition

- "Kickback" refers to any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

Anti-Kickback: UNR Policy

- Employees in a position to directly influence or award a subcontract or other procurement activity must declare annually all income, consultant fees, gifts, and gratuities received by the employee or his/her family members from UNR subcontractors



Anti-Kickback: Sanctions

- Violation of policy can result in dismissal from employment and/or criminal procedures under state and federal law
- Maximum penalty can amount to two times the amount of the kickback, plus, \$30,000 fine for each kickback payment and up to ten years imprisonment



Whistleblower

- Nevada State law protects those that make good faith allegations of research misconduct. **NRS 281.611 through 281.671** Use form NPD-53
- The University will be developing a whistleblower policy for the administrative manual



Module 1 Completed

Thank you



■ Sponsored Projects

■ University of Nevada, Reno

www.unr.edu/ospa