



## TABLE OF CONTENTS

I. FEDERAL POLICY MANDATES .....	2
II. GIFTS VS. SPONSORED AWARDS .....	3
III. PROPOSAL SUBMISSION POLICY AND PROCEDURES.....	7
IV. PRINCIPAL INVESTIGATOR ELIGIBILITY & ASSURANCE .....	11
V. LIMITED SUBMISSIONS .....	11
VI. MISCONDUCT IN RESEARCH.....	11
VII. CONFLICT OF INTEREST .....	14
VIII. TIME AND EFFORT REPORTING .....	16
IX. SUBRECIPIENT MONITORING .....	19
X. RESPONSIBLE CONDUCT IN RESEARCH.....	21
XI. COST TRANSFERS .....	26
XII. INDIRECT COSTS.....	27
XIII. COST SHARING OR MATCHING .....	27
XIV. CLOSE-OUT PROCEDURE.....	30
XV. NIH PUBMED CENTRAL POLICY.....	30
XVI. NSF PROJECT OUTCOMES REPORT REQUIREMENT .....	31
XVII. MASSACHUSETTS WHISTLEBLOWER PROTECTION ACT.....	31
XVIII. LOBBYING .....	34
XIX. DEBARMENT AND SUSPENSION .....	34
XX. DRUG-FREE WORKPLACE.....	35

**Policies and Procedures for Grants and Sponsored Projects Updated 2.12.2020**

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## I. FEDERAL POLICY MANDATES

[http://www.whitehouse.gov/omb/grants\\_circulas](http://www.whitehouse.gov/omb/grants_circulas)

Effective December 26, 2014, the above link to the Office of Management and Budget (OMB) website, “*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule*” (2 CFR Chapter I, Chapter II, Part 200, et al.) and “will supersede requirements from OMB Circulars A-21, A-87, A-110, and A-122 (which have been placed in 2 C.F.R. Parts 220, 225, 215, and 230); Circulars A-89, A-102, and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up.”

### **Lesley University's Implementation of the OMB Uniform Guidance**

In response to Uniform Guidance, Lesley has revised policies where necessary. Changes and other materials will be posted as they become available. If you have any questions, please contact Eileen Kronauer, Grant Officer (Eileen.kronauer@lesley.edu).

### **Additional Resources**

- [2 CFR 200, Uniform Guidance \(Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards\)](#)

### **Office of Management and Budget**

- [OMB Policy Statements: Uniform Grant Guidance](#)
- [Uniform Guidance Crosswalk from Existing Guidance to Final Guidance](#)
- [Uniform Guidance Crosswalk from Final Guidance to Existing Guidance](#)
- [Cost Principles Comparison Chart -- 2 CFR Part 225 \(A-87\), 2 CFR Part 220 \(A-21\), 2 CF](#)
- [Audit Requirements Comparison Chart -- OMB Circular A-133 and Proposed Uniform Guidance Subpart F](#)
- [Definitions Comparison Chart](#)
- [Administrative Requirements Comparison Chart](#)

### **Other Federal Resources**

- [COFAR's FAQs on Uniform Guidance](#) (Updated 11/26/2014)
- [NSF Proposal & Award Policies and Procedures Guide](#) (Updated 2020)
- [NSF's significant changes and clarifications to the PAPPG](#)

### **Videos from the National Council of University Research Administrators**

- [The Uniform Guidance - Indirect \(F&A\) Rates](#)
- [The New Guidance: Considerations and Observations on Clerical and Administrative Costs](#)
- [Grants Officer News on Cost Sharing in the Guidance](#)
- [Closeouts: Considerations With the New Circular](#)
- [What will change between the current and new Circulars about Specialized Service Centers](#)
- [Unused Leave at the End of a Grant in the Uniform Guidance](#)
- [Depreciation in the Uniform Guidance](#)

- [The Uniform Guidance & The Cost Accounting Standards: What Has Changed](#)
- [Amendments to Disclosure Statements in the Uniform Guidance](#)
- [Losses on Awards in the Uniform Guidance](#)
- [Computing Devices in the Uniform Guidance](#)
- [Under the Uniform Guidance, Who is Required to Review the Salaries to Federal Awards after the Fact?](#)
- [New Information on Operation and Maintenance Expenses in the Uniform Guidance](#)

## II. GIFTS VS. SPONSORED AWARDS

### Reason for Policy

The University must manage all funds received in accordance with applicable federal, state, and local laws, and with the specific terms and conditions of any gift, grant or contract. The University's approval, negotiation and agreement processes and mechanisms, accounting, budget practices, oversight, and compliance practices differ depending on whether funds received are categorized as a gift or as a sponsored award. It is, therefore, essential that categorization of external funding received be undertaken with utmost care and with a sound understanding of the various considerations (outlined below) that determine the funding type. This policy is intended to facilitate the appropriate classification of gifts vs. sponsored awards and to ensure that external funding directed to the University receives the proper compliance review, administrative oversight, and monitoring.

Funding derived from sources outside the University is an essential component of the University's financial health and its ability to undertake and sustain vital research, scholarship, creative activities, and public service. The classification of external funding as a gift or sponsored award (see definitions below) serves as an important step to ensure appropriate accounting and compliance. In many cases, the determination of whether funding received is a gift or constitutes a sponsored award is relatively straightforward, while in other cases, the determinations may be more difficult. In some cases, external funding may have many separate components, some of which qualify as gift funds, and other components that would qualify as sponsored awards.

Gifts typically carry no reciprocal obligations between donor and recipient, and are often unrelated (or only indirectly related) to the business interests or mission of the donor. Therefore, in general, a gift may be an unrestricted donation to the University, or a donation whose uses may be restricted to an academic area or to a defined group of academic, departmental or other University activities (a "restricted gift"). Within the restrictions set by the terms of a gift agreement, the specific ways in which funds are used, and the methods of implementing the intent of the donor, are left to the discretion of the University.

When restricted or unrestricted gifts are received, the University typically enjoys broad latitude in how to use the gift funds, and the University, rather than the donor, chooses what specific faculty members and students may participate in the activities supported by the gift. A gift generally has no time limit for its use and expenditure. A gift may be directed by a donor to support the work of a specific department or faculty member, but in these cases, the department or faculty member typically would have broad discretion as to the design and implementation of, and specific expenditures to support, specific academic activities for which funds received would be used.

Although it is not unusual for a donor to expect a report on the general uses of funds donated (for example, a list of activities or projects that have been supported by a gift) or even a report on line-item expenses, a donor may not recoup gift funds. If a gift made for a restricted purpose has not, however, been spent according to the donor's restrictions, a donor may have grounds to rescind and recoup the gifted funds.

In sponsored awards (which include sponsored grants and contracts), however, the business interests or mission of the source of external funds is most often related directly to the uses for which the funds are put by the recipient. Because sponsors are concerned that their funds be used to support activities

that bolster the sponsor's own mission or interests, sponsors typically provide funding for sponsored awards on the basis of a specific project or research plan and budget, for a specified period of time, with funds unused at the expiration of the time period reverting to the sponsor.

The plan most often involves an identified University faculty or group of faculty as the academic project leader(s), and specifies goals and objectives, as well as the methodologies and approaches to be used, and it is to pursue the program or research plan that the funds are typically awarded.

Sponsors expect the University to be fully accountable for assuring that the program or research is conducted with financial, ethical and scientific integrity and in compliance with all applicable federal and state laws and regulations.

Sponsored *contracts* (which typically are contracts for sponsored research), unlike grants, are awarded for the pursuit and completion of specific program or research objectives or tasks, or the delivery of specific products, within specified timelines. Sponsors hold the university accountable for successful and timely completion of contracted deliverables, or work.

In a sponsored award (either grant or contract), both the University and its faculty are usually responsible for reporting on progress and results to the sponsor at intervals or milestones identified in the grant or contract. As part of the terms and conditions of an award, sponsors require that they have discretion to examine, even on a line-item basis, the expenditures of the grant or contract funds, and to disallow and demand repayment of any funds deemed by the sponsor to have been expended for purposes other than direct support of the defined activities. If the funded program or research is not pursued, or the contracted deliverables not attained, sponsors often reserve the right to recoup all or some of the sponsored award from the recipient.

In some cases, the distinction between a gift and a sponsored award (grant or contract) is ambiguous and requires consideration of many factors, including the funder's mission and potential benefit from the work; the scope of work; whether there are any defined activities and, and if so, their nature and the specificity with which they are defined; the terms of accountability for use of funds and deliverables; and – in case of failure to complete the defined activities – the ability of the funder to recoup the funds provided or to obtain a refund (or receive a reversion) of unused funds.

Alternately, some external funding can initially resemble a gift because its terms may lack detail about activities to be funded but may require a mechanism by which a funder would be asked periodically to approve specific program or research activities and/or specific uses of portions of funds; such funding would therefore likely be considered as a sponsored award, because of the lingering control of the funder over specific activities for which the funds would be used and/or the budgets for those activities.

In some cases, external funds received may be, by the terms on which they are provided, in part a gift and in part a sponsored award. In that event, funds received may be allocated between a gift and a sponsored award, and the corpus of each portion treated differently and appropriately for management, accounting, compliance and oversight purposes.

When the appropriate categorization of external funds received is uncertain, Office of Grants and Sponsored Projects (OGSP) and/or school officials should consult with the Office of the Provost and the Finance Office before making a determination. These offices, in turn, may consult with the Advancement Office and the General Counsel (GC). Similarly, when Advancement and other offices within the University receive external funds whose appropriate categorization is uncertain, they should consult with the Office of the Provost, OGSP and/or GC. In cases of lingering uncertainty or dispute about the appropriate categorization of external funds received, the Provost and the Chief Financial Officer will consult and reach a final determination.

## **Who Should Comply**

Persons who should comply with this policy include all submitting offices, OGSP for sponsored project awards; school officials who administer or negotiate gifts or sponsored awards at their schools; the Advancement Office; and all centers, and faculty, who apply for, seek, or receive external funding at Lesley University.

Only OGSP and the Finance Office may formally accept gift or sponsored program funding on behalf of the University, and the Finance Office and OGSP therefore must respect this policy in determining whether to accept a gift or sponsored project award.

### **Responsibilities**

In situations in which the determination of gift vs. sponsored project award is not obvious, the offices identified below are expected to coordinate as follows:

The submitting offices (OGSP and the Advancement Office) and the Office of the Provost are responsible, under the procedures and considering the factors specified above, for working in conjunction with one another to reach a determination as to whether the external funding is a gift or a sponsored award. The submitting offices are also responsible for following the normal procedures required to accept and set up a sponsored award.

School-level officials who are involved in discussions relating to prospective gifts or who administer gift funds, and school-level officials who assist faculty with applications for and discussions relating to sponsored project awards, are responsible for applying this policy, using factors and procedures outlined above.

The Office of the Provost and GC are responsible for providing input to the submitting offices and in determining whether funding is a gift or a sponsored award. The Finance Office is responsible for establishing gift accounts.

### **Definitions**

#### **Sponsored Awards**

This category includes all funding arrangements in which the University is providing a return benefit to, or agrees to provide a defined deliverable or complete a set of activities for, the sponsor in exchange for the funds, regardless of whether the funding instrument is designated a contract, cooperative agreement, grant, consortium agreement, or otherwise. This category includes all contract or sponsored "grant" funding by foreign entities or international organizations, whether pursuant to a contract or sponsored "grant." This category also includes all subcontracts and subawards, whether from federal or nonfederal sources. Non-federal Awards are processed only

by the submitting office(s). Sponsored program awards most often support research and education projects, but in some cases, may be provided for creative activities or public service projects. Finally, foreign entities or governments may provide gifts to the University for endowment, financial aid or other education project, these are reviewed by the General Counsel and processed by the Finance Office.

#### **Restricted Gift**

This category includes gifts made by a donor who instructs the University as to the use of the funds in a specific academic area or for specific academic purposes. Gift terms for restricted gifts may specify particular activities and budgets for those activities; but usually do not specify how the funding must be spent or administered, and allow funding to be utilized at the full discretion of the recipient, although respecting the overall gift purposes. Financial reporting requested by donors of restricted gifts is normally in the aggregate, although detailed reports are sometimes requested; in both cases this reporting is solely intended to assure proper gift stewardship. Unexpended funds are not returned to the donor at the expiration of the restricted gift period. All restricted Gifts are processed by the Finance Office, but they may also be recorded by the Advancement Office if there is a need for detailed financial reporting.

**Policy on Gifts and Sponsored Awards:  
Key Characteristics of Funding Categories**

	<b>Gift</b>	<b>Sponsored Award</b>
<b>Benefit received by funder from activities funded</b>	Serves philanthropic or personal interest of funder, but does not serve the primary business purpose of the funder; no goods or services are received in exchange for contribution; no tangible benefit received	Serves the primary business or mission interest of the funder, whose basic activities are integrally related to the research or education plan, creative activity, or public service-benefit received
<b>Funder's specific intent</b>	Funder seeks advances in a general area of research or education; or seeks advances in a specific area, but without prescribing specific strategies or work-plans	Funder seeks implementation of a specific research or education plan, with well-defined objectives, strategies, work-plans and/or deliverables
<b>Value exchanged</b>	Funder essentially receives no personal or institutional value in return for the funds given, other than intellectual satisfaction that the activities have been undertaken. No deliverables received in exchange for contribution	Funder expects and receives implementation of, and a report of, the University's funded activities; funder's own mission and/or research agenda is advanced through the University's funded activities. Deliverables provided
<b>Scope of work</b>	More generally defined; typically, no time frame or period of performance	More specifically defined with a clear period of performance.

<b>Persons performing funded activities</b>	Often left to discretion of University, school, department or one named individual	Key personnel (or the equivalent project leadership team) are named in proposal, and changes to key personnel must be pre- approved by funder
<b>Budget specificity and Restrictions</b>	Budgeting is general in nature and terms, and funder pre- approvals are not required as long as funds are used for the stated purpose	Budgets are specific, and variances from proposed budgets (within designated parameters) require funder pre-approval
<b>Progress reports</b>	May be required but are most often general in nature and content	Required, and must outline progress toward the specific research or project plan
<b>Terms of funding</b>	Less detailed	Often detailed, with standard, detailed terms and conditions for all funding from that sponsor
<b>Accountability for use of funds</b>	More moral than legal	More legal than moral
<b>Ability of funder to Recoup funds</b>	Generally, very difficult to recoup, except in cases of deliberate, proven use of restricted funds inconsistent with terms of a restricted gift	Established ability of funder to terminate the agreement and/or demand repayment of funds, if specific research or project plans have not been implemented
<b>Method of documentation</b>	Letter of intent from funder who makes the award	Binding (often signed) agreement between University and funder, obligating University to implement specific research or project plans

### III. PROPOSAL SUBMISSION POLICY AND PROCEDURES

#### Reason for Policy

The timely submission of proposals ensures sufficient time for the thoughtful consideration and review of project descriptions and budgets for compliance with University and sponsor policies, practices and priorities. Adequate time for review allows the School and University administrators to identify potential administrative, financial, or programmatic challenges or improvements that can determine the success of the proposal or project.

Faculty principal investigators and researchers across the University engage sponsors and co-investigators as collaborators through sponsored programs to invigorate discovery and to participate in the intellectual communities of their disciplines. The University is committed to facilitating and enabling this engagement while providing responsible stewardship of University commitments and resources.

Only certain University officials within the five submitting offices have the authority, delegated by the Chief Financial Officer, to submit proposals on behalf of Lesley. The University reserves the right to retract any proposal submitted by individuals who lack this institutional authority.

## **Policy Statement**

**The complete and final proposal**, accompanied by the necessary School-level approvals, as well as any other attachments or approvals required by the sponsor or the University, must be received by the submitting office **at least two full weeks prior to the sponsor's due date** (or, for electronic submission, due time). The sponsor's due date is defined as the date and time after which the sponsor will no longer accept proposals. In cases in which Lesley is a subcontractor, the sponsor's due date will be determined by the submitting institution.

Schools may impose additional requirements regarding review and approval by School-specific committees of sponsored programs proposals, including international proposals.

If Lesley internal deadlines are not met and the submitting office, (Grants and Sponsored Projects) does not have sufficient time for a thorough review, the proposal will not be submitted. In cases of serious extenuating circumstances, a request for exception to this policy must be made by the submitting office to the Provost. Exceptions are not anticipated.

## **Who Should Comply**

All Lesley faculty and staff who propose to submit sponsored proposals should comply with following procedures.

## **Responsibilities**

The Provost Office has overall responsibility for applications requesting funding from government agencies, foundations, corporations, and other sources. Day-to-day responsibilities are delegated to the Office of Grants and Sponsored Programs, which will work with faculty to assist with pre and post-grant award process.

**Principal investigators (PI)** are responsible for knowing and understanding the **two full weeks** submission deadline under this policy and all that is contained herein. They are responsible for engaging research administrators in their Schools as early in the process as possible and for preparing proposal narratives in sufficient detail and sufficiently in advance to allow adequate review. Principal investigators are responsible for understanding that proposals require their collaboration with departmental personnel for the development of project budgets and administrative elements of proposals, such as *curricula vitae*, reports of other commitments of the investigator, and the documentation of commitments from co-investigators or collaborators at other institutions. The PI is also responsible for knowing the elements of proposals that could necessitate review and approval by their Dean and the Provost.

**Grants Officers** from the Office of Grants and Sponsored Projects and the Office of Advancement, as applicable, are responsible for knowing and understanding this policy. Grants Officers are responsible for knowing the elements of proposals that could necessitate review and approval by the Offices of the Deans and the Office of the Provost and for consulting with the Finance Office to determine whether a proposal under development will require such review. They are responsible for knowing whether a School requires internal review separately or in addition to review by the Provost and for leaving additional time for such a review, if applicable. They are also responsible for communicating to PIs that these reviews are required. In cases in which PIs are unresponsive to deadlines, the departmental staff is responsible for notifying the Department Chair of the problem.

**Dean's Office Manager of Budget and Operations** along with School Deans, or equivalents, are responsible for ensuring that their members abide by this policy.

**The submitting Grants Officer(s)** are responsible for developing and communicating this policy regarding timely submissions to ensure that the research community understands that continued productive engagement with our sponsors requires the broad administrative coordination of multiple School and University offices and oversight committees. The submitting officers are responsible for



presenting to the Office of the Provost proposals requiring Provost approval **at two full weeks** before the sponsor due date.

## **Procedures for Grant Requests**

### **I. Initiation of a Grant Proposal**

The following guidelines will promote conversations necessary to determine how the proposed project relates to the teaching, scholarship, creative activities and/or service goals of Lesley University and if the project is financially and operationally feasible.

### **II. Project Initiation and Approval**

- A. Discussion with Department Chair: A faculty who has an idea for a project which requires external funding, should meet with the department chair to review and discuss the project and its relevancy to the faculty's work, the department, and the University.
- B. Approval from Department Dean: Following the meeting with the Department Chair, the faculty member is required to meet with the Department Dean to discuss the project and seek initial approval to confirm that the project is a department priority and that the timing of the project is manageable.

### **III. Preliminary Grant Approval Process**

Once the faculty's project has received initial approval from the Department Chair and Dean to move forward, the faculty contacts the Grants and Sponsored Projects Office to begin identifying funding sources or applying for a particular funding opportunity.

- A. The PI contacts the Grant Officer and send a summary of the project for review.
- B. The Grant Officer and PI meet (preferable in person) to discuss the project and grant process for identifying funders and preparing and submitting an application.
- C. The initial stage begins with the Preliminary Grant Approval Form produced in Dynamic Forms. This form is initiated by the Grant Officer with input from the PI who provides a brief project description, the goals and objectives, and a preliminary budget identifying all resources necessary to fund the project. The form requires the PI, Dean, and Provost's signatures.
- D. After the form has been signed by the Provost, it will be returned to the Grants Officer, who will notify the PI that preliminary approval has been received.

### **IV. Proposal & Budget Development**

- A. The Principal Investigator (PI) is responsible for being knowledgeable about the funder, the grant guidelines, and application requirements; assembling a project team; scheduling meeting with project participants to review the proposal guidelines, discuss the project, and create a timeline that assigns roles and responsibilities for proposal deliverables; writing the project content for the application; preparing a budget and justification; and if awarded, managing the grant budget and reporting.
- B. The Grant Officer will assist in the proposal preparation process beginning with researching funding sources. The Grant Writer is responsible for being knowledgeable about and interpreting the funder's guidelines and application requirements and meeting with the PI to review the guidelines and application. The Grant Officer will initiate the Preliminary and Final Internal Approval process. The Grant Officer will establish a grant timeline to ensure that the proposal is completed at least **two weeks prior** to the deadline; attend all project team meetings; coordinate with the PI to complete all

sections of the proposal; including budget and budget narrative; review and edit draft proposals in accordance with funder's guidelines; obtain all general institutional information; ensure that deadlines are met, and submit the final proposal.

- C. The PI and Grant Officer will work together to prepare a budget and justification.
- D. The Grant Officer will obtain salary information from Human Resources or the Finance Office for the grant budget. In determining salaries for future years on a grant, a reasonable salary percent increase may be applied as approved by the University.

#### V. **Final Grant Approval Process**

- A. A Final Grant Approval is required **at least two weeks before** the application deadline. When the grant has been completed, the Grant Officer will initiate the Final Grant Approval form in Dynamic Forms with input from the PI. The PI will provide an updated project summary, and the final budget and budget justification. This form requires the signatures the PI, Dean, Provost, and the Finance Office and **must be signed prior** to submitting the application.
- B. After the form has been signed by the CFO, it is returned to the Grants Officer, who then notifies the PI that final approval for submission has been received.

#### VI. **Proposal Approval & Submission**

- A. The PI and Grants Officer will meet to review the application one last time and make necessary edits prior to submitting to documents.
- B. Designated members of the Office of Grant and Sponsored Programs staff are authorized to sign all grant applications on behalf of Lesley when they are satisfied that all conditions have been met. A copy of the complete proposal must be provided to the Office of Grant and Sponsored Programs.
- C. The Grants Officer will submit the proposal to the funder once all approvals have been received and materials are finalized.

#### VII. **Grant Acceptance & Project Implementation**

- A. If a proposal is funded, the Grants Officer will collaborate with the PI to complete and begin routing the Grant Acceptance Checklist.
- B. The Grants Officer and PI reviews the award document or contract to identify any modifications to the budget and prepare any additional contract documentation.
- C. Finance receives the completed GAC from the Grants Officer, reviews, and executes contract, if needed.
- D. Designated members of the Office of Grant and Sponsored Programs staff, Provost, Vice Provost, and Finance Director are authorized to sign all grant agreements and contracts.
- E. The PI and Grants Officer collaborate to create a project timeline and work plan. Once completed, the Dean's Office Manager of Budget and Operations integrates the work plan into the school's existing administrative systems.
- F. The Dean's Office Manager of Budget and Operations completes and submits an Account Request Form to Finance who will create an account in Colleague.

- G. If a proposal is not funded, the Grants Officer will meet with the University personnel involved in the project to plan appropriate inquiry calls to the funder and formalize future proposal attempts.

#### IV. Award Management

- A. The PI is responsible for submitting all reports to the funder on time and copies are to be sent to the Department Chair and Dean.
- B. The Grants Officer will ensure that project timelines are met and that all reporting requirements are submitted.
- C. Post-award financial management is the direct responsibility of the PI in collaboration with the Dean's Office Manager of Budget and Operations. Substantive progress reports to the funder and to the university are the responsibility of the PI. All communication relevant to the awarded grant must be approved and/ or filed with the Grants Officer.
- D. The PI and Manager of Budget and Operations will prepare and submit expenses, financial reports, and contract modifications to Finance who will review and approve.

#### IV. PRINCIPAL INVESTIGATOR ELIGIBILITY & ASSURANCE

- A. Full-time Lesley University employees acting in their capacity as a University employee are eligible Principal Investigators. Emeriti may be a Co-Principal Investigator as long as a full-time faculty member has been identified as their Co-Principal Investigator. Part-time faculty or adjuncts may also undertake the role of Co-Principal Investigator when the other Co-PI is a full-time LU faculty member.

#### V. LIMITED SUBMISSIONS

##### Policy Statement

Some funding programs limit the number of submissions that can be made at any one time from one university or college. Therefore, the following guidelines have been established so that all concerned will be treated fairly. Remember, if Lesley University submits more than the allowable number of proposals in a limited submission program, it is likely that all proposals from the University will be disqualified!

##### Procedures

In cases in which a sponsor allows only a limited number of proposals to be submitted, we will select proposals according to the following process:

1. Approximately six weeks before the application deadline, the Office of Grants and Sponsored Projects (OGSP) Grants Officer will solicit letters of intent to apply and project justification of no longer than one page from each prospective applicant (faculty, librarian, administrator, and/or Advancement Grants Officer).
2. The applicants' materials will then be forwarded to the OGSP for review and ranking.
3. The OGSP Grants Officer will notify all candidates of their status. If the first candidate should decide to forgo applying, then OGSP will notify the candidate whose notification was ranked second, and so forth.

4. The nominees should work with the OGSP and/or Advancements Grants Officer to complete the proposals.

## **VI. MISCONDUCT IN RESEARCH**

Under the Policy and Procedural Guidelines for Misconduct in Research and Scholarship, allegations of misconduct in research and scholarship are directed to the Dean of the appropriate College and the Provost. The University assumes responsibility for resolving allegations and investigating incidents on misconduct by its faculty, staff, and students. These responsibilities exist regardless of whether the activity is funded by federal, state, or private sources, or are the result of unfunded efforts. The full text of the policy is below:

The creation and dissemination of knowledge are primary missions of the University. Accordingly, the University should foster an environment in which research flourishes. Such an environment requires the integrity of faculty, students, and staff who conduct research and scholarship. Furthermore, faculty, investigators, and other supervisors need to ensure the integrity of research and scholarship conducted under their direction.

### **A. Policy**

At Lesley University, misconduct in research and scholarship is defined as:

The intentional fabrication or falsification of data, research procedures, or data analysis; plagiarism; or other fraudulent activities in proposing, conducting, reporting, or reviewing research. Willful failure to comply with federal, state, or university requirements a) for protecting researchers, human subjects, and the public during research and b) concerning the humane treatment of animals used in research. Use of research funds, facilities, or staff for unauthorized and/or illegal activities.

### **B. Clarifications**

Hereinafter "misconduct" means misconduct in research and scholarship as defined above.

Misconduct does not include honest error or honest differences in interpretation or judgments of data. This policy pertains to original research and scholarship only and is not intended to replace other policies dealing with academic conduct, such as integrity in class or course work.

"Inquiry" means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants investigation. "Investigation" means the formal evaluation of all relevant information to determine if misconduct has occurred.

### **C. Procedures**

The Dean of a college and the Provost may receive, typically in writing, allegations of misconduct in research and scholarship. However, the Provost of the University, through the University Deans, is ultimately responsible for all research programs and activities conducted at the University. Therefore, the Provost shall be informed by the Deans of all allegations of misconduct in research and scholarship. Furthermore, the Provost shall consult with the University's Attorney on all inquiries and investigations, and is responsible for directing inquiries into and investigations of misconduct in research and scholarship, and in meeting all reporting requirements established by federal and non-federal agencies.

The procedures of this policy are not exclusive of other mechanisms for the review of misconduct. In the case of review of allegations of misuse of funds, the University's Internal Auditor, and in some cases outside auditors, shall investigate and report to the proper administrators. In the case of alleged illegal activities, the Provost retains the power to direct investigations, take interim measures prior to or during any inquiry or investigation to preserve state property or resources, and request reports on alleged violations. Where an investigation of misconduct under this Policy may be duplicative, and where issues of the proper conduct of scientific research are lacking, the Provost may decide not to conduct an investigation under this policy.

#### **D. Administrative Procedures**

An inquiry will be made immediately into allegations or evidence of possible misconduct. Inquiries will be conducted by the Dean of the affected college, or, if appropriate, the Provost, or their designees.

An inquiry should be completed within 60 calendar days of its initiation unless the Provost rules that circumstances warrant a longer period. At the commencement of the inquiry, the affected individuals will be informed about the nature and proposed extent of the inquiry. A written report shall be prepared that documents the evidence received, including summaries of interviews and the conclusions reached. The individuals against whom the allegation was made shall be kept informed of the inquiry procedure and be given a copy of the report of inquiry. If they comment on this report, their comments will be made part of the record. If the inquiry takes longer than 60 days, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period and record of agreement to the extension by the Provost and the individuals against whom the allegations are made.

Persons who have reported apparent misconduct will be protected to the extent possible under Commonwealth law. The affected individuals will receive confidential treatment to the extent possible under Commonwealth law; they are also entitled to a prompt and thorough inquiry, and they will have an opportunity to comment on allegations and the findings of the inquiry.

If it is determined that an investigation is not warranted, records will be maintained for one year in sufficient detail to permit subsequent assessment of that determination.

A decision on whether to proceed to a formal investigation shall be made by the Provost in consultation with the college Dean. If an investigation is deemed unwarranted, the Provost and College Dean will take steps to protect the party or parties who made good faith allegations, and the individual(s) charged with misconduct. Also, the College Dean and the Provost will take such steps as they deem appropriate to repair any damage done to the reputation of individuals falsely accused.

In case of apparent false and malicious accusations, an inquiry will be initiated by the Provost and Dean of the accuser(s). The accused person may also request such an inquiry.

If warranted, an investigation will begin following the inquiry as described under 1. Investigations will begin, within 30 days of the completion of the inquiry, by a committee appointed by the Provost, and comprised of at least three faculty members familiar with the research or scholarship included in the alleged misconduct and at least one faculty member whose academic appointment is outside of the University of the accused individual(s).

The investigation will include examination of all pertinent documentation, publications and correspondence, and any memoranda related to telephone calls. Whenever possible, interviews will be conducted with all individuals involved in making the allegation, or against whom the allegation is made, or other individuals who might have information pertinent to the allegations. Summaries of the interviews will be prepared, provided to the interviewed parties for comment or revision, and included as part of the investigation file. Precautions will be taken to prevent real or apparent conflicts of interest on the part of those involved in the investigation.

Diligent efforts will be made, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed. Documentation will be prepared and maintained to substantiate the investigation's findings.

An investigation of misconduct will be completed within 120 days of its initiation. This includes conducting the investigation, preparing a report of the findings, and making the report available for comment to the subjects of the investigation.

When allegations of misconduct in research and scholarship involve the use of federal funds, the following additional steps will be followed:

- The College Dean or Provost will notify the relevant federal agency prior to an investigation and within 30 days following the completion of an inquiry. If there is indication of criminal violations, the College Dean or Provost will notify the relevant federal agency within 24 hours of obtaining appropriate evidence.
- When appropriate, documentation of the investigation's findings will be made available to a relevant federal agency.
- The University will be responsible for notifying relevant federal agencies if any of the following exist during an inquiry or investigation: an immediate health hazard, an immediate need to protect extramurally obtained funds or equipment, an immediate need to protect any parties involved; or if the incident is going to be reported publicly, in the case of possible criminal violation.
- Interim administrative actions will be taken, as appropriate, to protect federal funds and insure that the purposes of federal financial assistance are carried out.
- The University will keep the relevant federal agency apprised of any developments during the course of the investigation, which may affect current or potential funding for the individual under investigation or are necessary for the federal agency to protect the public interest.
- The report of the investigation, completed within 120 days, will be submitted to the relevant federal agency along with the final outcome of the investigation.

While the University is primarily responsible during the period of inquiry and investigation, a relevant public agency may perform its own investigation at any time prior to, during, or following the University's investigation and may impose sanctions determined by its own investigation.

## VII. CONFLICT OF INTEREST

In accordance with the Code of Federal Regulations 42 CFR Part 50, all Principal Investigators must comply with the Public Health Service (PHS) and the National Science Foundation (NSF) financial conflict of interest regulations. Investigators applying for funding from the PHS (including the NIH, CDC, HRSA, and AHRQ), sponsors adopting the PHS regulations (including the American Heart Association, American Cancer Society, Arthritis Foundation, Susan G. Komen Foundation, and the Alliance for Lupus Research), or the National Science Foundation (NSF) must submit a **Financial Interest Disclosure** form to the Office of Grants and Sponsored Projects. Investigators (defined as "project director or Principal Investigator and any other person, who is responsible for the design, conduct, or reporting of research") for each proposal must be identified by the Principal Investigator early in the proposal preparation process.

University Investigators must submit their **Financial Conflict of Interest (FCOI) disclosure form** to the Office of Grants and Sponsored Projects. Non-University Investigators must provide evidence of the subrecipient organization's FCOI policy that is compliant with the PHS regulations. If no FCOI policy is available at the Investigator's organization, the Investigator must submit a Lesley University FCOI form. The guidelines below describe University policies and procedures regarding compliance.

For more detailed information, the NSF regulations can be found at:  
[http://www.nsf.gov/pubs/policydocs/pappguide/nsf08\\_1/aag\\_4.jsp](http://www.nsf.gov/pubs/policydocs/pappguide/nsf08_1/aag_4.jsp)

NIH regulations can be found at:  
<http://grants.nih.gov/grants/policy/hs/regulations.htm>

A **Conflict of Interest** may exist when a significant financial interest could directly affect the design, conduct, or reporting of an investigator's research. "**Investigator**" includes the investigator's spouse or domestic partner, dependent children, or anyone related by blood, adoption, or marriage.

"**Significant financial interest**" means, except as otherwise specified in this definition: "(1) A financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to be related to the Investigator's institutional responsibilities:

(i) "With regard to any publicly traded entity, a *significant financial interest* exists 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, when aggregated, exceeds \$5,000. For purposes of this definition,

(ii) remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship, travel reimbursement); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value; "

(iii) With regard to any non-publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or

(iv) Intellectual property rights (e.g., patents, copyrights), royalties from such rights, and agreements to share in royalties related to such rights. If an individual is **debarred or suspended**, she or he is ineligible to receive federal funds. Any individual meeting these conditions must immediately notify the OGSP and is precluded from receiving federally- funded grants or contracts or from being paid with federal funds.

An investigator who has significant financial interests that could affect her/his research must submit a University **Financial Interest Disclosure** form to the OGSP Grants Officer or the Associate Provost. All significant financial interests must be disclosed before a proposal is submitted, and disclosures must be updated annually or as new significant financial interests occur. The Associate Provost shall conduct an initial review to determine whether a potential conflict exists. If a potential conflict is revealed, then the disclosure and supporting materials will be referred to the Associate Provost of Academic Affairs. The Associate Provost will work with the investigator(s) to develop a written conflict management plan that details steps to manage, reduce, or eliminate conflict of interest.

This written **Conflict Management Plan** will be submitted to the Provost and upon approval by the Provost, signed by the investigator(s) and the Provost. Investigators dissatisfied with the Plan may appeal to the Provost, whose decision is final. The Conflict Management Plan shall be kept on file with the investigator's funding application materials. This Plan must be approved before any award funds can be expended. Violations, such as willful concealment of financial interests, may result in sanctions.

## **Travel**

The revised Public Health Service financial conflict of interest regulations now include a requirement for Investigators on PHS project to disclose the occurrence of travel paid by outside entities, which can be done using the **Financial Interest Disclosure** form. Any Investigator receiving PHS funding

must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator so that the exact monetary value may not be readily available), related to their institutional responsibilities; provided, however, that this disclosure does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education. **This disclosure does not apply to travel that is reimbursed through the University.** The Investigator should disclose the occurrence of travel, not the cost of the trip, within 30 days of travel completion.

Records of financial disclosures and reimbursed or sponsored travel as well as actions taken to manage conflicts of interest shall be kept in strictest confidence and retained by the OGSP until seven years after the termination of the award, or the resolution of any government action involving those records. Records will not be provided to sponsors unless the agency requires it, the agency submits a written request, or there is a documented instance of research misconduct. The Associate Provost will be responsible for communicating with sponsors. The investigator will be notified any time such records are released.

The University assumes responsibility for resolving allegations and investigating misconduct in research and scholarship by its faculty, staff, and students. These responsibilities exist regardless of whether the activity is funded by federal, state, or private sources, or is the result of unfunded efforts. This document contains policy and procedures for addressing misconduct in original research and scholarship.

## VIII. TIME AND EFFORT REPORTING

Lesley's policy is to comply with all applicable federal regulations and guidance regarding time and effort reporting to ensure good stewardship of the funds provided to the University for grants and sponsored projects. The University's effort distribution system and certification reporting system requires that all effort directly associated with a sponsored program be classified consistently, regardless of whether the salary is charged to the sponsor or to the cost shared by the University.

As a condition of receiving funding from the federal government, Lesley University is required to maintain and certify the percentage of effort employees devote to externally sponsored projects. The University's effort reporting system is an after-the-fact system requiring the completion of an Effort Reporting form.

Faculty and staff are expected to commit some level of effort (i.e., greater than 0%) on proposals in which they are listed as Principal Investigator or other key personnel. Since these roles assume responsibility for the scientific, administrative, and financial management of an award, it is assumed that fulfilling these responsibilities requires time and effort. However, there are instances in which certain types of proposals do not require individuals to commit any level of effort. These exceptions include equipment and instrumentation grants, student augmentation grants, and faculty training grants.

Faculty and professional staff shall complete an Effort Reporting Form near the end of each academic term. Hourly staff shall complete bi-weekly time sheets to certify their effort.

### **What is Effort?**

An individual's effort is defined as the percentage of time spent on a particular work-related activity, such as instruction, research, advising, administration, etc., for which the individual is compensated by the University.

### **What is Sponsored Project Effort Reporting?**

White House Office of Management and Budget (OMB) federal regulation *OMB Circular A21* requires that Lesley University certify the effort for each employee who expended effort on a federally-



sponsored project. Incomplete or improper reporting of effort is a compliance violation that could result in audit disallowances and/or withholding of federal research funding.

The *percentage of effort* on an Effort Report should be consistent with commitments made by the individual to the sponsor. The Effort Report also compares the *percent of effort* spent on a project and the *percent of salary* charged to that project. The *percent of effort* spent on a federally-sponsored project should not be less than the *percent of salary* charged to the project.

- The report shall reasonably reflect the percentage distribution of time and effort expended by faculty and professional staff involved in externally-sponsored projects.
- The report shall be completed and signed by each faculty and professional staff working on an externally-sponsored project. Faculty and staff must document the time and effort spent on the project regardless of whether the sponsor pays for the time or the time is cost-shared by LU.
- The report shall be confirmed by a person having firsthand knowledge of the employee's activities. Confirmation is indicated by a countersignature on the form.
- The report shall not be completed for employees who submit time sheets.
- Failure to submit the Time and Effort Certification Form may result in the suspension of grant activity.

### **Effort Reporting Schedule**

Principal Investigators and other faculty who are paid by a grant are required to submit Effort Reports on a monthly basis. The report is to be signed by a supervisor and is due to the Finance Office **by the 10<sup>th</sup> of the following month.**

### **Effort Reporting Policy**

Each school's budget officer shall maintain the University-approved system of after-the-fact confirmation to substantiate salary costs that are directly charged to federally funded projects consistent with the following standards:

### **Certification of Effort by Principal Investigators and Other Faculty in Professorial, Professional Research, and Management Titles**

Principal Investigators and other faculty in Professorial, Professional Research, and Management titles who are paid on federal on federal flow-through funds are required to certify their own effort since they are in the best position to understand how they are spending their time in support of the various activities in which they are engaged. This is consistent with the OMB Circular A-21 requirement that the distribution of salaries and wages be supported by activity reports that are confirmed by "a responsible person with suitable means of verification that the work was performed."

*Note: PIs and other professionals must certify their own reports. Academics such as post-docs and students were not intended to be included in this group- their effort can be certified by someone with first-hand knowledge of the work performed. Staff are not asked to certify their own effort.*

### **Treatment of Effort Reporting Revisions**

Changes to previously certified Effort Reports should be extremely rare. However, if an effort report is determined to be in error, a new one can be prepared coincident with payroll cost transfers and other extenuating circumstances. Such revisions are subject to a "facts and circumstances" review and must be processed on a timely basis consistent with federal regulations and University policy (within 120 days of incurring the costs) to ensure their allowability under audit. If revisions are required after 120 days, the extremely unusual extenuating circumstances surrounding the need for a corrected effort report must be fully explained and documented.

### **Timeliness of Certifications**

Effort Reports should be issued for certification by a center, department, or OGSP no more than 45 days after the close of the reporting period and certified within 30 days of their issuance to ensure that federal compliance expectations are met.

### **Preciseness of Certifications**

OMB Circular A-21 provides for "a degree of tolerance" in the preciseness of effort reporting. A precise assessment of factors that contribute to costs is not always feasible, nor is it expected. An individual at Lesley may thus certify a level of effort for an award or activity that is within +/- 5% of their best estimate of the actual effort expended during the reporting period.

### **Federal Restriction on Calculating Faculty Compensation**

Federal rules and regulations, including OMB Circular A-21, do not allow for an individual's institutional base salary to be increased as a result of obtaining grant funding. These federal rules and regulations also restrict the payment of overload, bonus or other payments outside the individual's institutional base salary. In addition to the University's general policy regarding the allowability of supplemental compensation, the following principles must be applied when salary is to be paid from a sponsored project.

### **Allowability of Supplemental Compensation**

Charges for work performed on sponsored agreements by faculty members must be based on the individual faculty member's regular compensation during the period of performance. The only exception to allow for compensation above the base salary during the academic year is a very specific exception for consultation across departmental lines.

The general rules for faculty compensation during the academic year and the specific requirement for the exception to those rules are found in OMB Circular Act 21, section J.10.d and are as follows:

- Salary rates for academic year. Charges for work performed on sponsored agreements by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the policy of the institution concerned, constitutes the basis of his salary. Charges for work performed on sponsored agreements during all or any portion of such period are allowable at the base salary rate. **In no event will charges to sponsored agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period.** This principle applies to all members of the faculty at an institution.
- Since intra university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full time base salary, the principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided that such consulting arrangements are specifically provided for in the agreement or approved in writing by the sponsoring agency.

These rules are not applicable to summer salary for nine (9) month faculty. See OMB circular A-21 J.10.d (2)(a). **Research compensation during the summer months or other periods not included in the base salary period is to be calculated for each faculty member at a rate not in excess of the base salary divided by the period to which the base salary relates.**

## IX. SUBRECIPIENT MONITORING

The policy also outlines the responsibilities of the Principal Investigator in assuring both programmatic and fiscal compliance of subrecipients to the terms and conditions established by the sponsoring agency.

### **Purpose**

This policy seeks to:

- promote stewardship of funds used to pay subrecipient organizations;
- promote appropriate responsibility and accountability for contractual subrecipient relationships;
- promote compliance with federal, state, University, and other legal requirements related to subrecipient monitoring; and
- ensure that the University and its sponsors receive value for funds expended.

As required by OMB Circular A-133, all subawards issued by the University shall provide the best information available to describe the award, including:

- Catalog of Federal Domestic Assistance (CFDA) title and number
- Award name and number
- Name of federal agency

The University is obligated to advise subrecipients of requirements that are imposed on them by federal laws, regulations, and the provisions of the sponsored project award document. Subrecipients are required to permit the University and its auditors to have access to records and financial statements pertaining to the subaward.

Except in unusual cases, subrecipients must be identified in the proposal submitted to the sponsoring agency. Following the execution of subawards, the University is required to monitor the subrecipient's activities to ensure that activities are conducted in compliance with regulations and that performance goals are achieved. In general, when a significant percentage of an award is

passed through the University to a subrecipient, more intense monitoring is necessary. Regular communication with the subrecipient is required.

The University shall monitor subrecipients to ensure compliance with audit requirements. If audit findings are revealed, the University shall issue a management decision within sixty days following the receipt of the subrecipient's audit report and confirm that the subrecipient has taken appropriate corrective actions in a timely manner. If the subrecipient's corrective action plan is not submitted to the University within thirty days, the subrecipient will receive a follow-up phone call or email from the school's budget officer, or the OGSP Grants Officer. If the corrective action plan is not received by the end of sixty days, a letter will be sent from the Associate Provost. After ninety days, a letter will be sent from University Counsel to inform the subrecipient that failure to respond may result in the termination of the subaward.

If the subrecipient's audit findings necessitate adjustments in the University's financial records, such adjustments shall be made in a timely manner.

## **OMB UG 200.501 Certifications**

1. Non-profit subrecipients who expended \$750,000 or more in federal funds during the previous fiscal year are required to have an audit on an annual basis or may elect to have a program-specific audit. OGSP shall request annual certifications from all subrecipients. This certification requires that subrecipients certify that their audits revealed no questionable findings or provide a detailed disclosure of findings.
2. Subrecipients who are not subject to audit requirements shall complete a financial disclosure and shall be required to submit in a program specific audit, performed by an independent external entity, upon request by the University.
3. If audit findings are revealed, OGSP shall issue a management decision within sixty days of notification and shall provide additional monitoring to ensure that timely and appropriate corrective actions are taken in response to audit findings.
4. Internal Audit shall provide assistance with issuing management decisions and ensuring that appropriate corrective actions are taken.

## **Subaward**

1. Subrecipients are required to notify the University and obtain prior written approval from their school's budget officer or the OGSP Grants Officer for any changes that may materially alter the terms of the subaward. Examples include, but are not limited to, changes in the period of performance, scope of work, or budget.
2. The Principal Investigator shall work with the subrecipient to ensure that any changes that may materially alter the terms of the subaward are immediately reported to OGSP for approval or the school's budget officer.
3. OGSP and/or the school's budget officer shall provide approval in a timely manner; in most cases, a formal subaward amendment will be required.

## **Third-Tier Subcontractors**

1. When subrecipient budgets include funds for contractual purposes, the Principal Investigator shall work with the subrecipient to facilitate the timely provision of required documentation to OGSP and/or the budget officer.
2. OGSP and/or the school's budget officer shall review third-tier subcontractors included in subaward budgets, request identification of the entity by name, request justification for how the entity was selected (i.e., evidence of competitive bid process or sole source justification), and provide the subrecipient with written approval prior to the subrecipient entering into a contractual relationship with a third-tier subcontractor.
3. OGSP and/or the school's budget officer shall request any additional documentation from the subrecipient needed to make an informed decision about the approval of third-tier subcontractors.

## **Contract Review**

The Office of University Counsel shall review all subawards with variations from the approved subaward template. University Counsel shall work with the Principal Investigator and OGSP

and/or the school's budget officer to negotiate changes to proposed subawards prior to their execution.

### **Communication with Subrecipient**

The Principal Investigator shall maintain sufficient contact with the subrecipient to assess accurately whether the subrecipient is adequately performing the statement of work and reasonably progressing towards the achievement of the performing goals.

### **Review of Technical Performance Reports**

The Principal Investigator shall obtain periodic written performance reports from the subrecipient. Such reports should generally contain a comparison of actual accomplishments with the goals and objectives established for the period.

### **Review of Financial Invoices**

1. Upon receipt of financial invoices, the Principal Investigator shall review and assess whether the charges on the invoice reasonably match progress made on the project. If an invoice is believed to be inaccurate, Principal Investigators shall contact the subrecipient for clarification and request additional documentation before forwarding the invoice to Grant Accounting for payment.
2. Prior to approving and issuing payments on subawards, a financial officer shall review financial invoices for compliance with sponsor guidelines and the terms of the subaward.
3. A financial officer shall work with the Principal Investigator and subrecipient to secure any additional documentation needed to process invoice payments and shall withhold payment on invoices until such documentation is received.

### **Site Visits**

Depending on the scope of the work and level of involvement from the subrecipient, site visits are often necessary to ensure an effective collaboration. The Principal Investigator shall arrange and maintain documentation for such visits.

## **X. RESPONSIBLE CONDUCT IN RESEARCH**

Responsible conduct in research is an imperative for Lesley University's faculty and students. With or without federal mandate the institution would embrace the opportunity to augment educational programming with this very important aspect of research.

### **The NIH**

According to the NIH's notice "Update on the Requirement for Instruction in the Responsible Conduct in Research" Notice Number: NOT-OD-10-019, dated 11/24/09, upon award of any NIH Institutional Research Training Grants, Individual Fellowship Awards, Career Development Awards, Research Education Grants, Dissertation Research Grants or other grant programs with a training component that requires instruction in responsible conduct in research as noted in the Funding Opportunity Announcement, a formal training program which includes at least 8 hours of contact hours (face to face engagement) between faculty and trainees is required. This training program should be provided throughout the trainees' scientific career and should occur as an undergraduate, graduate, and post-doc student, as well as during Career Awards and other milestones in a scientist's career.

### **The NSF**

Pursuant to the 2007 America COMPETES Act, the National Science Foundation (NSF) has adopted a new certification requirement that becomes effective January 4, 2010. The new NSF

Grant Proposal Guide states: "When submitting a proposal to NSF, the Authorized Organizational Representative is required to complete a certification that the institution has a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduates, graduate students, and postdoctoral researchers who will be supported by NSF to conduct research." The plan must also include a system to verify that the training has occurred.

The plan does not have to be submitted with proposals, but NSF could request it at any time- and NSF could audit compliance. Currently, institutions are free to develop their own plans. For more information, Grants Officer to [www.lesley.edu/provost/provost.html](http://www.lesley.edu/provost/provost.html).

To assist faculty in the development of a training program, Lesley University uses the NIH online training certificate program. The modules included in the NIH online training can be used to guide and augment responsible conduct in research training in addition to face-to-face didactic interactions with students. Adequate training includes the following components:

- Conflict of interest: personal, professional, and financial
- Policies regarding human subjects, live vertebrate animals in research and safe laboratory practices
- Mentor/mentee responsibilities and relationships
- Collaborative research including collaborations with industry
- Peer review
- Data acquisition and laboratory tools; management, sharing and ownership
- Research misconduct and policies for handling misconduct (please see Faculty Handbook)
- Responsible authorship and publication
- The scientist as a responsible member of society, contemporary ethical issues, in biomedical research, and the environmental and societal impacts of scientific research

It is incumbent upon the Principal Investigator of an NIH and/or NSF award requiring responsible conduct in research training to prepare, administer and document the training provided to students involved in research.

1. Faculty Principal Investigators (PIs) have the primary responsibility for training the students involved in their NSF-funded research. The Preliminary Grant Approval Form requires a signature from any PI who submits an NSF proposal that requests funding for undergraduate students. This signature indicates that the PI agrees to participate in appropriate RCR training.
2. Responsible Conduct of Research (RCR) training will be required for all undergraduate receiving wages (or working as volunteers) or receiving academic credit for participating in NSF-funded research. Training must be completed within the semester or summer that the undergraduate begins work on the NSF-funded research. RCR training will be documented on a form developed for that purpose, signed by both the PI and the undergraduate. This RCR form will be maintained by the Institutional Review Board (IRB) until the IRB learns that documentation is no longer needed. RCR training will include the following components:

- Each student must successfully complete the appropriate National Institute of Health module of RCR training. The National Institute of Health computer-based training option is available 24 hours a day at no cost. Upon completion of the self-guided study and test a certificate can be printed. Students may access this Website at:

<http://grants.nih.gov/training/responsibleconduct.htm>

This requirement can be waived by the Associate Dean for students who have successfully completed an RCR workshop at Lesley or another institution designed to satisfy NSF's training requirement or other comparable training; the Associate Dean will specify what constitutes appropriate documentation in these cases. Successful completion should be documented by completing the RCRT Form and attaching a certificate generated by the online training program or by other documentation acceptable to the Associate Dean.

- PIs will certify on the RCRT form that the student has received RCR training appropriate to the search and discipline.
- The Finance or Grants Officer will notify the IRB when the University receives a grant from the National Science Foundation, providing the name of the PI and the NSF grant number. PIs give the Associate Dean periodic updates listing the students participating in the research. The Dean of Faculty will facilitate this process by sending reminder emails to all faculty who are PIs on NSF grants at the beginning of each semester and before summer research begins.
- The Lesley University academic deans may amend this plan at any time after consultation with the Associate Provost and/or Dean of Faculty. Details of any amended plan will be sent to all faculty with NSF grants, the Grants Officer, the Associate Dean, and the Finance Office and will be posted on the Provost's website. At a minimum, the plan will be reviewed and updated annually, no later than July 1 of each year (beginning July 1, 2010).
- The Associate Dean in consultation with the Dean of Faculty and the Associate Provost will make decisions on a case-by-case basis about students whose only participation in NSF funded research falls into one of the following situations:
  - the active NSF grant funds equipment used in courses to provide research training
  - the active NSF grant funds research that is incorporated into the research training provided to students in a course

To access the training module, please complete the RCR training form and follow the RCR training form and follow the instructions for your RCR training.

## **Responsible Conduct of Research Training Policy**

### **Basic Principles**

Lesley University is committed to the ethical conduct of research and is in compliance with Section 7009 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science (America COMPETES) Act which requires that an institutional plan be in place to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduate students, graduate students, and postdoctoral researchers participating in National Science Foundation (NSF) funded research

projects.

### **Application**

The Principal Investigator (PI) will be responsible for providing appropriate RCR training to undergraduate and graduate students and post-doctoral employees who are working on the PI's NSF-funded projects. At this point, only those students and post docs who are part of a NSF- funded project are required to undergo RCR training.

Principal Investigators will be trained on the RCR policy by the Institutional Review Board (IRB).

### **Definitions**

Principal Investigator can also be known as the co-investigator (for collaborative grants) or the project director and is the faculty member or administrator responsible for directing the work of the NSF grant project at Lesley University.

Educational training can be offered as various activities such as lectures, workshops, online courses, discussion groups, or any other educational activity approved and tracked by the IRB.

The core instructional areas (modules) of the Responsible Conduct of Research as indicated by the U.S. Office of Research Integrity are:

- Data Acquisition, Management, Sharing, and Ownership: Accepted practices for acquiring and maintaining research data. Proper methods for record keeping and electronic data collection and storage in scientific research. Includes defining what constitutes data; keeping data notebooks or electronic files; data privacy and confidentiality; data selection, retention, sharing, ownership, and analysis; data as legal documents and intellectual property, including copyright laws\*.

\* See "PHS Policy on Instruction in the Responsible Conduct of Research": [http://ori.dhhs.gov/policies/RCR\\_Policy.shtml](http://ori.dhhs.gov/policies/RCR_Policy.shtml)

- Conflicts of Interest and Commitment: The definition of conflicts of interest and how to handle conflicts of interest. Types of conflicts encountered by researchers and institutions. Includes topics such as conflicts associated with collaborators, publication, financial conflicts, obligations to other constituencies, and other types of conflicts.
- Human Subjects: Issues important in conducting research involving human subjects. Includes topics such as the definition of human subject research, ethical principles for conducting human subjects research, informed consent, confidentiality, and privacy of data and patient records, risks and benefits, preparation of a research protocol, institutional review boards, adherence to study protocol, proper conduct of the study, and special protections for targeted populations, e.g., children, minorities, and the elderly.
- Animal Welfare: Issues important to conducting research involving animals. Includes topics such as definition of research involving animals, ethical principles for conducting research on animals, Federal regulations governing animal research, institutional animal care and use committees, and treatment of animals.
- Research Misconduct: (fabrication or falsification of data including image manipulation, plagiarism). The meaning of research misconduct and the regulations, policies, and guidelines that govern research misconduct in PHS-funded institutions. Includes topics such as fabrication, falsification, and plagiarism; error vs. intentional misconduct;



institutional misconduct policies; identifying misconduct; procedures for reporting misconduct; protection of whistleblowers; and outcomes of investigations, including institutional and Federal actions.

- **Publication Practices and Responsible Authorship:** The purpose and importance of scientific publication, and the responsibilities of the authors. Includes topics such as collaborative work and assigning appropriate credit, acknowledgements, appropriate citations, repetitive publications, fragmentary publication, sufficient description of methods, corrections and retractions, conventions for deciding upon authors, author responsibilities, and the pressure to publish.
- **Mentor/Trainee Responsibilities:** the responsibilities of mentors and trainees in pre- and postdoctoral research programs. Includes the role of a mentor, responsibilities of a mentor, conflicts between mentor and trainee, collaboration and competition, selection of a mentor, and abusing the mentor/trainee relationship.
- **Peer Review:** The purpose of peer review is to determine the merit for research funding and publications. It includes topics such as, the definition of peer review, impartiality, how peer review works, editorial boards and ad hoc reviewers, responsibilities of the reviewers, privileged information and confidentiality.
- **Collaborative Science:** A number of research issues may arise when scientists collaborate. As a result, this approach to science includes topics such as setting ground rules early in the collaboration, avoiding authorship disputes, and sharing materials and information with internal and external science partners.

Only those instructional areas applicable to the grant funded research project are required to be covered. For example, a chemistry project might not involve the use of human subjects; the human subject module would therefore not be required as part of the training.

### **Administration**

Dissemination and administration of these regulations will be the responsibility of the Associate Provost. The IRB will provide support in developing and offering training and resources to the Principal Investigators; track who has been trained; monitor the regulations; assess the program; make recommendations; and keep current on federal regulations pertaining to this policy.

### **Researcher Monitoring Plan**

In order to provide the fullest orientation to research grant processes and procedures, and to enhance the understanding and collaboration of all those working on sponsored research, Lesley University has implemented a Mentoring Plan. Mentoring is required in the preparation for new faculty and students, undergraduate, graduate or post-doctoral, who take part in grant-funded research projects.

The Mentoring Plan includes the following elements:

1. A senior faculty is identified by the Dean of Faculty to serve as a "Mentor Sponsor" who has responsibility for maintaining contact with the mentee, providing institutional knowledge, and acting as the primary resource for any problems or questions that arise during the research project.
2. Mentees and mentors meet before the beginning of a grant process that involves the mentee. The meeting serves to review key elements of the Mentoring Plan, to build a community of researchers, and to present a panel of experienced Lesley

researchers sharing their work.

3. Four additional meetings are scheduled within the first semester a student or post-doc is involved with the project to cover important information about sponsored research processes. These sessions are held in 2.5-hour blocks, throughout the semester, and are facilitated by appropriate faculty or research office personnel. Topics include:
  - Preparation of grant proposals and publications. This will include the review of successful proposals and their publications, as well as guidelines for turning research questions into successful proposals.
  - Collaborating with researchers from diverse backgrounds and disciplines. Conversations about intercultural communication and respect for differences will shape this topic.
  - Responsible professional and ethical practices. Based in the federal guidelines for research with human subjects, this conversation will center on criteria for ethical practices in research.
  - Guidelines for effective teaching skills. Theory-based practice based in empirical research relies on connections between research and practice. This meeting will include strategies for informing teaching through research.
4. Feedback Process: At the end of the semester, an evaluation is sent to each mentor sponsor and mentee, to gather feedback about their experience and learning. This evaluation is used to make any changes in the Mentoring Plan for the next semester.

## XI. COST TRANSFERS

Provision of timely, comprehensive and accurate reporting of the fiscal status of an award is key to ensuring that correct expenditures are applied to the award. These expenditures must be allowable, allocable, reasonable and within the term dates of the award. Other sponsor specific restrictions may apply.

Although it is ultimately the Principal Investigator's responsibility to ensure the fiscal and programmatic management of an award of contract, the department budget coordinators facilitate this endeavor by providing timely, comprehensive and accurate fiscal reports of all awards and contracts. Errors should be identified either by the budget coordinator or the PI within 30 days of posting, but no later than 90 days from posting for correct journal entries to be created with a justification as to how the error transpired. Should the identification of an error exceed 90 days, additional justification from the PI is required to be attached to the journal entry.

## XII. INDIRECT COSTS

### Policy

Indirect costs and their related distribution formulae for all grants, contracts, and sponsored projects will be negotiated by the Principal Investigator (PI)/Project Director and the Office of Grants and Sponsored Projects at the time that the proposal is submitted. In the cases of those already received by the University, the current policy or a precedent approved by the Provost and President will apply. The indirect amount will be included on Lesley's grant submission checklist.

## Procedure

The indirect amount is established according to the Award Set-Up Policy and Procedure for establishing any new account at the University. When the grant award letter is received in the Finance Office, revenue accounts will be set up at the same time that the grant budget is established. These revenue accounts will be used to allocate revenue from the grant's indirect costs. The allocations will be distributed by percent based on the criteria outlined below. The indirect cost revenue will be allocated as the expenditures occur and may not be available at the beginning of the grant period.

The following scenarios exemplify how indirect costs are redistributed:

1. When the Principal Investigator is also a director of a center or institute,
  - an account will be established in the name of the project and will be given 10% of the indirect cost revenue for the PI's use;
  - the department/school/center/institute account will receive 20% to support faculty research projects; and,
  - the Office of Grants and Sponsored Projects account will receive 70% for grants management.
2. When the Principal Investigator is a "contractor" or an "administrator," the percent allocation to be applied may vary and shall be determined at the time of the proposal submission by the Provost, Vice President for Academic Affairs.

The accounts to which the indirect costs will be distributed will be set by the Finance Office for each Principal Investigator/Project Director, for the departments and for the Division of Academic Affairs. The signature authorities for the Principal Investigators'/Project Directors' accounts will be the Principal Investigator/Project Director and her/his dean or unit head/Vice President. The signature authorities for the department chairs' accounts will be the department chair and her/his school dean or Vice President.

The funds will be distributed quarterly (January, April, July, and October), effective July 1, 2011, and may be used for expenses such as travel to professional conferences, research materials and equipment, and other approved expenditures for research and scholarly activities. All such funds will not be able to be "rolled" from one fiscal year to the next.

## XIII. COST SHARING OR MATCHING

Generally, the University needs to carefully consider grants that require cost sharing. Any cost sharing commitment must be included on the Preliminary Grant Approval Form and in the proposed budget. The responsible University officials must identify the source of institutional funds and approve the cost sharing commitment on Lesley's Preliminary Grant Approval Form. Any committed cost sharing must be documented within the University's financial system. It is the policy of Lesley University that cost sharing or matching will be provided only when it is required or encouraged in the funding opportunity announcement.

Cost sharing is defined as institutional support of a share of the total cost of a project. An example of 50% cost sharing on a project with a total cost of \$100,000 is the institution must pay \$50,000 and the sponsor will pay \$50,000 to cover the total costs of \$100,000. Matching is defined as sponsor required matching of funds in support of a project. An example of a 50% match of \$100,000 proposed request to a sponsor would require the institution to match \$50,000 to amount to total costs of \$150,000.

### **Criteria for Cost Share or Match**

To be acceptable for use as cost sharing or matching, an expenditure must satisfy the following criteria:

- Be verifiable from official University records;
- Not be used as cost sharing for any other sponsored program;
- Be necessary and reasonable for proper and efficient accomplishment of project objectives;
- Be allowable under the applicable cost principles, OMB Circular Act A-21;
- Be itemized in the approved budget; and,
- Be incurred during the effective dates of the grant or contract.

### **Acceptable Expenditures**

In general, costs normally treated as direct costs on sponsored projects may be used to meet a cost sharing or matching obligation. Costs normally treated as indirect on sponsored projects may not.

#### **A. Examples of expenditures that may be used as cost sharing or matching:**

- Faculty, staff, or student salaries and applicable fringe benefits
- Laboratory supplies
- Travel

#### **B. Examples of expenditures that may not be used as cost sharing or matching:**

- Expenditures normally treated as indirect costs, such as administrative salaries and office supplies
- Unallowable costs, such as alcoholic beverages, entertainment, and memberships in community organizations

### **Sources of Cost Share or Match**

Cost sharing or matching may be met from the following sources:

- University funds may be used as cost share or match when they are provided for the benefit of the specific project.
- Waived indirect costs that are otherwise available to be recovered may be used as cost share or match if the University has agreed to accept less than the full amount. The difference between the indirect costs accepted and the amount that would have been provided at the full rate may be used as cost sharing or matching if approved by the sponsor.
- Unfunded indirect costs may be used as cost share or match when the sponsor does not reimburse indirect costs at the full rate due to sponsor policy, government legislation, or terms of the agreement. If the difference is to be used as cost share or match, it must be approved by the sponsor.
- In exceptional circumstances, another sponsored project account may be used as cost share or match if approved in advance by both sponsors. Note that federal funds may not be used as cost sharing or matching on other federally-sponsored projects.

- Third-party contributions (support from a non-University source) may be used as cost share or match if committed in writing by the third party.

OMB Circular A-21 also provides specific rules for valuation and documentation of volunteer services, donated supplies, property buildings, and equipment. In general, however, it is the University's preference to avoid referring to these items as cost share or match and characterize them instead as "available for the use of the project at no direct cost."

### **Cost Sharing or Matching Obligation**

There are several points in the proposal and award process at which the University may incur a cost sharing or matching obligation. Cost sharing or matching may be committed in the proposal to the sponsor for one of the following reasons: the sponsor (or a particular program of the sponsor) requires cost sharing or matching as a condition of applying for an award. In both of these situations, cost sharing or matching is quantified in the proposal budget and becomes a condition of the sponsor's award. These instances are normally referred to as mandatory or voluntarily committed cost sharing.

All types of cost sharing or matching obligations described above must be documented and identifiable in the University accounting system.

### **Cost Share of Match Commitments at Proposal Stage**

- The project director shall secure required cost share or match commitments early in the proposal developmental stage and document appropriately in the proposal budget and narrative.
- The project director shall secure written approval on the Proposal Summary Form from the individuals responsible for the organization code from which cost share or match is committed.
- The department chair and dean (or equivalent supervisors in administrative units) shall review and sign the Preliminary Grant Approval Form to identify and approve any committed cost share or matches, then send the form to the Provost for approval.
- OGSP shall review the proposal to identify any committed cost share from the University. If cost share or match is committed, OGSP shall ensure that appropriate cost share documentation has been included on the Preliminary Grant Approval Form, including the organization code for the cost share or match funds and written approval from the individual responsible for the organization code.

### **Cost Share or Match Commitments at Award Stage**

- If the award amount is less than the proposed budget, the department's budget personnel and/or OGSP shall work with the program director to determine whether the University has incurred a cost sharing or matching obligation beyond what was committed in the proposal. If additional cost share or match obligations are incurred at the award stage, written approval shall be obtained from the individuals responsible for the funds to be used as cost share or match.
- OGSP, and/or the Advancement Grants Officer and the department's budget personnel, shall review award conditions and ensure that required cost share or match is committed and identified prior to acceptance of the award.
- OGSP and/or the Advancement Grants Officer shall provide documentation of the award

and a budget that identifies sponsor funding and cost share or match commitments to the Accountant in the Finance Office.

### **Cost Share or Match Documentation and Reporting**

- The Accountant in the Finance Office shall establish a companion cost sharing or matching account for all awarded projects with committed cost share or match.
- The Project Director shall provide accurate source documentation for all cost sharing or matching expenses on awarded projects to the Accountant in the Finance Office.
- The Accountant in the Finance Office shall monitor expenditures from the cost sharing or matching account as well as from the grant/contract account and report cost share or match expenditures according to the sponsor's award terms and billing instructions.

### **XIV. CLOSE-OUT PROCEDURE**

In order to facilitate the capture of all direct and indirect costs associated with an award or contract, Lesley has initiated the following process.

At 90 days prior to the termination date of the award or contract, the PI will receive an email indicating that the 90-day threshold has been reached. The department budget coordinator will ask if the program and its related expenditures are on track and request that the PI review the status of the award. The department budget coordinator will offer to request a no cost extension or any necessary budget modification from the sponsor on behalf of the PI.

At 60 days prior to the termination date, the PI will receive another email from the department budget coordinator stating that they are at 60 days out from their termination and requesting that the PI review the fiscal and programmatic status of their account. They should be looking for expenditures which have not yet hit the grant that should have and ensure that all expenditures that have hit the grant are appropriate. In addition, the PI will be asked to review their purchasing needs and complete them before the month's end.

At 30 days prior to the term date, the PI will receive a final notice from the budget coordinator indicating that with exceptions and excluding payroll, no further expenses will be allowed to be processed on the account. This step is in place to ensure that the University is able to capture all costs associated with the award or contract and to avoid audit findings later as large, unjustified expending during the final month of a grant are red flags for auditors.

### **XV. NIH PubMed CENTRAL POLICY**

All Lesley University NIH Principal Investigators are required to ensure that publications derived from research funded by the National Institute of Health (NIH) will be submitted to PubMed Central. According to the NIH, "Authors should work with the publisher before any rights are transferred to ensure that all conditions of the NIH Public Access Policy can be met. Authors should avoid signing any agreements with publishers that do not allow the author to comply with the NIH Public Access Policy." The PI should disclose to the publisher upon submission of an article that it is subject to this NIH policy. The journal's author instructions and copyright transfer or publication agreement should be reviewed for any language that may prohibit the PI from complying with submission to PubMed Central. Specific language should appear in the copyright transfer or publication agreement specifically allowing for deposit PMC.

If it does not, an addendum should be attached to the agreement by the PI. NIH recommended language is as follows: "Journal acknowledges that Author retains the right to provide a copy of the final manuscript to the NIH upon acceptance for Journal publication, for public archiving in

PubMed Central as soon as possible but no later than 12 months after publication by the Journal." Decisions about the approved submission will need to be negotiated with the Publisher. Should the PI require assistance with these negotiations, the Office of Sponsored Projects will be happy to assist.

PI's have four methods appropriate and consistent with the NIH publishing agreement:

1. Publish in a journal that deposits all NIH-funded final published articles in PMC without author involvement.
2. Make arrangements to have a publisher deposit a specific final published article in PMC.
3. Deposit the final peer-reviewed manuscript in PMC yourself via the NIH Manuscript Submission System (NIHMS).
4. Complete the submission process for a final peer reviewed manuscript that the published has deposited via the NIHMS:  
[http://publicaccess.nih.gov/submit\\_process.htm](http://publicaccess.nih.gov/submit_process.htm)

## **XVI. NSF PROJECT OUTCOMES REPORT REQUIREMENT**

"Required in awards made on/after January 2010, the Outcomes Report must be submitted electronically via Research.gov within 90 days of the expiration of the grants. The report is a brief summary prepared specifically for the public, describing the nature and outcomes of the project within the context of NSF's review criteria- the intellectual merit and/or broader impacts of the work-written for the lay reader. NSF will automatically attach all publications resulting from an award as reported annually in the FastLane Project reporting system to the Outcomes Report. The Project Outcomes Report Address [is] a requirement included in the America COMPETES Act of 2007 (PL 110-69)." "This requirement is met by the investigator, but is a term/condition of an award."

## **XVII. THE MASSACHUSETTS WHISTLEBLOWER PROTECTION ACT**

The Massachusetts Whistleblowers Protection Act "An Act to Protect Conscientious Employees"

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows: Chapter 149 of the General Laws, as appearing in the 1992 Official edition, is hereby amended by inserting after section 184 the following:

### **SECTION 185**

(a) As used in this section, the following words shall have the following meanings:

- (1) "Employee", any individual who performs services for and under the control and direction of an employer for wages or other remuneration.
- (2) "Employer", the commonwealth, and its agencies or subdivisions, including, but not limited to, cities, towns, counties and regional school districts, or any authority, commission, board or instrumentality thereof.
- (3) "Public body",
  - (a) the United States Congress, any state legislature, including the general court, or any popularly elected local government body, or any member or employee thereof;
  - (b) any federal, state, or local judiciary, or any member or employee thereof, or any grand or petit jury;
  - (c) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer; or,

(d) any division, board, bureau, office, committee, or commission of any of the public bodies described in the above paragraphs of this subsection.

(4) "Supervisor", any individual to whom an employer has given the authority to direct and control the work performance of the affected employee, who has the authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains, or who has been designated by the employer on the notice required under subsection (g).

(5) "Retaliatory action", the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

**(b)** An employer shall not take any retaliatory action against an employee because the employee does any of the following:

(1) Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or of another employer with whom the employee's employer has a business relationship, that the employee reasonably believes is in violation of the law, or rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment;

(2) Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, or activity, policy or practice which the employee reasonably believes poses a risk to public health, safety or the environment by the employer, or by another employer with whom the employee's employer has a business relationship; or

(3) Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes poses a risk to public health, safety, or the environment.

(1) Except as provided in paragraph

(2), the protection against retaliatory action provided by subsection (b)(1) shall not apply to an employee who makes a disclosure to a public body unless the employee has brought the activity, policy or practice in violation of the law, or a rule or regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety or the environment, to the attention of a supervisor of the employee by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy or practice.

(2) An employee is not required to comply with paragraph (1) if he:

(A) is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer and the situation is emergency in nature;

(B) reasonably fears physical harm as a result of the disclosure provided; or

(C) makes the disclosure to a public body as defined in clause (B) or (D) of the definition of 'public body' in subsection (a) for the purpose of providing evidence of what the employee reasonably believes to be a crime.

**(c) [No subsection c]**

**(d)** Any employee or former employee aggrieved by a violation of this section may, within two



years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies available in common tort law actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein. The court may:

(1) issue temporary restraining orders or preliminary or permanent injunctions to restrain continued violation of this section;

(2) reinstate the employee to the same position held before the retaliatory action, or to an equivalent position;

(3) reinstate full fringe benefits and seniority rights to the employee;

(4) compensate the employee for three times the lost wages, benefits and other remuneration, and interest therein; and

(5) order payment by the employer of reasonable costs, and attorney's fees.

(1) Except as provided in paragraph

(2), in any action brought by an employee under subsection (d), if the court finds the action was without basis in law or fact, the court may award reasonable attorney's fees and court costs to the employer.

(3) An employee shall not be assessed attorney's fees under paragraph (1) is, after exercising reasonable and diligent efforts after filing a suit, the employee moves to dismiss the action against the employer, or files a notice agreeing to a voluntary dismissal, within a reasonable time after determining that the employer would not be found liable for damages.

**(e) [No subsection e]**

**(f)** Nothing in this section shall be deemed to diminish the rights, privileges or remedies of any employee under any other federal or state law or regulation, or under any collective bargaining agreement or employment contract; except that the institution of a private action in accordance subsection (d) shall be deemed a waiver by the plaintiff of the rights and remedies available to him, for the actions of the employer, under any other contract, collective bargaining agreement, state law, rule or regulation, or under common law.

**(g)** An employer shall conspicuously display notices reasonably designed to inform its employees of their protection and obligations under this section, and use other appropriate means to keep its employees informed. Each notice posted pursuant to this subsection shall include the name of the person or persons the employer has designated to receive written notification pursuant to subsection (c).

## **XVIII. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000 as defined at 28 CFR Part 69, the applicant certifies that:

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal

grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

- If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

## **XIX. DEBARMENT AND SUSPENSION**

### **Debarment, Suspension, and Other Responsibility Matters (Direct Recipient)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510.

A. The applicant certifies that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (l)(b) of this certification; and
- Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

## **XX. DRUG-FREE WORKPLACE**

### **Drug Free Workplace Statement**

It is the intent of the Administration of Lesley University to make a good-faith effort to provide a drug-free workplace for its regular and student employees both in terms of procedure and results. To this end, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace of Lesley University. Any employee of Lesley University who is convicted on a violation of this principle, will be subject to an appropriate measure of discipline that could result in termination of his/her employment with the University. As a condition

of employment, all employees must abide by the terms of this statement and report to the Director of Human Resources any conviction under a criminal drug statute for conduct in the workplace no later than five days after the conviction. Any employee so convicted, and who is not terminated from employment, may be required to participate satisfactorily in a drug-abuse assistance or rehabilitation program acceptable to the University Administration as a continuation of employment. In keeping with the intent of the Drug-Free Workplace Act, Lesley University will continue an on-going drug awareness program that will be made available to all employees who directly engage in work under the provisions of a grant or contract. A copy of this statement will be provided to all employees working under the Federal contract or grant.

### **Drug Free Workplace (Grantees Other Than Individuals)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620.

A. The applicant certifies that it will or continue to provide a drug-free workplace by:

- Publishing statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- Establishing an ongoing drug-free awareness program to inform employees about:
  - The dangers of drug abuse in the workplace;
  - The grantee's policy of maintaining a drug-free workplace;
  - Any available drug counseling, rehabilitation, and employee assistance programs; and
  - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- Notifying the employee in the statement required by paragraph (a), that, as a condition of employment under the grant, the employee will:
  - Abide by the terms of the statement; and
  - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice  
Office of Justice Programs  
ATTN: Control Desk  
810 Seventh Street,  
N.W. Washington, D.C.

Notice shall include the identification number(s) of each affected grant;

- Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
  - Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code).

**Drug Free Workplace for Grantees who are Individuals**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620.

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Department of Justice Office of Justice Programs  
ATTN: Control Desk  
810 Seventh Street, N.W.  
Washington, D.C. 20531

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As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:
2. Application Number and/or Project Name:
3. Grantee IRS/Vendor Number
4. Type/Print Name and Title of Authorized Representative
5. Signature
6. Date

OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE.

OFFICE OF JUSTICE PROGRAMS BJA NIJ OJJDP BJS OVC