Stephen F. Austin State University
Grants and Contracts Procedures Manual (GCPM)

Adopted by SFA policy 8.3

PART 5 - Policies and Compliance

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I. Regulations, Policies, and Procedures

A. Responsibilities of the Principal Investigator (PI) / Project Director (PD)

Awards from external sources are made to SFA, not the PI or PD who prepared the proposal.

The president of SFA, or his/her designated signature authority, is the only individual who can commit the university to the terms of a sponsored agreement. This commitment is indicated by the approved signature on the PCF at the proposal stage and then again on the award document/contract (if signature is required by the sponsor).

Pre-award: A PI or PD should notify ORSP as early as possible in the application/proposal phase so that ORSP staff can assist with the proposal. See the Grants and Contracts Procedures Manual, part # "Prepare a Grant Application" for specific details.

Post-award: The PI/PD has overall responsibility for the successful conduct of the project, including the responsibility to:

- Conduct the project according to the terms outlined in the agreement, agency guidelines, and applicable regulations;

- Adhere to compliance requirements (such as human or animal subjects in research, responsible conduct of research, acknowledgements, etc.);

- Monitor subawards and subcontracts;

- Adhere to the budget as approved by the sponsoring entity;

- Complete programmatic reports in a timely manner (copy or notify ORSP);

- Monitor grant funds regularly to ensure that all charges, both salary and non-salary, are appropriate to the award (reasonable, allowable, allocable, and necessary) and directly support the project's objectives or scope of work (**see 2 CFR 200.402-406**);

- Process cost transfers, budget and project amendments, and no-cost extensions (NCE) through ORSP;

- Report and certify effort accurately, including cost-shared effort; and

- Establish and maintain contact with the program officer, as applicable.

Close-out: The PI/PD has the responsibility to:

- Complete final programmatic reports in a timely manner (copy or notify ORSP);

- Reconcile grant budgets, including account-level overages and budget overruns in conjunction with ORSP and the Controller's Office;

- Involve ORSP in the preparation and submission of sponsor-required close-out documents (equipment disposition, intellectual property, etc.); and

- Maintain project records for the required time **(a minimum of seven years after project end date for all projects ending 9/1/2015 and thereafter)** and correct disposition of equipment (see **TX Government Code, Section 441.1855**).

The language that follows is found on the Request to Establish a Banner Fund for Grants and Contracts (REF), which is signed by the PI/PD:

Principal Investigator (PI)/Project Director (PD) Acceptance of Responsibility

The Principal Investigator/Project Director is responsible for the programmatic management of the grant or contract and conducts the project activities as approved by the funding agency to meet project goals and objectives while adhering to sponsor guidelines and policies and procedures of the University.

My signature below acknowledges that I understand I am responsible for ensuring:

- Project expenditures are directly related to the project, <u>reasonable, allowable, allocable, and necessary</u> to meet project goals and objectives;

- Project expenditures are processed in accordance with university policies;

- Personnel paid from grant or contract funds perform at the level of effort stated in the grant/contract and effort is certified as required by university policies;

- Subcontracts, subrecipients, and consultants are monitored and reporting requirements are met;

- Compliance with policies for human subjects in research, animal use and care, and use of biohazards;

- Technical reports required by the sponsor are submitted in a timely basis and copies or notification of submission sent to ORSP;

- Amendments requiring sponsor approval are routed through ORSP for institutional approval; and

- Project files and support for expenditures are retained for a minimum of seven years (unless otherwise noted) after the grant or contract has been officially terminated by the sponsor.

B. SFA Policies Governing External and Internal Funding

Research and sponsored project funds awarded to and administered by SFA must conform to university policies and guidelines, as well as those of the sponsor. When SFA is a subawardee, projects are subject to applicable policies of the prime sponsor, as well as whatever other terms and conditions are specified by the entity that provides the funds to SFA.

Relevant University Policies (see the University Policy Manual for a complete listing of policies)	
12.1	Compensation from Grants, Contracts and Other Sponsored Agreements
8.1	Effort Reporting and Certification for Sponsored Activities
8.5	Facilities and Administrative (Indirect) Cost Recovery, Distribution and Use
8.2	Financial Conflicts of Interest in Sponsored Activities
8.12	Fixed Amount Awards
8.3	Grants and Contracts Administration (incorporates this manual by reference)
8.7	Misconduct in Federally Funded Research

7.19	Misconduct in Scholarly or Creative Activities (non-federal/non-research)
12.16	Salary Supplements, Stipends and Additional Compensation
1.3	Contracting Authority
11.8	Electronic Personnel Action Form
3.12	Establishing a New Departmental Account: Fund - Organization - Program (FOP)
17.6	Food Purchases
3.17	Gifts, Loans, Endowments, and Bequests
3.18	Gifts, Prizes and Awards
3.16	Gift Reporting
17.8	Interagency and Interlocal Contracts
17.22	Purchasing Ethics and Confidentiality
17.12	Professional and Consulting Services
3.26	Receipts and Deposits
3.29	Travel
8.4	Human Research Subjects Protection
8.6	Institutional Animal Care and Use Committee (IACUC)
8.8	Payments to Human Research Subjects
8.9	Recombinant DNA and/or Infectious Biohazards in Teaching and Research
8.11	Research Enhancement Program
8.1	Texas Comprehensive Research Fund
9.4	Intellectual Property
2.9	Records Management
2.6	Ethics

2.7	Fraud
11.16	Nepotism
11.19	Outside Employment

C. Federal and State Regulations

Prevent grant fraud, waste, and abuse

When a sponsor provides federal funding for a project, either directly or indirectly as pass-through funds, there are specific compliance requirements.

Federal Regulations - The University and the PI/PD, in accepting an award from a sponsoring agency, assume the responsibility for the financial, technical, and administrative aspects of the award. There are five principal sets of federal regulations that provide guidance in the financial and programmatic management of awards to universities:

2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards - Effective 12/26/2014

EDGAR - Administrative regulations for the U.S. Department of Education grants.

FAR - Federal Acquisition Regulations are the primary regulations used by federal sponsors to govern contracts for supplies and services, including research services. FAR incorporates OMB Circular A-21 for the purpose of defining allowable costs. FAR is not applied to grants and cooperative agreements that are governed by OMB Circular A-110, agency grant regulations, or Federal Demonstration Project (FDP) terms and conditions (*FDP is not applicable to SFA*). Federal contracts typically incorporate all of the FAR clauses applicable to a given project.

For projects active prior to 12/26/14

2 CFR Part, 220 (OMB Circular A-21), Cost Principles for Educational Institutions - Principles for Determining Costs Applicable to Grants, Contracts, and Other Agreements with Educational Institutions - (Note that A-21 applies to contracts and to subrecipients performing work under federal awards.)

2 CFR Part, 215 (OMB Circular A-110), Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations - (Note that federal contracts are subject to Federal Acquisition Regulations rather than A-110).

OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

Allowable, Allocable, and Reasonable - Quick decision guide to allowability of federal expenditures

State Regulations and Guidelines - Each state agency provides regulatory guidance in requests for proposals, in award documents, and/or in contract terms. In addition, the Governor's Office has adopted standards that apply to most grants and contracts awarded by state of Texas agencies. In practice, they apply OMB Circular A-21 to universities.

> UGMS - State of Texas Uniform Grant Management Standards (UGMS)

II. Compliance and Safety in Research - Requirements, Training, and Forms

A. Introduction: Ethics in the conduct of sponsored projects

As stated in policies A-31.5 and A-80, SFA strives to create a climate that promotes faithful adherence to high ethical standards in the conduct of scientific research, scholarship, and creative activities without inhibiting the productivity and creativity of the academic community.

Faculty scholars and other personnel at SFA are expected to adhere to the highest ethical standards for all research and scholarly work. It is the responsibility of every research investigator to maintain the integrity of research projects, <u>including maintaining an auditable record of experimental protocols, data, and findings.</u>

Misconduct in research or scholarly/creative activity is a major breach of the relationship between a faculty or staff member and the university. Coauthors on research reports or scholarly/creative works of any type must have a bona fide role in the research or scholarly work and must accept responsibility for the quality of the work reported.

Misconduct in science and allegations of such behavior will be handled promptly and confidentially. The university's policies regarding research integrity include: SFA Policy 7.19, *Misconduct in Scholarly or Creative Activities* and SFA Policy 8.7, *Misconduct in Federally Funded Research*

A Principal Investigator (PI) or Project Director (PD) should have no conflict of interest that would affect the conduct of a project.

SFA's policy requires that an employee of the university who applies for grants or cooperative agreements from any sponsor for research or other sponsored activities, or otherwise submits a proposal for sponsored activities to any entity, ensures that there is no reasonable expectation that the design, conduct, and reporting of research will be biased by any significant financial interest of a PI/PD responsible for the research or other sponsored activity. Based upon federal regulations and the university's objectives to maintain an environment that promotes faithful attention to high ethical standards, this policy relating to conflicts of interest is to be administered in conjunction with Texas laws setting forth standards of conduct.

Texas Government Code, Chapter 572, and SFA Policy 8.2, *Financial Conflicts of Interest in Sponsored Activities*

SFA has subscribed to the Collaborative Institutional Training Initiative (CITI) program. Training modules (CITI) for Responsible Conduct in Research (RCR) and Financial Conflict of Interest (FCOI) are available, as well as training modules for [IRB](#) and [IACUC](#) members, faculty, and students. For more information, see section I, below.

Compliance and safety in research also applies to research activities funded by gifts.

B. Responsible Conduct of Research (RCR)

In compliance with the National Science Foundation's (NSF) policy, as well as other federal agencies, in response to provisions of the America COMPETES Act, SFA developed a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduate students, graduate students, and postdoctoral researchers participating in federally funded research.

Training is applicable to all new NSF awards applied for and/or received after January 1, 2010, and all other federal awards as detailed in award documents and specific agency guidelines.

Each individual subject to this requirement will be required to complete the free, online RCR course offered by the Collaborative Institutional Training Initiative (CITI). For more information, see section I, below.

> [CITI web site](#)
> RCR Training Verification Form
> RCR Training Plan Procedures

The Principal Investigator (PI) or Project Director (PD) is responsible for ensuring that the appropriate topic(s) for the on-line training program are completed in a timely manner and that the appropriate documentation is forwarded to the Office of Research and Sponsored Programs for record retention.

RCR training covers: research misconduct; data management; conflict of interest; and responsible authorship (all four REQUIRED); and collaborative science; mentoring; peer review; lab animals; and human subjects (Optional, to be added based on their applicability to the specific research). Discipline-specific topics to choose from include: biomedical; social & behavioral research; physical sciences; humanities; engineers; and administrators.

The PI/PD is encouraged to provide mentoring to students in the following areas *as applicable to the specific research or program design* in addition to the online program and to refer the student to applicable resources (SFA policies, procedures, committees, etc.):

- Data acquisition, management, sharing, and ownership;

- Publication practices and responsible authorship, and collaborative research;

- Conflicts of interest;

- Human subjects protection;

- Animal use and care/animal welfare; and/or

- Research misconduct.

ORSP Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu

C. Conflicts of Interest and Nepotism Disclosure (FCOI)

To protect the credibility and integrity of SFA and ensure the public trust and confidence in the university's research and sponsored activities, actual or potential conflicts of interest must be identified, and then managed, reduced, or eliminated prior to the university's expenditure of any funds under an award, and if required by a sponsor, certify to the funding agency what actions have been taken or report conflicts that cannot be satisfactorily managed, reduced, or eliminated.

All investigators are required to disclose any significant financial interest that could directly or indirectly affect the design, conduct, and/or reporting of research and/or affect professional judgment in the conduct of sponsored activities.

Conflicts of interest include: (1) a significant, related financial interest for a project as defined below; and (2) family relationships related to a project.

Additional requirements pertain specifically to Public Health Service (PHS) sponsored research and to research sponsored by other federal agencies with similar financial conflict of interest regulations. For PHS supported research, resolution of any potential or actual conflicts of interest shall not be required until after funding has been approved and prior to any expenditure under the PHS award. Prior to the expenditure of any funds under a PHS-funded research project, the Institutional Official at SFA shall develop and implement a management plan that shall specify the actions that have been and shall be taken to manage the financial conflict of interest.

For pending or active research or other sponsored activities, a significant financial interest that must be disclosed by an investigator consists of *one or more* of the following: interests of the investigator, and/or the investigator's spouse and dependent children, or any other financially interdependent individual in the household; which reasonably appears to be related to the investigator's institutional responsibilities; and was received, obtained, or held during the twelve (12) months preceding the disclosure:

- Payments from or an equity interest in a publicly-traded entity if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure together exceed $5,000. Remuneration includes any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship);

- Payments from or an equity interest in a non-publicly traded entity if the value of any remuneration received from the entity in the twelve months preceding the disclosure exceeds $5,000 and any equity interest is held;

- Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests; and

- Travel payments (reimbursements or amounts paid on behalf of the investigator) related to institutional responsibilities (this requirement only applies to investigators with PHS supported research or other federal sponsors with similar FCOI requirements).

Training in FCOI is required for all NIH awards applied for and/or received after August 24, 2012. For more information, see section I, below.

CITI web site

Additional requirements are outlined in SFA policy A-11.5.

Financial Conflicts of Interest in Sponsored Activities (policy 8.2)
Nepotism (policy 11.16)
Disclosure of Substantial Interest Form (SFA, general) - Submitted in SSB; due annually and when circumstances change
FCOI Disclosure Form/PCF (ORSP, grant specific) - Due at the time of application with the PCF
FCOI Disclosure Form (ORSP, grant specific) - Due when circumstances change
COI and Nepotism Mgt Form FCOI Disclosure Form (ORSP, grant specific) - Due at the time of application with the PCF and when circumstances change

See also **2 CFR 200.112**.

ORSP Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu

D. Protection of Human Research Subjects (IRB)

The **Institutional Review Board (IRB)** is responsible for reviewing and approving research involving the use of human subjects, including surveys. Principal Investigators (PIs) proposing research using human subjects at any level should review related policies and are encouraged to communicate with and submit the appropriate application to the chair of the IRB early in the process. This includes research conducted by students.

Many agencies require documentation of IRB approval, or that the IRB process has been initiated, in the funding application.

Copies of IRB approval letters and/or e-mails for all externally funded projects must be provided to ORSP.

Stephen F. Austin State University's IRB IORG number is: IORG0000733.
Visit the [Research Compliance Committees webpage](#) for information on IRB committee members, applications, links to training, and more.
SFA Policy 8.4, *Human Research Subjects Protection*
SFA Policy 8.8, *Payments to Human Research Subjects*

IRB Committee Chair: Dr. Luis Aguerreve
Phone: 936.468.1153, SFA Box 13019, aguerrevle@sfasu.edu

ORSP Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu

U.S. Department of Education's [web site](#) on protection of human subjects in research.

Training for SFA affiliates: [CITI web site](#)

E. Animal Care and Use (IACUC)

All projects involving the use of live vertebrate animals must be reviewed by the **Institutional Animal Care and Use Committee (IACUC)** prior to the initiation of any research. Precautions must be taken to protect the user as well as the particular animal species involved. Only properly trained personnel are allowed to handle and dispose of animals. Radioactive animals receive special handling according to federal, state, and campus guidelines on radiation safety; see the section which follows (Section IV. H.). The use of radioactive materials in animal research must be approved prior to submission of a research protocol to the IACUC.

Most federal agencies require that protocols using animals be reviewed and approved by the IACUC prior to proposal submission.

Visit the [Research Compliance Committees webpage](#) for more information on IACUC committee members, applications, links to training, and more.
SFA Policy 8.6 - *Institutional Animal Care and Use Committee (IACUC)*

IACUC Committee Chair: Dr. Robert Polewan
Phone: 936.468.3601, iacuc@sfasu.edu

ORSP Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu

Guide for the Care and Use of Laboratory Animals, Eighth Edition, NIH
Office of Laboratory Animal Welfare (OLAW) [web site](#), Public Health Service
IACUC.org [web site](#) for guidance on the protection of animal subjects in research

Training for SFA affiliates: [CITI web site](#)

F. Export Control Regulations

Export control regulations are federal laws that prohibit the unlicensed export of certain goods, products, or information for national security and to protect trade. The interpretation of these regulations requires a certain level of expertise because they require classification of commodities, and export and licensing determinations.

Export controls are usually associated with the destination of the export (country, organization, etc.) and the potential use of the export (military or economic use). Exports can occur through shipping, oral communications, written documentation (including e-mails), and visual inspections of any technology, software or technical data to any non-U.S. citizen, whether in the U.S. or abroad. For further information, refer to the EAR or ITAR regulations.

Travel outside the U.S. also can present export control issues for SFA employees, specifically if you take items from work such as lap tops, data, technology, blueprints/schematics, and similar items. The destination country and the individuals or entities you interact with also may present export control issues and may require a license from the Departments of Commerce, State, or Treasury. Shipping certain items outside the U.S. also could require a license.

Export Administration Regulations (EAR) - U.S. Department of Commerce
http://www.access.gpo.gov/bis/ear/ear_data.html (Commerce Control Database or List)

International Traffic In Arms Regulations (ITAR) – U.S. Department of State
http://www.pmddtc.state.gov/regulations_laws/itar_official.html (Defense-related items/services)

Most, if not all, research activities at SFA are exempt from export control regulations because the results meet the definition of fundamental research (e.g., the results will be in the public domain, and published or otherwise shared broadly in the scientific community).

However, you must contact SFA's General Counsel to determine if you have an export control issue if one or more of the following applies to your research:

- You are working on controlled proprietary technology found on the EAR or ITAR lists (you must have a plan to limit access to U.S. citizens and foreign nationals with a green card).

- You have a foreign national working with controlled proprietary technology found on the EAR or ITAR lists.

- SFA accepts any restrictions on the publication of the information resulting from the research, other than limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by sponsor or to ensure that publication will not compromise patent rights of the sponsor.

- The research is federally funded and specific access and dissemination controls regarding the resulting information have been accepted by the University or the researcher.

- Project staff will travel abroad or will ship items abroad.

General Counsel: Damon Derrick
Phone: 936.468.4305, derrickdc@sfasu.edu

ORSP Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu

G. Biosafety and Select Agents

Select agents include biological agents and toxins that have the potential to pose a severe threat to public health and safety or pose a potential threat to animal and plant health or to the safety of animal or plant products. These items are regulated by the Centers for Disease Control (CDC) and the U.S. Department of Agriculture (USDA).

[Select Agents and Toxins List](#)

Institional Biosafety Committee (IBC) - Research involving biohazards, such as novel recombinant DNA, blood-borne pathogens, and carcinogens (including select agents) requires protocol review in compliance with National Institutes of Health (NIH) guidelines prior to the submission of a proposal or the start of the research.

Visit the [Research Compliance Committees webpage](#) for more information on IBC committee members, applications, links to training, and more.

IBC Committee Chair: Dr. Odtayo Odunuga
Phone: 936.468.6464, odunugaoo@sfasu.edu

ORSP Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu

H. Environmental Safety and Health/Radiation

The University's Radiation Safety Officer is responsible for ensuring the effective use of safety measures relating to radioactive materials and radiation devices, consistent with the Radiation Control Program of the Texas Department of State Health Services, the Texas Radiation Control Act, and the Federal Radiation Control for Health and Safety Act of 1968. This Radiation Safety Officer regulates the receipt, possession, use, transfer, or acquisition of any source of ionizing or non-ionizing radiation or radiation-producing device. Compliance is required regardless of the source of funds used to support the research.

There are two additional safety officers that can provide information regarding environmental safety, emergencies, and the handling and disposition of hazardous materials.

<u>Hazardous Materials and Chemical Removal</u>
Radioactive or Radiation-Producing Materials or Equipment policy 13.17
Contact Officer: Matt Romig
Phone: 936.468.6034, romigmatt@sfasu.edu

Health and Safety policy 13.10
Emergency Operations Plan policy 13.8
Contact Officer: Jeremy Higgins
Phone: 936.468.4514, higginsjk@sfasu.edu

I. CITI - Collaborative Institutional Training Initiative (Research Ethics Training Programs)

SFA has subscribed to the CITI Program, which provides research ethics education courses in the areas of Human Subjects Research (HSR), Responsible Conduct of Research (RCR), Financial Conflict of Interest (FCOI), and Animal Care and Use (ACU).

All SFA faculty, staff and students are encouraged to create a CITI account and register for applicable CITI courses for the purpose of their research, activities and coursework.

Each CITI course contains a set of modules, and most modules are typically 20 minutes in length and contain a quiz. The number of modules in each course varies.

Once a course has been started, the learner can leave and re-enter the course at any time. To pass a course, the learner must receive an average of 80% on module quizzes. If needed, module content can be revisited, and quizzes can be retaken to achieve a higher score until a passing score is achieved. If the learner needs to submit proof of completion to a supervisor, Project Investigator or professor for course credit, he/she has the ability to print out a completion report directly from his/her account.

<u>List of available CITI courses of most interest to SFA</u>:

Human Subjects Research (HSR) courses. Courses include: Biomedical Research Investigators; Social & Behavioral Research Investigators; IRB Members; Students – class projects; Research with Data of Laboratory Specimens Only.

Responsible Conduct of Research (RCR) courses. Courses include: Biomedical RCR; Social & Behavioral RCR; Physical Science RCR; Humanities RCR; Research Administrators RCR.

Financial Conflict of Interest (FCOI) course

Animal Care and Use (ACU) courses. Courses include: Working with the IACUC for Investigators, Staff and Students; Essentials for IACUC Members; Working with Mice; Working with Amphibians; Working with Rats; Working with Hamsters; Working with Gerbils; Working with Guinea Pigs; Reducing Pain and Distress in Laboratory Mice & Rats.

Informational Flyer

[CITI website](#)

[CITI Website Registration Instructions](#)

ORSP Administrative and Compliance Contact: Amanda Romig, Compliance Coordinator
Phone: 936.468.1067, romigad@sfasu.edu