

2-24-2000

Curricular Report No. 1999-2000-5 from the Graduate Council to the Faculty Senate

University of Rhode Island Faculty Senate

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UNIVERSITY OF RHODE ISLAND
FACULTY SENATE

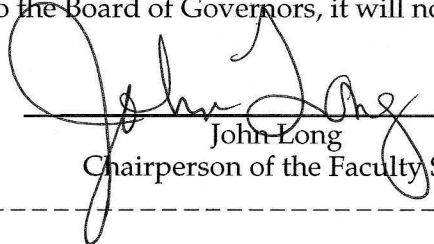
Serial Number #99-00--16

TO: President Robert L. Carothers

FROM: Chairperson of the Faculty Senate

1. The attached BILL, titled Report of the Council for Research Report #99-00-1:
Proposed Policy on the Administration of Grants, Contracts, and Gifts,
is forwarded for your consideration.
2. The original and two copies for your use are included.
3. This BILL was adopted by vote of the Faculty Senate on February 24, 2000.
4. After considering this bill, will you please indicate your approval or disapproval. Return the original or forward it to the Board of Governors, completing the appropriate endorsement below.
5. In accordance with Section 10, paragraph 4 of the Senate's By-Laws, this bill will become effective March 16, 2000 three weeks after Senate approval, unless: (1) specific dates for implementation are written into the bill; (2) you return it disapproved; (3) you forward it to the Board of Governors for their approval; or (4) the University Faculty petitions for a referendum. If the bill is forwarded to the Board of Governors, it will not become effective until approved by the Board.

February 25, 2000
(date)



John Long
Chairperson of the Faculty Senate

ENDORSEMENT

TO: Chairperson of the Faculty Senate

FROM: President of the University

Returned.

a. Approved .

b. Approved subject to final approval by Board of Governors ✓

9/21/00

c. Disapproved .

3/6/00
(date)



President



UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island
FACULTY SENATE

COUNCIL FOR RESEARCH
REPORT #99-00-1: UNIVERSITY POLICY ON THE ADMINISTRATION OF
GRANTS, CONTRACTS AND GIFTS

At the request of the Board of Governors for Higher Education, the University of Rhode Island developed a policy of the administration of grants/contracts and gifts. This policy was forwarded to the Faculty Senate Executive Committee by Provost Swan in October to determine whether Faculty Senate approval was necessary in accordance with University Policy #80-1 "Establishing University Policy."

At their meeting of October 29, 1999, the Faculty Senate Executive Committee agreed that the proposed policy requires approval by the Faculty Senate. The policy was subsequently forwarded to the Council for Research for review with the request that the Council make a formal recommendation to the Faculty Senate.

On November 8, 1999, the members of the Council for Research met with Assistant Provost Katz to review the proposed University Policy for the Administration of Grants, Contracts and Gifts. A motion was passed to endorse the proposed policy and to form an ad hoc committee from the Council for Research to review "services and support for researchers."

At their January 24, 2000 meeting, the Council for Research approved the proposed matrix for the Administration of Grants/Contracts and Gifts developed by the ad hoc committee.

The Council for Research now recommends that the Faculty Senate approve the attached Policy on the Administration of Grants/Contracts and Gifts.

Members of the Council for Research 1999-000

Jerome Adams, HDF, (00) Faculty Senate appointee

William Eules, (00) Provost's Dir. appointee

Robert Felner, EDC, (01) Faculty Senate appointee

Geoffrey Greene, FSN, (00) Faculty Senate appointee

David Heskett, PHT, (02) Faculty Senate appointee

Kenneth Hinga, (00) Provost's bus. mgr. appointee

Dayle Joseph, (00), Council of Deans' appointee

Ronald Lee, MUS, (00) Provost's appointee, Chair (fall '99)

Margaret Ordonez, TMD, (01), Faculty Senate appointee

Lynn Pasquerella, PHL, (00) Provost's appointee, Chair (spring '99)

Robert Rodgers, BMS, (00) Provost's appointee

Laurie Ruggiero, PSY, (00) Faculty Senate appointee

*Marie Jenkins-Schwartz, (02) Faculty Senate appointee

Detlev Zwick, graduate student member

Janet Kulberg, *ex officio*

Thomas Rockett, *ex officio*

UNIVERSITY OF RHODE ISLAND

Policy for the Administration of Grants, Contracts and Gifts

Introduction

This policy defines the administration of grants, contracts and gifts between the University's Research Office and the Development Office. The importance of establishing a formal distinction between grants, contracts and gifts is related to the evolution of federal/state compliance and auditing issues in recent years. The following sections of this policy define the terms grants, contracts and gifts, and outline the procedure for processing awards.

Definitions of Grants, Contracts and Gifts

Sponsored Agreements (Contracts and Grants {Type I}): The University's Research Office shall process and receive all grants {Type I}, contracts, and other sponsored funds awarded to the University (see Appendix A). Grants {Type I}, contracts and sponsored agreements are defined as external funding that comes from a federal funding agency, quasi-federal funding agency, state agency, international agency, foundation, business, corporation, or private individual that: 1) requires the delivery of a product or service, or 2) requires the delivery of a research report that includes but is not limited to results, data, findings, surveys, and financial information, or 3) requires specific commitments regarding the levels of personnel efforts, 4) involves stipulations regarding data, publications or intellectual property such as inventions, patents, certain copyrights or licenses, or 5) involves indirect cost funds.

Gifts and Grants {Type II}: The Development Office shall process and receive all gifts and grants {Type II} (see Appendix A). Gifts and grants {Type II} are defined as external funding (and/or donated equipment or goods) that comes from a foundation, business, corporation, or private individual that has no required deliverables such as but not limited to products, or services, and cannot carry any obligations involving data, publications or intellectual property such as inventions, patents, certain copyrights or licenses. Gifts or grants {Type II} may require, however, fiscal or program report for accountability purposes. The donor specifically intends the funds to be a charitable gift or deduction as defined by the IRS and as reflected by the absence of deliverables or intellectual property rights as defined in the above paragraph and Appendix A.

Related Compliance Issues

Regardless of whether the external funds are a gift, grant, or contract, any project using human subjects, animal subjects, radioactive material must be in compliance with all applicable University, State and Federal regulations. Further, regardless of whether the external funds are a gift, grant or contract, any intellectual property arising from the use of these funds shall be subject to the University Intellectual Property policy as detailed in the *University Manual*.

Faculty and staff are not authorized to enter into written or unwritten agreement(s) with sponsors, and are not authorized to sign contracts that involve the use of any University facilities, space, equipment, and personnel; or involve intellectual property; or restrictions on publications. Only the authorized representatives of the University of Rhode Island (President, Provost and Vice President for Academic Affairs, Vice President for Business and Finance, Vice Provost for Graduate Studies, Research and Outreach, and Controller), designated by the Board of Governors, are empowered to negotiate and sign such agreements or contracts.

Procedures

Grants {Type I}, contracts and other sponsored agreements shall be processed and received by the University's Research Office. All principal investigators shall submit their grant {Type I}/contract proposals and requests for external funds to their Dean/Vice President and then to the Research Office for administrative approval and transmittal to the funding agency. Upon receipt of the award, Grant and Contract Accounting will assist the principal investigator(s) in the administration of their grants, contracts and other sponsored agreements.

Gifts and grants {Type II} to the University shall be processed and received by the University's Development Office. Upon receipt of a gift or grant {Type II} from a donor, the Development Office will record the donation and send a letter of a gift acknowledgement to the donor. If administrative fees are provided by the foundation or private source with Type II grants, then these funds will be deposited into a University account.

In cases where it is not clear or there is any doubt whether a proposal and/or external award is a gift, grant or contract, it shall be the responsibility of the faculty or staff member and his/her Dean/Vice President to contact and discuss the proposal and/or award with the Vice Provost for Graduate Studies, Research and Outreach. The Vice Provost for Graduate Studies, Research and Outreach, in turn, will review the proposal and/or award with the Associate Vice President for Development and the Controller. (In the event that a proposal and/or award is submitted directly to the Development Office {or URI Foundation}, the Associate Vice President for Development will contact the Vice Provost for Graduate Studies, Research and Outreach and Controller and initiate the review). The Vice Provost for Graduate Studies, Research and Outreach, Associate Vice President for Development and Controller will review the proposal and/or award relative to the definitions above with particular attention to deliverables, apparent deliverables and intellectual property issues. In the

event that a decision cannot be reached by the Vice Provost for Graduate Studies, Research and Outreach, Associate Vice President for Development and Controller, then the final decision will be made by the Provost and Vice President for Academic Affairs.

The Vice Provost for Graduate Studies, Research and Outreach, Associate Vice President for Development and Controller will meet on a biannual basis and review all gifts that have been donated to educational and research programs.

Please note that the Development Office will not deposit external funds awarded to a faculty, staff or administrator for research programs without the written approval of the Vice Provost for Graduate Studies, Research and Outreach and the Associate Vice President for Development or the Provost and Vice President for Academic Affairs.

Where the faculty, staff or administrator obtains direct funding for a fellowship award (e.g., Fulbright, Nobel etc.), the researcher is advised to notify the Vice Provost for Graduate Studies, Research and Outreach upon receipt of the fellowship award.

For Matrix see BILL #99-00--16 Disk for 99-00 - Committee Reports, U MAN Sec's - File
named Gifts/grants/contract.matrix 11

Administration of Contracts, Grants and Gifts

Type of Award	1 Sponsored Projects Contracts	2 Type I Grant, Sponsored Research Projects	3 Membership in Research Center	4 Type II Grant, general support of research program	5 Restricted Gifts	6 Unrestricted Gifts
A Where are the funds deposited and administered?	Research Office		Development Office/ URI Foundation	Development Office/ URI Foundation	Development Office/ URI Foundation	
B Are the funds from a public or private source?	Public or private		Private	Private	Private	Private
C Does the award carry indirect cost or overhead or administrative fees?	Negotiated Government Indirect Cost Rates or Statutory Amount.		If there are administrative fees, they are to be deposited in a University account.		No Overhead.	
D What organization or entity owns inventions, copyrights, trade marks, or trade secrets created under the award?	Intellectual property owned by Board of Governors; may grant exclusive or non-exclusive rights to sponsor. See Intellectual Property Policy.	Intellectual property owned by Board of Governors; may grant exclusive or non-exclusive rights to sponsor. See Intellectual Property Policy.	Intellectual property owned by Board of Governors. Any intellectual property is disclosed to all members; interested members can apply for a license. See Intellectual Property Policy.	Ownership specified by Intellectual Property Policy. Donor has no rights to data or intellectual property. See Intellectual Property Policy.		
E Are deliverables expected by the donor?	Demands deliverable such as a product or a service.	Deliverable such as test data or a report.	There are some benefits such as attendance at technical meetings, early disclosure of intellectual property created.	May require fiscal or program report for accountability purposes.		No
F Work must be in compliance with human and animal subject guidelines, etc.	Yes	Yes	Yes	Yes	Yes	Yes
G What is the agreement regarding work to be accomplished?	Price for deliverables defined in best effort work statement with beginning and end dates.	Best effort research as defined in the work statement.	Researcher determines direction of research in collaboration with members.	Researcher is free to determine direction of research.	If for research, monies to be used to support general research effort.	No agreement. Monies can be used for any valid purpose.
H Is any portion of the award a gift?	No	No	Yes	Yes	Yes	Yes
I What is the tax implication?	No tax implication for federal, state or government funds. If private could be IRS deduction for R&D.		IRS donation or IRS deduction.		IRS donation.	
J What is the OMB Circular A-21 classification?	Organized		Departmental	Departmental	Departmental	