

Section IV: Research and Sponsored Projects

Chapter 1: Grants, Contracts, and Gifts

1.1 Procedures for Accepting Grants, Contracts, and Gifts

1.1.1 The Rules and Regulations of the Board of Regents of the University of Texas System cite specific procedures for handling gifts (See Regents' Rules and Regulations Series 60101 and 1.1.3.2 of this Handbook) and for accepting contracts and grants (See Regents' Rules and Regulations Series 10501 and 1.1.3.1 of this Handbook).

1.1.2 All proposals by University personnel requesting funding from outside funding sources must have advance institutional review and approval of the President or the President's delegate prior to submission to the potential donor, grantee, contractor, or other external funding agency and any resulting gift, contract, or grant must be formally accepted by the University, deposited in appropriate restricted University accounts, and administered by designated University personnel.

1.1.2.1 Proposals for grants or contracts must be forwarded to the Office of Research and Sponsored Projects for review and subsequent approval by the President, or the President's designee, prior to submission to any potential funding agency. Acceptance of any resulting grant or contract must be processed through the Office of Research and Sponsored Projects and will be administered by the designated Principal Investigator in restricted contract and grant accounts supervised by the Office of Research and Sponsored Projects and Office of Contract and Grant Accounting.

1.1.2.2 Proposals for gifts must be forwarded to the Office of Institutional Advancement for review and subsequent approval by the President, or the President's designee, prior to submission to any potential donor. Acceptance of any resulting gift must be processed by through the Office of Institutional Advancement and will be administered by the appropriate University department, office, or program in restricted gift accounts as determined by the Office of Institutional Advancement.

1.1.3 In a university with strong development and research programs, there is occasional misunderstanding of whether funds coming to the institution are to be categorized as "contracts and grants," or as "gifts. The following guidelines are provided to assist in making this distinction, but specific determinations may be obtained from the Office of Research and Sponsored Projects or the Office of Institutional Advancement.

1.1.3.1 Grants and Contracts: The Office of Research and Sponsored Projects will handle and process all proposals and administer resultant income when the funding agency and the University establish a contractual relationship resulting in an obligation or requirement that specific products, activities, services, or information be provided to the funding agency. A contract or written agreement authorizing acceptance of these funds for these purposes must be processed by the Office of Research and Sponsored Programs and approved by the President or the President's designee. Only the President or a specific delegate of the President may execute a contract on behalf of the University. All activities with local, state or federal agencies, as well as foreign agencies, and some commercial firms and many foundations fall into this category.

1.1.3.2 Unrestricted or Restricted Gifts: A relationship may be established in which the funding agency causes a general or specific result that is meant to benefit primarily the University or one of its divisions. The funds may be directed to one or more objectives or activities of the University or one of its divisions (a restricted gift), or its use may be entirely discretionary (unrestricted gift). This kind of activity is usually identified with the Development program of the Office of Institutional Advancement, and funds for such purposes must be accepted, receipted, and acknowledged by that office. Funds from individuals, most commercial firms, and some foundations often fall into this category.

1.1.4 The following general guidelines assist in determining whether funds should be processed and administered through the Office of Research and Sponsored Projects or the Office of Institutional Advancement:

- a. Projects with specific research or service objectives are processed by the Office of Research and Sponsored Projects as grants and contracts. Funds specifically for unrestricted support (gift) of a research or service area, a broad departmental or College project planned or underway or, to accomplish the benevolent intent of a donor to see altruistic benefit are processed through the Office of Institutional Advancement.
- b. Projects with government sponsorship are handled by the Office of Research and Sponsored Projects, except for student financial aid.
- c. Projects based on any written agreement which requires the reporting of expenditures of funds or the reporting of results must be processed by the Office of Research and Sponsored Projects.
- d. Projects that will require a proposal to an outside funder that incorporates a budget (usually consisting of salaries and wages, travel, equipment, supplies, or computer time) that results in the funder awarding money to be spent by the University over a specific period of time and in direct response to the request presupposes a contractual arrangement and must be processed by the Office of Research and Sponsored Projects.

Chapter 2: Management of Conflict of Interest in Sponsored Research and Development

The mission of the University encompasses the application and dissemination of knowledge and cooperation with the public and private sector to improve the quality of life in our region and state. Accordingly, the University recognizes its responsibility to encourage technology transfer and interactions between its employees and the business community and public entities. Two common means of accomplishing this transfer of knowledge are consulting and commercialization of technologies derived from University research. Policy of The University of Texas System supports development and commercialization of University-owned technologies, in the best interest of the public, the inventor, and the research sponsor, if any.

Increase in technology transfer activities in recent years has heightened awareness among research sponsors and the University community of potentials for conflict of interest arising from such activities. Several federal agencies, including the National Science Foundation (NSF) and the Department of Health and Human Services (DHHS), have issued policies regarding management of potential conflicts by funded institutions and their researchers. Key in these policies is the requirement that universities publish and implement clear institutional policies on Conflict of Interest, requiring timely and full disclosure of actual or potential conflicts of financial interests related to proposed or funded projects with those agencies.

For purposes of complying with these regulations, and to maintain a research environment that promotes faithful attention to high ethical standards, the University has promulgated this policy relating to conflicts of interest to be administered in conjunction with Texas laws setting forth standards of conduct (Texas Government Code, Chapter 572) and the Code of Ethics of The University of Texas System (See [Regents Rules and Regulations Series 30104](#)).

2.1 Definitions

Throughout this Chapter of the Handbook, unless the context requires a different meaning:

2.1.1 "Potential conflict of interest" occurs when an individual's private interests compete with his/her professional obligations to the University to a degree that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of

personal gain, financial or otherwise. Federal regulations address such conflicts when a significant financial interest could affect or may be reasonably expected to bias the design, conduct, or reporting of sponsored research.

2.1.2 “Investigator” means the principal investigator/project director, co-principal investigators, and any other person at the University who has authority and responsibility for the design, conduct, or reporting of research or educational activities funded, or proposed for funding, by the above-cited agencies. In the context of financial interests, “Investigator” also includes the investigator’s spouse and dependent children.

2.1.3 “Significant Financial Interest” means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria from profit-making enterprises); equity interests (e.g., stocks, stock options or other ownership interests); and Intellectual Property rights (e.g., patents, copyrights and royalties from such rights). For the purpose of the pertinent federal regulations, the possibility of a potential conflict of interest exists when financial interest or business enterprises or entities exceed either \$10,000, or represent more than five percent ownership interest for any one enterprise or entity when aggregated for the investigator and the investigator’s spouse and dependent children.

For the purposes of this policy, “Significant Financial Interest” does not include:

- a. salary, royalties, or other remuneration from The University of Texas System;
- b. income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
- c. income from service on advisory committees or review panels for public or non-profit entities;
- d. an equity interest that does not exceed \$10,000 and does not represent more than a five percent ownership interest for any one enterprise or entity, when aggregated for the investigator and the investigator’s spouse and dependent children;
- e. salary, royalties, or other payments that, when aggregated for the investigator and the investigator’s spouse and dependent children, are not expected to exceed \$10,000 during the next twelve-month period.

2.2 Guidelines - Overview of Responsibilities

2.2.1 If, significant financial interest exists or potentially exists for the investigator or the investigator’s immediate family, then the investigator must disclose the financial interest to the Office of the Vice Provost and Sponsored Projects as a potential conflict of interest. This obligation exists for all work funded or proposed for funding through contracts or grants accepted and administered or proposed for acceptance and administration by the University.

2.2.2 If a significant financial interest and potential conflict is disclosed by an investigator, it is the responsibility of the University administration to determine if there appears to be a reasonable risk that the project’s design, conduct, or reporting might be directly and significantly affected by the disclosed financial interest and, if so, establish a plan to manage, reduce, or eliminate the conflict, and/or report unresolved conflicts to the funding agency.

2.2.3 The University may also require that its sub-grantees, contractors, or collaborators on certain federal projects certify their compliance with these standards regarding conflicts of interest in research.

2.3 Disclosure, Review, and Records

2.3.1 On current or newly-awarded contracts/grants not supported by NSF/HHS, the “Investigator’s Conflict of Interest Statement” should be submitted through the Department Chair and College Dean or Center Director to the Vice Provost and Sponsored Projects only when a significant financial interest exists that is related to the funded project, and thus presents a potential conflict.

2.3.2 Before submitting a proposal to NSF or HHS units, an investigator must complete an “Investigator’s Conflict of Interest Statement” and forward it through the Department Chair and College Dean or Center Director to the Vice Provost and Sponsored Projects. If there is significant financial interest that could reasonably be affected by the proposed project, the disclosure must be made well in advance of the proposal submittal date. At the time the proposal is transmitted for submission by the Office of Research and Sponsored Projects to the funding agency, the transmittal must include a copy of the fully completed and signed form, even if there are no significant financial interests.

2.3.3 The Vice Provost and Sponsored Projects will conduct a preliminary review of all financial disclosures to make an initial determination of whether there may be a potential for conflict of interest. If so, the investigator will be notified, and the disclosure will be referred to the Conflict of Interest Committee.

2.3.4 Disclosures must be updated on an annual basis.

2.3.5 The Conflict of Interest Committee will be comprised of research-active faculty and administrators appointed for three-year terms by the President. The committee will review disclosures referred to them by the Vice Provost and Sponsored Projects to determine whether a significant financial interest could affect the design, conduct or reporting of the research activities funded or proposed for such funding, and determine what conditions or restrictions, if any, should be imposed to manage such interests. Examples of conditions or restrictions that may be imposed to manage actual or potential conflicts of interest include the following:

- a. public disclosure of Significant Financial Interests;
- b. monitoring of the research by independent reviewers;
- c. modification of the research plans;
- d. disqualification from participation in all or a portion of the research project in question
- e. divestiture of Significant Financial Interests;
- f. severance of relationships that create actual or potential conflicts.

2.3.6 In the event that an investigator participates in a research project subject to this policy, and the project is being simultaneously supported by an outside organization or other source that has a commercial interest in the outcome of the research project, the research support by such organization should be provided through contract or grant to the University. Any direct compensation or payment to the investigator from the outside organization or other source shall be considered a significant financial interest that must be reported.

2.3.7 The Office of the Vice Provost and Sponsored Projects will maintain all records received and created pursuant to this policy as well as all records of actions taken with respect to each disclosure of significant financial interest for at least three years beyond the termination or completion of the award, or until resolution of any action by the granting agency involving the records, whichever is longer.

2.4 Enforcement

The University anticipates that its investigators will comply fully, promptly, and in a timely manner with this policy. Instances of deliberate breach, including failure to submit required statements or updates thereof; failure to provide additional information requested by the Conflict of Interest Committee, knowingly filing an incomplete, erroneous, or misleading statement; knowingly violating applicable laws, the Regents Rules and Regulations or this policy; or failure to comply with prescribed conditions or restrictions that have been imposed pursuant to this policy, will subject the investigator to disciplinary action under policies of The University and Regents Rules and Regulations. Such action could result in a formal reprimand, non-renewal of appointment, termination of appointment for good cause, or any other enforcement action mandated by a granting agency.

If the failure of an investigator to comply with this policy has biased the design, conduct, or reporting of research, The University will promptly notify the granting agency of the incident and take corrective action.

Chapter 3: Policy for Review of Human Subject Research

The University complies with the Department of Health and Human Service (DHHS) regulations for the protection of human subjects, 45 Code of Federal Regulations (45 CFR 46) Section 45, Part 46, effective August 19, 1991, as documented in the University's Federal Wide Assurance (FWA 00001224).

3.1 Ethical Principles

The University's human subject research program is directed by three basic ethical principles of respect for persons, beneficence, and justice, in the Belmont Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, April 18, 1979, created by the National Research Act, Pub. L. 93-348, July 12, 1974.

3.2 Institutional Policy

3.2.1 All research sponsored or sanctioned by the University involving any human subjects, whether funded or non-funded, conducted by faculty, students or staff, using any property or facility owned or controlled by the University, or involving the use of non-public information maintained by the University to identify or contact human research subjects will be conducted in compliance with 45 CFR 46. Research involving human subjects may not be performed unless the requirements of this federal policy have been satisfied and written certification of the University's review and approval of the research is obtained.

3.2.2 The Vice Provost and Sponsored Projects is authorized to review all proposed research, and decide whether the University will permit the research, as appropriate to the role and scope of the University.

3.2.3 All human subject research will be reviewed by the University's Institutional Review Board (IRB). The involvement of human subjects in research projects will not be permitted to begin until the IRB has approved the research protocol, the informed consent document, the testing instruments, and the appropriate consents from subjects have been obtained by the Principal Investigator.

3.2.4 The IRB will consider the following criteria before approving the use of human subjects in research covered by 45 CFR 46:

- a. the risks to subjects;
- b. the anticipated benefits to subjects and others;
- c. the importance of the knowledge that may be reasonably be expected to result; and

d. the informed consent process to be used by the Principal Investigator(s).

3.2.5 Notification of IRB action, including exemption, modification, approval, or disapproval of the proposed protocol will be given to the Principal Investigator(s) and The Office of Research and Sponsored Projects. Previously approved protocols must be reviewed annually by the IRB. Interim changes to approved protocols must be reviewed and approved by the IRB prior to implementation. If the protocol is to be considered via full IRB committee review any protocols, amendments, progress reports or informed consent documents not received with at least 10 days lead time will not be considered by the IRB until they have had sufficient time to review.

3.2.6 If human subjects involved in research projects approved by the IRB are harmed, including any physical or psychological injury, any adverse events, improper disclosure of private information, economic loss, and other harmful or potentially harmful occurrences, the Principal Investigator must notify the IRB and the Office of Research and Sponsored Projects immediately. ORSP will, in turn, notify the Office of Human Research Protections, Department of Health and Human Services.

3.2.7 Any person responsible for the design, conduct, or reporting of human subject research that has an economic interest in, or acts as an officer or director of any outside entity whose financial interests would reasonably appear to be affected by the research should be removed from the project, due to conflict of interest as provided in Chapter 2 of this Section of the handbook.

3.3 Applicability

3.3.1 This policy applies to all research involving human subjects, regardless of sponsorship, if:

- a. the research is sponsored by the University; or
- b. the research is conducted by or under the direction of any employee, or student, or agent of the University in connection with his or her institutional responsibilities; or
- c. the research is conducted using any property or facility owned or controlled by the University; or
- d. the research involves the use of non-public information maintained by the University to identify or contact human research subjects or prospective student participants.

3.3.2 All human research that is determined by the IRB to be exempt from review under 45 CFR 46 must be conducted in accordance with the Belmont Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research and shall remain subject to all University requirements for full submission of all protocol procedures using human subjects, and orderly accounting procedures.

3.4 Institutional Review Board Procedures

3.4.1 An Institutional Review Board (IRB) has been established by the University to review all proposed human research protocols. The IRB will meet at least twice per year upon the call of the Chair.

3.4.2 Principal Investigators must submit to the Office of Research and Sponsored Projects fully detailed protocols of their proposed research involving human subjects before the initiation of any research activities or data collection. Principal Investigators should familiarize themselves with the requirements of Federal regulation CFR 46 and with the University's Federal Wide Assurance at <http://www.utep.edu/orsp/Compliance/humans.html>

3.4.3 Required documentation to be submitted with the protocol includes:

- a. informed consents in English and/or Spanish;

- b. letters of approval from appropriate school districts, clinics, hospitals, or other outside performance sites;
- c. recruiting posters or other advertisements; and
- d. testing instruments or survey forms in English and/or Spanish.

3.4.4 The IRB will provide an initial review of the submitted protocol and all supporting documentation to determine whether, in compliance with provisions of 45 CFR 46, the protocol may be exempted from further review, will be given an expedited review, or will be subject to a full review by the IRB.

3.4.5 An exemption, all or in part, to further review by the IRB may be granted for any proposed protocol qualified under the six exemption categories provided in 45 CFR 46, as determined solely by the IRB. Written notice of this determination will be provided to the Principal Investigator and the Office of Research and Sponsored Projects.

3.4.6 Expedited review by the IRB may be provided for any proposed protocol which, under the nine expedited review categories provided in 45 CFR 46, is determined by the Chair of the IRB to involve no more than minimal risk to human subjects. The Chair, or his or her delegate, in consultation with such other members of the IRB as the Chair may deem necessary, will conduct the review and shall provide the Principal Investigator and the Office of Research and Sponsored Projects with a written determination as soon as practical.

3.4.7 Full committee review of research protocols is required when the research project is determined to involve greater than minimal risk to human subjects. A quorum of more than half of the IRB must be convened to act upon a protocol presented for full committee review. If the protocol is to be considered via full IRB committee review any protocols, amendments, progress reports or informed consent documents not received with at least 10 days lead time will not be considered by the IRB until they have had sufficient time to review.

3.4.8 Investigators will implement standard Universal precautions procedures for the protection of human subjects. Principal Investigators will immediately inform the Institutional Coordinator for Research Review in the Office of Research and Sponsored Research of any human subject research injury or adverse event during the course of the project.

3.4.9 Investigators must resubmit protocols to the Office of Research and Sponsored Projects, which require renewal after one year. A research progress report is required for consideration of each renewal request, and all changes to the protocol must be identified in order that an appropriate amendment to the protocol can be filed with the IRB. The Office of Research and Sponsored Projects will send a memo of determination to the PI when the IRB has approved the renewal or amendment of the protocol.

3.4.10 All Principal Investigators are required to have successfully completed a required training course in human subject research requirements and research ethics administered by the Office of Research and Sponsored Projects. A certificate of this course completion must be maintained on file at the Office of Research and Sponsored Projects.

Chapter 4: Intellectual Property

Policies governing Intellectual Property related to or arising from employment with the University of Texas System or academic activities at the undergraduate, masters, or doctoral levels within the University of Texas System are stipulated in Regents Rules and Regulations Series 90101-90106 at <http://www.utsystem.edu/bor/rules/CompleteTOC-2.htm#intellectualproperty>.

4.1 General Rules for Intellectual Property

It is the objective of this policy to encourage the development of inventions and other intellectual creations for the best interest of the public, the creator, and the research sponsor, if any, and to permit the timely protection and disclosure of such Intellectual Property whether by development and commercialization after securing available protection for the creation, by publication, or both. The policy is further intended to protect the respective interests of all concerned by ensuring that the benefits of such property accrue to the public, to the inventor, to the University of Texas at El Paso, to University of Texas System, and to sponsors of specific research in varying degrees of protection, monetary return and recognition, as circumstances justify or require.

4.1.1 Individuals Subject to Intellectual Property Policies

These Intellectual Property policies applies to all persons employed by the University of Texas at El Paso, including but not limited to, full and part-time faculty and staff and visiting faculty members and researchers, and to anyone using the facilities of the University, including undergraduate student candidates for master's and doctoral degrees, and to postdoctoral and pre-doctoral fellows.

The University shall have sole ownership of all Intellectual Property created by an employee who was hired specifically or required to produce it or commissioned by the University. Except as may be provided otherwise in a written agreement approved by the President, the provisions of the Regents Rules and Regulations Series 90101 relating to division of royalties shall not apply to Intellectual Property owned solely by the University.

4.1.2 Types of Intellectual Property Subject to Compliance

Except as set forth in 4.1.3 4.1.4 below and Series 90102 of the Regents Rules and Regulations, this policy shall apply to all types of Intellectual Property, including but not limited to any invention, discovery, trade secret, technology, scientific or technological development, research data and computer software regardless of whether subject to protection under patent, trademark, copyright or other laws.

Data created by an employee is owned by the University and the creator shall have a nonexclusive license to use such data for nonprofit educational, research, and scholarly purposes within the scope of the employee's employment, subject to adherence to other provisions of this policy.

4.1.3 Types of Works Excluded from This Policy

The University may not assert its interest in scholarly or educational materials, artworks, musical compositions, and dramatic and non-dramatic literary works related to the author's academic or professional field, regardless of the medium of expression. This applies to works authored by students, professionals, faculty, and non-faculty researchers. Regents Rule and Regulation 90101 encourages creators of these works to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works. The University normally asserts interest in software as an invention, however, original software that is content covered by the previous paragraph or that is integral to the presentation of such content shall be owned in accordance with the previous paragraph.

4.1.4 Role of the Creator

Any person subject to this policy who creates Intellectual Property other than on government or other sponsored research projects where the grant agreements provide otherwise, should have a major role in the ultimate determination of how it is to be published. The President may, at his or her discretion, decide to develop and commercialize an invention after securing available protection for the creation, if needed.

4.1.5 Use of University Facilities and Resources

Neither the facilities nor the resources of the University may be used (i) to create, develop, or commercialize intellectual properties outside the area of expertise for which the individual was hired (See Regents Rules and Regulations Series 90101, Section 9, and Series 90102, Number 2, Section 1); or (ii) to further develop or commercialize intellectual properties that have been released to an inventor (See Regents Rules and Regulations Series 90102, Number 2, Section 2.2) except as approved by the President of the University.

Chapter 5: Centers and Institutes

5.1 Establishment and Review of Academic Centers and Institutes

Academic centers or institutes may be established at the University for the support and facilitation of research, service, or instructional outreach when there is a clear need for a formal organization to bring faculty and staff together to more effectively carry out a long-term, focused program. They may be supported by state funds or sponsored projects or a combination of financial sources. There is not distinction made at the University between the uses of the term “center” versus “institute”.

5.1.1 Administrative Oversight

Centers and Institutes whose missions cannot be fully addressed without substantial participation by faculty/staff from more than one college are designated as University Centers or Institutes. These report directly to the Vice Provost and Sponsored Projects. Other centers whose missions fall primarily within single departments or colleges report to the department chairs or deans as appropriate. The Office of Research and Sponsored Projects supervises policy and procedures for establishment and evaluation of centers and institutes.

5.1.2 Establishment

Approval of any new center or institute is made by the President after receipt of a detailed recommendation and plan forwarded through appropriate channels, regardless of the source of financial support or level of reporting, and whether or not establishment of the center or institute would require a budget change. Plans for new University centers must be approved by the Vice Provost and Sponsored Projects and the Provost.

The written request for establishment of a new center or institute must address:

- a. purpose, need, and importance in relation to the University’s mission
- b. the proposed center or institute’s mission, goals and programs to meet the goals;
- c. cooperation and support of relevant faculty, administrators and potential external partners or constituents;
- d. administrative organization, and
- e. financial support required and anticipated source(s), both immediate and long term.

The written proposal for establishment of a new center or institute may be in the form of a grant proposal developed in cooperation with and forwarded through the Office of Research and Sponsored Projects, or it may be presented at any time; but centers or institutes requiring state budget support are generally considered in accord with state budget cycles.

5.1.3 Evaluation

All centers and institutes at UTEP are reviewed annually. The center or institute director must submit no less frequently than annually an activity report reviewing for that reporting period:

- a. the unit’s mission, goals, programs;
- b. organization and staffing;

- c. participants, including faculty, students, and other;
- d. activity summaries in succinct format;
- e. outstanding accomplishments or outcomes;
- f. external funding or other support initiatives;

Chapter 6: Research Ethics and Standards of Conduct

6.1 Research Fraud

Please refer to the next section

6.1.1 Policy Statement

6.1.1.1 The University strives to create a research climate that promotes faithful adherence to high ethical standards and enhances research projects and activities, while not inhibiting the productivity and creativity of scientist and academician. Dishonesty, misconduct, and/or fraud in science or academics are offenses, which not only damage the reputation of those involved, but the entire educational community.

6.1.1.2 Research misconduct is defined in by federal regulation 45 CFR 689 as fabrication, falsification, or plagiarism in proposing or performing research. Fabrication means making up data or results and recording or reporting them. Falsification means 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 means the appropriation of another person's ideas, processes, results or words without giving appropriate credit. Research, for purposes of this section includes proposals submitted in all fields of science, engineering, mathematics, and education and results from such proposals. b) Research misconduct does not include honest error or differences of opinion.

6.1.1.3 The misrepresentation of research data is a major breach of the relationship between a faculty or staff member and the University.

6.1.1.4 Researchers should refer to the University of Texas System's statement on Misconduct in Science at the following website: <http://www.utsystem.edu/ogc/intellectualproperty/miscndct.htm>.

6.1.2 Investigator's Responsibility

In order to maintain the integrity of research projects, every investigator must keep an auditable record of all experimental protocols, data and findings. Co-authors on research reports of any type must have had a bona fide role in the research and must accept responsibility for the quality of work reported.

Chapter 7: Employment Under a Contract or Grant

7.1 General Policy

All appointments to positions funded under contracts or grants are contingent upon receipt of contract or grant funding specifically for that purpose. All such appointments terminate upon completion of the term of the contract or grant under which the appointment was made, early termination of the contract or grant

by the University or the funding party, or upon exhaustion of the available funding for the position provided for under that contract or grant, whichever occurs first.

7.1.1 Tenured faculty members and non-tenured faculty who have not been provided required notice under Section III, Chapter 4.4, revert to the previous faculty position held before appointment to a contract or grant-funded position upon termination of funding for the grant or contract or exhaustion of funding designated for the position.

7.1.2 Non-faculty employees, including classified personnel, do not revert to any previously held or replacement employment position at the University except by prior written agreement and subject to the availability of regular state funding for the previous or replacement position.

See Section V, Human Resources of this Handbook for other policies regarding University employment but specifically:

- a. Employment of Non-Citizens at Chapter 3.3
- b. Security Sensitive Positions at Chapter 3.4
- c. Criminal Background Checks at Chapter 12
- d. Outside and Dual Employment at Chapter 4

Chapter 8: Policy for the Care and Use of Animals in Research and Teaching

The University complies with all applicable provisions of the *Public Health Service Policy on Humane Care and Use of Laboratory Animals*; the *Guide for the Care and Use of Laboratory Animals*; Animal Welfare Act and Regulations (AWAR); Health Research Extension Act of 1985 Public Law 99-158 "Animals in Research", "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Uses in Testing, Research, and Training"; all other Federal statutes and regulations relating to the care and use of animals; and the University's Assurance of Compliance with Public Health Service Policy on Humane Care and Use of Laboratory Animals.

8.1 Institutional Responsibility

The University accepts the responsibility to provide uniform and consistent standards that are essential to the development, implementation, and conduct of a quality animal care and use program through proactive self-regulation of all activities related to the proper care, use, and humane treatment of animals used in research, testing, and education.

8.2 Institutional Policy

8.2.1 All research sponsored by or conducted at the University involving vertebrate animals, whether funded or non-funded, conducted by faculty, students, staff, using any property or facility owned or controlled by the University will be conducted in compliance with the *Public Health Service Policy on Humane Care and Use of Laboratory Animals* and all other applicable federal statutes, regulations and policies." Research involving vertebrate animals will not be conducted unless the requirements of these federal requirements have been satisfied and written certification of the University's review and approval of the research is obtained.

8.2.2 All requests for vertebrate animal use will be submitted as a proposal and reviewed by the Institutional Animal Care and Use Committee (IACUC). Research involving animals is not permitted to begin until the IACUC has approved the research proposal.

8.2.3 This policy applies to all research involving vertebrate animal subjects, regardless of sponsorship, if:

- a. The research is approved by the institution's IACUC; or
- b. The research is conducted by or under the direction of any employee, or student, or agents of the University in connection with his or her institutional responsibilities; or
- c. The research is conducted using any property or facility owned or controlled by the University.

8.2.4 The Vice President for Research is authorized to review all proposed research, and decide whether the University will permit the research, as appropriate to the role and scope of the University.

8.2.5 If allegations of animal mistreatment or protocol noncompliance are reported, the IACUC will conduct an investigation in accordance with procedures outlined in the institution's Assurance of Compliance with Public Health Service Policy on Humane Care and Use of Laboratory Animals. Circumstances that will be reported in writing to the Office of Laboratory Animal Welfare (OLAW) by the Institutional Official, without delay, are: serious or continuing noncompliance with the *PHS Policy*; serious deviations from the *Guide for the Care and Use of Laboratory Animals*; and IACUC protocol suspensions.

8.2.6 Any person responsible for the design, conduct, or reporting of animal subject research that has an economic interest in, or acts as an officer or director of any outside entity whose financial interests would reasonably appear to be affected by the research should be removed from the project, due to conflict of interest as provided in Chapter 2, Section IV, of this Handbook.

8.3 Institutional Animal Care and Use Committee Procedures

8.3.1 The Institutional Animal Care and Use Committee (IACUC) reviews all proposals involving the use of vertebrate animals. The IACUC meets monthly, and as needed for proposal review, policy development, and noncompliance investigations.

8.3.2 Principal Investigators consult with the Attending Veterinarian during proposal development for the use of vertebrate animals and submit a detailed proposal to the IACUC Office in the Office of Research and Sponsored Projects.

8.3.3 Proposals are made available for review by all members of the IACUC. Most proposals will initially undergo full-committee review at a convened meeting of a quorum of the IACUC. Proposals that are classified in United States Department of Agriculture Pain/Distress Categories A-C can be sent to designated review after the proposal has been made available to all members for a minimum of 4 working days. Proposals that are classified as Category D and E procedures are automatically slated for full-committee review, but can be referred to designated review after full-committee review if the proposal requires either modifications to secure approval or has been tabled for clarification. Changes to proposals (amendments) and annual progress reports must be submitted by the Principal Investigator(s) to the IACUC and are processed in the same manner as described above.

8.3.4 In addition to determining whether the proposal conforms with the Institution's Assurance, the IACUC will consider each of the following criteria for review prior to approving the use of vertebrate animals in research:

- a. The design and performance of procedures are based on relevance to human or animal health, advancement of knowledge, or the good of society;
- b. The appropriate species and number of animals are to be used;
- c. The living conditions of the animals are appropriate for the species and the appropriate husbandry will be directed and performed by qualified personnel;
- d. Procedures are in place to avoid or minimize discomfort, distress, and pain to the animals;
- e. Appropriate sedation, analgesia, or anesthesia are provided as needed unless justification for non-use is described in writing by the investigator;

- f. Medical care is provided by a qualified veterinarian;
- g. Research personnel are appropriately qualified and trained to perform any procedures relating to animals;
- h. Humane endpoints have been established; and
- i. Methods of euthanasia are consistent with the *AVMA Guidelines on Euthanasia*.

8.3.5 Notification of IACUC action regarding a proposal will be made in writing to the Principal Investigator(s) and the Vice President for Research. These actions include approval, modifications required to secure approval, withhold approval, or defer or table review. Proposals are approved for a three year period. All animal use projects must undergo continuing IACUC review via submission of an annual progress report by the Principal Investigator(s) to the IACUC.