

## General RTL FAQs

### **Who is authorized to sign agreements and other documents with external sponsors?**

The Board of Regents have delegated signature authority to the President, who has further delegated to the Provost, vice presidents, Director of Purchasing and Vice President for Human Resources pursuant to Signature Authority for Contracts, Regents' Policy Manual No. 7.8 and Contracts Signature Authority and Review, UBPPM Policy No. 2010. Under Section 4.3 of UBPPM Policy No. 2010, the Executive Vice President for Administration and the Executive Vice President for Health Sciences each have authority to sign contracts and grant documents requiring approval for sponsored research projects. In addition, there are several sub-delegations of signature authority for these types of documents, as described in Exhibit B to UBPPM Policy No. 2010.

### **What if a sponsor asks me to sign a non-disclosure or confidentiality agreement?**

Faculty members have no authority to bind UNM per the policy stated above. Thus it is always inadvisable for a faculty member to sign a confidentiality agreement because such an agreement may have serious consequences for publication and intellectual property rights. If necessary to close a deal, UNM will negotiate and sign a confidentiality agreement limited to the Sponsor's identified proprietary information necessary for the project, and where use of such information is not necessary for the publication or verification of the research results. If you need a mutual confidential disclosure agreement, contact Pre-Award. Note that the principal investigator will be responsible for adhering to all aspects of any agreement, including flowing down the obligations to anyone working on the research who is exposed to Sponsor's confidential information.

### **Who negotiates sponsored research agreements?**

Working with the Office of University Counsel, Research & Technology Law Group, the Pre-Award Services for Main Campus at <http://research.unm.edu/researchadministration/preaward.cfm> and the Pre-Award Services, Health Sciences Center at <http://hsc.unm.edu/financialservices/preaward/> negotiate sponsored research agreements for UNM. See the guide to sponsored project agreements at <http://research.unm.edu/PIGuide/SponsoredProjects.html>.

### **What is the Conflict of Interest in Research Policy?**

All faculty members or other investigators who conduct research at UNM using funding from any public or private source outside the university must comply with the policy [Faculty Handbook Policy E110] and complete the certification for each proposal and, if there has been a material change, an annual disclosure form. In addition, UNM expects every employee to be alert to potential financial conflicts of interest, and a separate set of policies govern these conflicts. (See Conflict of Interest, UBPPM Policy No. 3720) Individuals may not, in their university roles, act in ways that would appear to give them (or their families or household members) privileged access to financial or other material benefits, or in ways that might compromise the integrity of UNM's research activities.

### **How do I know when I should have a sponsored agreement versus a personal consulting agreement?**

One should always use a sponsored agreement when the resources of the University are used to complete all or part of the scope of work. In most cases, a personal consulting agreement is appropriate only when one is performing work on his or her own time, outside of the contractual commitment to the University. In addition, outside activities, while encouraged, are subject to the Outside Employment and Extra Compensation Policies, Faculty Handbook Policies C130 and C140.

### **What happens if I create intellectual property during a sponsored research project?**

Subject to UNM's Intellectual Property Policy [Faculty Handbook Policy E70], the terms of the contract or award will govern ownership of intellectual property rights. Typically, UNM tries to negotiate ownership of any IP created or first reduced to practice by UNM employees, even if created with use of Sponsor's Materials, Study Drug/Protocols, or Confidential Information. If you have an invention or work of authorship, please contact STC@UNM, UNM's technology transfer organization, at <http://www.stc.unm.edu/>.

### **Why should I be concerned about export compliance if I am not sending anything out of the country?**

United States export control regulations are designed to control international commerce and ensure national security. They are far reaching, complex, and as one might expect, apply to the shipment of certain classes of protected goods out of the country. However, there are also less intuitive applications of the regulations. If a researcher: (a) discloses EC information to a foreign national on campus, or (b) shares EC information with a colleague overseas, or

(c) takes a UNM laptop on a trip outside of the United States, export regulations may come into play. Fundamental research is typically exempt from export control regulations, however, if a research contract contains restrictions on our ability to publish research results, this may negate the exemption. Violation of these laws may subject the individual to criminal or civil penalties. Recently, the US government convicted a retired University of Tennessee professor on 18 counts of illegally exporting information to foreign nationals without an appropriate export license. On July 1, 2009, the professor was sentenced to four years in prison. To request training materials on export compliance or to find the answer to a specific question, contact the Office of Export Control at [export@unm.edu](mailto:export@unm.edu).

### **Why is effort reporting required?**

Federal regulations issued by the Office of Management & Budget (OMB) require individuals performing work under sponsored agreements to certify university work efforts as a distribution of 100% of total compensated time worked. UNM has chosen the after-the-fact effort reporting method to meet the requirement for certifying effort on federally sponsored project agreements.

### **What is included in the 100% of total compensated time worked?**

The 100% of total compensated time and effort encompasses all activities performed for the university. Examples include teaching classes, working on committees, conducting research, writing reports and articles, proposal preparation activity, participating in seminars, consulting with colleagues and graduate students, and attending meetings and conferences. One of the most common misconceptions about effort on sponsored projects is how effort is allocated. Regardless of your full-time-equivalent appointment percent or the number of hours you work, your 100% effort equals all the activities for which you are compensated by the university – your total UNM effort. Effort Reporting is not based on a 40-hour work week. Examples:

- If you have a half-time job, your 100% effort corresponds to everything you do for that job. So, for you, 0.50 FTE = 100% UNM effort.
- If you work 80 hours a week, your 100% effort corresponds to all the activities for which UNM compensates you during that time. In this case, 80 hours = 100% UNM effort.

### **What are the risks of not complying with OMB Circular A-21's effort reporting requirements?**

Federal awards represent the majority of UNM's sponsored project grant and contract award activity. Salary expense represents the largest direct cost component included in the budgets of sponsored projects. Paying salaries with federal funds requires an institution to have an effort reporting system that provides records on how individuals participating in federally funded sponsored agreements actually spend their time. It is incumbent upon institutions receiving federal funding to maintain accurate and auditable systems and records. In recent years, the federal government has become very active in reviewing the effort reporting requirement. *It is currently a specific audit focus in federal audit plans.* Federal audit disallowances can result in large financial penalties for institutions. Additionally, criminal charges may be brought against an individual certifying to falsified effort. For more information, consult the Effort Reporting Guidance at: <http://research.unm.edu/policiesprocedures/EffortReportingGuidance.pdf>.

### **What if a sponsor informs me that it plans to terminate a contract or grant before the research is completed?**

You must immediately advise the relevant contract and grant administrator and the assigned accountant from Contract and Grant Accounting that the agreement has been terminated. All effort on the research should stop, unless you have been specifically and unambiguously authorized *in writing* by the sponsor to continue working. Normally, a Department Closeout checklist is filled out when the grant or contract closes. Depending on the terms of the contract or grant, the sponsor may be responsible for reimbursing UNM for certain termination costs.

### **What happens to my contract or grant if I leave UNM for another research institution?**

Principal investigators who leave the University frequently desire to transfer grants, equipment, supplies, and materials acquired from sponsors in order to continue their research at another institution. We have created a [PI Separation Checklist](#) that documents specific actions to be taken by the investigator and the University regarding these transfers, as well as requirements for handling research records, confidentiality, and intellectual property. Additional procedures for such transfers can be found at [http://research.unm.edu/piguide/piguide\\_1.cfm](http://research.unm.edu/piguide/piguide_1.cfm) and in HSC Pre-Award's form at <http://hsc.unm.edu/financialservices/preaward/forms.shtml> (identified there as "PI Transfer to New Institution form)."