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Evidence Document

WSU Policies and Procedures Manual

Chapter 9 / Research and Sponsored Programs

Additional information: Available online: http://webs.wichita.edu/inaudit/ch_9.htm (accessed August 8, 2016)



Policies and Procedures

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9.01 / Research Administration

The academic development of Wichita State University depends strongly on its ability to attract funding from external agencies, foundations, industries and individuals to support its research and educational programs, and the professional growth of its faculty and staff. The Vice President for Research and Technology Transfer is responsible for the development, management and support of the University's research and sponsored programs activities. The Office of Research and Technology Transfer (RTT) is the University office through which local, state and federal governmental units and other prospective funding agencies and organizations channel their requests for special assistance under grants and contracts, and through which most proposals for such support are processed by the University. In the development of research and other sponsored program proposals, faculty should use the office in making contacts with appropriate governmental, business and foundation officials. The office works to stimulate the interests of these agencies in appropriate University programs whenever possible, maintains communication between the faculty, University administration, and prospective funding agencies, provides information about grant programs to faculty, assists faculty in the preparation of proposals and budgets and maintains project records. Another important function of RTT is to coordinate requests to local entities such as school boards and the aviation industry to ensure maximum institutional support and the minimum of duplicated effort. This coordination typically involves a review of the project ideas and proposal by the appropriate dean or director of the unit involved.

RTT administers all grants and contracts prepared and awarded for research, training or other projects for which there are technical and/or fiscal reporting requirements, restrictions on the specific use of funds, and commitment of University facilities or personnel. Other grant requirements such as the review of the use of humans as subjects or oversight of animal care, and the retention and audit of financial records, are managed by RTT. Gifts that do not require institutional commitments as noted above for grants and contracts are received and accounted for by the WSU Foundation. Examples of such gifts include endowed chairs or professorships, endowed faculty development funds, student support, lectureships and program series.

Due to the varied and sometimes overlapping paths by which funding for sponsored projects and corporate and foundation giving are solicited and obtained, it can be unclear to those involved whether the awarded funds fall under the purview of the WSU Foundation or RTT. While advance communication and good-faith discussion will serve to avoid most problems, in those situations where the possibility of confusion reasonably exists and/or where there is initial disagreement, the CEO/President of the WSU Foundation or the CEO/President's designee and the Vice President for Research and Technology Transfer or the Vice President's designee shall meet and concur on the appropriate handling of the awarded funds.

To obtain information from faculty and other administrators, the Vice President for Research and Technology Transfer convenes and chairs the University Research Council, which exists for the general advocacy, support and development of research and sponsored programs throughout the University community. The council advises and makes recommendations to the Vice President for Research and Technology Transfer on matters of policy that promote and support research, service and scholarly and creative activity within the University's mission. In addition to the Vice President for Research and Technology Transfer, membership of the Research Council includes members of the graduate faculty representing each college, the doctoral-granting departments, the National Institute for Aviation Research, and other units deemed to be important to the growth and development of research and creative activity at WSU. Appointments to the council are made by the Vice President for Research and Technology Transfer in consultation with the Provost and Senior Vice President and deans of the colleges. Members of the council are expected to represent their constituents and to report to them and their dean the activities of the council.

Revision Date:

February 17, 2004

May 13, 2010



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9.02 / Pre-Award and Post-Award Services

The Office of Research and Technology Transfer (RTT) through established contacts with governmental agencies, private foundations and professional associations maintains an extensive library of current information on funding sources. Information is provided to faculty members and administrators about (1) current sources of program support, both public and private, (2) project guidelines, (3) existing programs and deadlines, (4) new programs and funding trends and (5) pending legislation of institutional interest. RTT also provides a clearinghouse of information on faculty interests and University programs, capabilities and facilities.

Through the publication of a monthly newsletter, RTT provides descriptions and deadlines of upcoming programs supported by government and other sponsors. Specific information is also transmitted to deans and department chairpersons. Faculty desiring periodic information on particular programs or funding sources should make their general research or other program interests known to RTT.

University research and sponsored program proposals are initiated in most instances by faculty members with specific interests requiring external funding. To facilitate the preparation of such proposals, RTT assists with the development of proposals. Upon request, RTT can provide general University information that may be needed in institutional proposals and editorial services. RTT typically reviews proposals for completeness and format, assists with budget preparation (including coordination of institutional cost sharing and other commitments), validates compliance with University, state and federal regulations, and coordinates University review procedures (principal investigators are expected to obtain the approval of department chairpersons and college deans, required prior to the submission of all proposals). After proposals are submitted, RTT monitors pending proposals, attempts to expedite their review and approval, assists with obtaining reviews and evaluations of rejected proposals from the agency involved, and negotiates research and other sponsored program contracts, grants or other agreements on behalf of the institution.

Upon approval of a proposal, final negotiations of the grant or contractual agreement are made by the Vice President for Research and Technology Transfer in consultation with the principal investigator and department chairperson. After a grant or contract has been accepted by the University, the principal investigator will be provided all documents pertaining to the granting agency's fiscal and management policies that permit the project to begin. While the University assumes certain legal responsibilities for externally funded projects, it is the policy of the University that the principal investigator is fully responsible for conducting the project, including meeting completion deadlines and filing all technical reports. Deans and department chairpersons must be informed of the progress of externally funded projects conducted by their faculty.

To manage a sponsored program effectively, the principal investigator must be cognizant of all applicable policies and procedures and give close attention to those grantor and University regulations pertaining to budgeting, purchasing, personnel, travel, rights of human subjects, safety and security, accounting for cost sharing, and patents and copyrights. Personnel in RTT will assist the principal investigator in interpreting regulations, establishing a budget and preparing financial reports. All program expenditures must be authorized by the principal investigator and forwarded to RTT for processing.



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9.03 / Research and Sponsored Program Authorization

Purpose:

To establish the authority to commit the University to the terms and conditions of externally funded grants and contracts, and to commit University resources to the performance of tasks proposed to external sponsors.

Policy Statement:

The Office of Research and Technology Transfer (RTT) is charged with the responsibility of approving proposals for externally funded programs, negotiating grants and contracts, and managing awards. No faculty member, nor any other official of the University, is authorized to commit University resources to the conduct of research, training or service without receipt of authorization from RTT.

RTT provides services to support the faculty and staff in seeking and managing externally funded programs. In most instances, University research and sponsored program proposals are initiated by faculty or staff members who have specific program interests that require outside funding. In order to facilitate submission of proposals, RTT aids faculty and staff members in identifying funding sources, and provides grant guidelines and other program information documents. RTT reviews proposal drafts for completeness and format, budget preparation, appropriate authorization of commitments including cost sharing, and compliance with University policy and other regulatory requirements. All proposals for external support must be authorized by the department chair, dean and Vice President for Research and Technology Transfer prior to submission to the funding agency or industry. University faculty who are co-principal investigators with faculty from other institutions must obtain the same approvals, even though the support may come to WSU in the form of a subcontract.



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9.04 / Federal Anti-Lobbying Law

The University, as a recipient of federal funds, is subject to anti-lobbying rules that restrict contact by mail, telephone, or in person with employees of federal agencies or congressional offices, and with members of congress. The restrictions prohibit contacts between University and federal employees after proposals requesting federal funds have been submitted by the University, until action has been completed by the federal agency. University personnel may, however, respond to questions from federal employees, and may explain the content of a proposal. Contact the Office of Research and Technology Transfer or the Executive Director of Governmental Relations for further information about contacts with federal representatives.



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9.05 / University-Supported Grants

The University supports faculty research, scholarship and creative activity with resources made available for allocation through the Faculty Support Committee, a committee of the Faculty Senate. This committee is composed of graduate faculty members representing each of the eight faculty divisions and Academic Services, the Provost and Senior Vice President and the Vice President for Research and Technology Transfer.

Two competitive grant programs are available for tenured and probationary faculty members. The University Research/Creative Projects Award (URCA) program is intended to assist new probationary faculty in initiating research and other faculty in re-establishing a productive research agenda. Up to \$4,500 may be granted for a successful proposal. Summer support is possible through the Award for Research/Creative Projects in Summer (ARCS) program, which provides a stipend of \$3,000 to enable faculty to devote full-time for two consecutive summer months to pursue research. Both grant programs are meant to stimulate the development of proposals for external funding in appropriate disciplines. Complete information on these programs, including material to be submitted and deadlines, can be obtained from the Office of Research and Technology Transfer (RTT). Awards are made by the Vice President for Research and Technology Transfer based on recommendations from the Faculty Support Committee and are subject to the availability of funds.

All University-supported research projects are administered in accordance with established fiscal procedures and research policies, including those relating to patents, animal care, hazardous materials and human subjects. RTT provides necessary management assistance and related services for University grant recipients.



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9.06 / Research Sponsored Program Cost Sharing

Purpose:

To establish the authority to commit the University to the sharing of indirect and direct costs of tasks to be performed under external grants and contracts.

Policy Statement:

Indirect Costs

Indirect costs are a reimbursement to the University for the expenses associated with research, training and service conducted under external grants and contracts. These expenses include the cost of administration, depreciation and financing costs for buildings and equipment, utilities, and maintenance and repairs. The indirect cost rate charged by the University is negotiated with and approved by agents of the federal government periodically and represents the real cost of providing services under grants and contracts. The Vice President for Research and Technology Transfer is the only University official authorized to reduce this rate through University cost sharing. Each University unit engaged in providing contractual services to businesses and external funding agencies will be expected to establish and maintain a printed fee structure that has been reviewed by the Office of Research and Technology Transfer and certified as consistent with the basis for rates negotiated with the federal government to establish the University's allowable costs.

Direct Costs

Although principal investigators may initiate requests for the sharing of University resources for direct costs such as salaries, equipment and supplies with the department chair and dean, the Vice President for Research and Technology Transfer is the only University official authorized to grant final approval for such cost sharing. The Vice President for Research and Technology Transfer will consult with the principal investigator, the chair and dean, if necessary, to establish the University's cost share. Principal investigators may not make commitments of salary funding to potential grant employees prior to official notification of the grant award. When a proposal is approved, any final negotiations of the grant or contractual arrangements are made by the Vice President for Research and Technology Transfer in consultation with the principal investigator and, as necessary, legal counsel.



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9.07 / Direct and Indirect Costs

All grants and contracts are awarded to and received by Wichita State University. The conduct of sponsored research and other sponsored programs at the University involves both direct and indirect costs. The Office of Research and Technology Transfer is responsible for negotiating with the federal government to obtain approval of the indirect cost rate, which may vary from year to year.

Direct costs usually include the following: the salaries and wages of persons employed on the research or training project; personnel fringe benefits, such as FICA and retirement plan contributions; consumable supplies needed for the project; travel and communication charges for the project; the costs of equipment acquired for specific use in the project; and computer time and necessary supporting services, calculated in accordance with an approved rate schedule for the facility.

Indirect costs are actual costs incurred by the University in the fulfillment of sponsored research contracts and grants. These costs defray the following: depreciation on University-acquired furnishings and scientific equipment; partial recovery of depreciation of building costs; partial recovery of utilities, maintenance and janitorial expenses; partial recovery of administration costs at the department, college and university levels; and costs associated with research support services, property management, technical monitoring, radiation safety and hazardous materials oversight, and institutional review of human and animal experimentation.

Disbursements of indirect cost funds will be based on actual costs recovered during the previous fiscal year. Five percent of the indirect costs generated by a principal investigator will be allocated to the investigator for use in furthering his/her research program and scholarly/creative activities. Five percent of the indirect costs generated by persons within a department/unit will be allocated to the department/unit chairperson/director for use in promoting research, scholarly and/or creative activity among persons in the department/unit; ten percent of the indirect costs generated by persons in a college division will be allocated to the college dean/division vice president (for divisions without colleges) for use in promoting research, scholarly and/or creative activity among persons within the college/division; the remaining portion of the indirect costs generated will be allocated to central administration to cover costs associated with support of the University's research activities and mission.



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9.08 / Cost Sharing on Grants and Contracts

Purpose:

To establish University policy and procedures by which a department chairperson, college dean or University officer may authorize and meet an external agency's cost sharing or matching requirements on grants and/or contracts solicited by Wichita State University.

Policy:

Wichita State University will solicit grant and contract funding from external agencies only when proposed projects or activities are consistent with its educational purpose and mission. When funding agencies require a match from resources available to the University, cost sharing may be authorized where it is clear that the best interests of the university are served.

Cost sharing may be authorized, upon recommendation of the principal investigator, at three levels:

1. By a department chairperson from departmental funds;
2. By a college dean from college funds; or
3. By the cognizant university officer from funds under his/her purview.

The commitment of cost-sharing funds and source will be authorized on the proposal routing sheet at the time the proposal is submitted and confirmed by sequential authorizations through the administrative structure.

In instances where cost sharing emerges as an issue in negotiations with an agency over a previously submitted proposal, the Vice President for Research and Technology Transfer will consult with the concerned principal investigator, chairperson, dean and/or university officer to resolve the issue. Commitments for matching funds will be authorized as outlined above.

Cost-sharing commitments may be proposed in the form of unreimbursed salaries and related fringes, overhead on salaries and fringes, or other operating expenses directly applicable to the project effort, and will be evaluated on the basis of the availability of the department or college to absorb these costs from alternate sources of funds.

Procedures:

To assure accuracy in reporting to funding agencies, cost-sharing expenditures will be recorded as research or service costs in separate accounts for each grant or contract.

Upon receiving an award involving University cost sharing, the Office of Research and Technology Transfer (RTT) will assign two accounts: one for the new grant account and one for the cost-sharing account.

When cost-sharing commitments involve general use funds, RTT will prepare a budget adjustment form for approval by the principal investigator and the authorizing budget officer to transfer salaries and/or other operating expenses to the cost sharing account.

When cost-sharing commitments involve restricted use funds, RTT will prepare a purchase requisition for approval by the principal investigator and the authorizing budget officer to transfer funds by interfund voucher to the cost-sharing account. A budget adjustment will also be prepared by RTT to increase income to the cost-sharing department and record the anticipated expenditure.

It will be the responsibility of the principal investigator to determine whether the funding of grant expenditures is to be charged to the grant account or the cost-sharing account.



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9.09 / University Ownership

All books and materials purchased with grant or contract funds become the property of the University. These items should be held by the principal investigator during the operation of the project. At the conclusion of a project or if the principal investigator leaves the University, all books and materials purchased with grant and contract funds must be transferred to either the appropriate academic department or the University library.

Any equipment items purchased or acquired during an externally funded project must be inventoried as University property. In most cases, the equipment will become the property of WSU at the conclusion of the project, although some grants and contracts may include specific provision for the return of the equipment to the granting agency. If grant or contract-acquired equipment becomes University property, it is transferred to the inventory of the appropriate academic department and its use will be determined by normal department procedures. If a faculty or staff member leaves the employment of WSU, no equipment may be taken from the campus without prior approval of the Vice President for Administration and Finance.



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9.10 / Intellectual Property Policy and Institutional Procedures

I. Intellectual Property:

[Source: Kansas Board of Regents Policy Manual: Chapter II, Governance - State Universities, A.8](#)

II. Purpose:

The purpose of the Intellectual Property policy is to foster the creation and dissemination of knowledge and to provide certainty in individual and institutional rights associated with ownership and with the distribution of benefits that may be derived from the creation of intellectual property.

III. Applicability:

This policy applies to all full or part-time employees, including student employees, creating intellectual property related to the scope of their employment while under contract with the University. This policy also sets forth the rights of students in academic creations that are developed as a part of course requirements.

IV. Policy Statement:

When revenues are to be shared, the creator(s) shall obtain his/her share only after the University has recouped any direct costs borne by the University for equipment and materials and costs paid to third parties. The portion of the revenues to be shared among multiple creators shall be shared equally unless otherwise agreed in writing by the creators.

A. General Copyright Policy

The ownership of the various rights associated with copyright are dependent upon the specific type of intellectual property subject to copyright protection. The University shall assert limited ownership of some of the various rights as set forth below. Since the Kansas Board of Regents and the University have a fiduciary responsibility for the appropriate use of state funds, unless otherwise provided for under this policy, all rights associated with works produced as “work-for-hire” or other works that make “substantial use” of institutional resources belong to the institution. For purposes of this policy, the definition of “work-for-hire” is “... work prepared by an employee within the scope of his or her employment or a work specially ordered or commissioned by the institution to be prepared by the creator...” “Substantial Use” means that the creator receives more than normal support for the project or receives time and/or resources from the University specifically dedicated to the project.

Note: the concepts of “substantial use” and “work-for-hire” are applicable to the General Copyright Policy and not to the Patent and Copyrightable Software Policy.

1. Mediated Courseware

The University shall have limited ownership or control rights for mediated courseware as specified below:

a) Self-Initiated Mediated Courseware

When employees develop mediated courseware without specific direction by the University, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that mediated courseware is used for instruction at the University and such mediated courseware shall not be used or modified without the consent of the creator(s).

The mediated courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the University unless that transaction has received approval of the Provost and Senior Vice President. Should approval be granted to offer the course outside of the institution, the creator(s) shall reimburse the institution for substantial use of institutional resources from revenues derived from the transaction offering the course.

As owner, the creator is responsible for obtaining copyright registration, if desired, and granting permission for use of copyrighted courseware materials, provided that such registration or permission is consistent with this policy.

b) University-Directed Mediated Courseware

When the University specifically directs the creation of mediated courseware by assigning one or more employees to develop the mediated courseware and supplies them with materials and time to develop the mediated courseware, the resulting mediated courseware belongs to the University and the University shall have the right to revise and decide who will utilize the mediated courseware in instruction.

The University may specifically agree to share revenues and control rights with the employee. In the event that an agreement has been reached between the University and employee to share rights of the courseware prior to the development of such courseware, a written contract should be agreed to between the University and the employee(s) before the project begins. The contract should include details regarding revenue sharing, derivative works, licensing to external parties and control of the mediated courseware. The Office of Research and Technology Transfer will manage these contracts.

The University is responsible for obtaining copyright registration and granting permission for use of the copyrighted courseware materials. The employee will cooperate with the University to secure the copyright, at the University's expense, including, without limitation, disclosing such courseware to the University, providing copies thereof, and signing any documents necessary to perfect the University's rights in the courseware materials.

2. Scholarly and Artistic Works

Notwithstanding any use of University resources or "work-for-hire" principle, the ownership of textbooks, scholarly monographs, trade publications, maps, charts, articles in popular magazines and newspapers, novels, nonfiction works, supporting materials, artistic works, and like works shall reside with the creator(s) and any revenue derived from their work shall belong to the creator(s). Except for textbooks, the University shall have a royalty-free use of the work within the University, unless otherwise agreed to in writing.

3. Manuscripts for Academic Journals

a) Notwithstanding any use of University resources or the "work-for-hire" principle, the ownership of manuscripts for publication in academic journals shall reside with the creator(s) and any revenue derived from their works shall belong to the creator(s).

b) If the manuscript is to be published, the creator(s) shall request the right to provide the University with a royalty-free right to use the manuscript within the University in its teaching, research and service programs, but not for external distribution, and, if successful, the creator(s) shall grant such right to the University.

c) Upon the establishment of national governmental or nonprofit entities whose purpose is to maintain in an electronically accessible manner a publicly available copy of academic manuscripts, the creator(s) may be required to provide to the appropriate entity a limited license for the use of each manuscript upon determination by the Kansas

Board of Regents that the provision of a license will not jeopardize the publication of articles or infringe upon academic freedom of a faculty member.

4. Copyrightable Software

The rights to copyrightable software with an actual or projected market value in excess of \$10,000 annually, except software included in mediated courseware, shall be determined pursuant to the Patent and Copyrightable Software Policy (Section B that follows below).

5. Student Academic Creations

The ownership of student works submitted in fulfillment of academic requirements shall be with the student. The student, by enrolling in the University, gives the University a nonexclusive royalty-free license to mark on, modify, and retain the work as may be required by the process of instruction, or otherwise handle the work as set out in the University's Intellectual Property Policy or in the course syllabus. The University shall not have the right to use the work in any other manner without the written consent of the creator(s).

In those cases where the work is created from research or developmental activities that are collaborative efforts involving students, faculty or staff, or span several semesters, the student creator(s) may assign ownership of the creation, and related rights, to the University.

If support from outside the University is provided for the student's project then the ownership of the creation will be determined by the agreement between the University and the other party.

B. Patent and Copyrightable Software Policy

All right, title, and interest, in and to any inventions, patents obtained on inventions, or the ownership of copyrightable software with an actual or projected market value in excess of \$10,000 annually resulting from University sponsored research shall be retained by the University or may be assigned to an organization (hereinafter called the "Organization") independent of the University and created for the purpose of obtaining patents on inventions, receiving gifts, administering or disposing of such patents and promoting research and the development of intellectual property at the University by every proper means.

The following requirements shall be followed with respect to inventions or software:

1. Disclosure

Anyone who conceives an invention or who develops copyrightable software (that is not included in mediated courseware) resulting from a research project sponsored by the University shall report the matter to the Vice President for Research and Technology Transfer, or designee, who will recommend whether or not to pursue patent and/or copyright protections. Disclosure must be made by submission of an Intellectual Property Disclosure Form. Disclosure Forms are available online at <http://wsuventures.org/get-started/forms-agreements-policies>.

2. Disposition/Ownership

If the University or Organization decides that an invention does not warrant patenting, the inventor is free to patent it. In such case, however, the University does not relinquish its right to publish any of the data obtained in the research project, or use the data for teaching, research, or other educational and academic purposes.

If the University or the Organization decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s), subject to the University's publication rights or reserved rights to use the software for educational purposes.

3. Revenue Sharing

a) When any revenue is obtained by or on behalf of the University from the development or assignment of any patent or from royalties, license fees, or other charges based on any patent or copyrightable software, the **net revenue**, if any, will be distributed as follows:

50% to the Contributor(s) (Contributor Share)

25% to the Center or Department or Lab in which the work was performed (WSU Share)

25% to WSU Ventures (WSU Share)

Revenue sharing shall begin only after the University recoups costs as set forth in this policy.

b) All revenue shall be paid to the University. Non-cash consideration shall be calculated based upon the fair market value at the time of distribution. In the event that there is net revenue to distribute, net revenue will be distributed not more often than quarterly and no less often than annually and will be subject to the Terms and Conditions of the license agreement or like arrangement. Distribution, if any, will be based on the State of Kansas fiscal year. There is no guarantee of net revenue to distribute.

4. Sponsored Research

a) In case of cooperative research sponsored in part by an outside corporation or individual, a written contract shall be made between the University and the cooperating agency. This contract should include a statement of policy substantially equivalent to that outlined below:

"It is agreed by the parties to this contract that all results of experimental work, including inventions, carried on under the direction of the scientific staff of the University, belong to the University and to the public and shall be used and controlled so as to produce the greatest benefit to the public. It is understood and agreed that if patentable inventions or copyrightable software grow out of the investigation and such inventions or software have commercial value, the cooperating agency shall receive preferential consideration as a prospective licensee, with a view to compensating said cooperating agency in part for the assistance rendered in the investigation.

It is further agreed that the name of the University shall not be used by the cooperating agency in any advertisement, whether with regard to the cooperative agreement or any other related matter without the advance and written authorization of the University."

b) In case of a research project where it is proposed that all costs including overhead, salary of investigator, reasonable rent on the use of equipment, etc., are to be paid by an outside party, the University shall negotiate with the outside party the appropriate disposition of any resulting patent or copyrightable software rights prior to the provision of any funding by the outside party. "Appropriate disposition" shall include an option to negotiate a license to any resulting intellectual property. The University shall reserve a royalty-free right to publish all data of fundamental value to science and technology and to use the patent or copyrightable software rights for teaching, research or other educational and academic purposes.

5. Changes

Changes in the above policies shall be made to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

C. Trademark

The University reserves the right to control and protect the trademarks and service marks of the University.

V. Institutional Procedures:

The University shall establish procedures that require employment contracts and course catalogs or syllabi to state that

the employee or student is subject to the Intellectual Property Policy of the University and to resolve questions concerning intellectual property and any disputes that develop under this policy. Final decisions on disputed matters will be made by the University President, or designee, and shall constitute final agency action.

The University procedures related to intellectual property and technology transfer are available online at <http://wsuventures.org/>.

Implementation:

This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies in the University.

The Provost and Senior Vice President shall have primary responsibility for publication and distribution of this University policy.

Effective Date:

April 5, 2001

Revision Date:

December 1, 2007

March 25, 2015



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9.13 / Misconduct in Research

Preamble:

It is mandatory that the University have a viable and current policy to address allegations of misconduct in research by University employees involved with a research or research training project supported by a federal, state or local government agency, private foundation, or business, or for which an application has been submitted.

For the purposes of this policy, the definition of "misconduct in research" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data. Standards of scholarly and creative conduct in nonscientific areas will be based on commonly accepted standards of those areas. The WSU policy on misconduct in research applies to all faculty, university support staff, and unclassified professional employees who may be involved with a research or research training project supported by a federal, state, or local government agency, private foundation, or business, or for which an application has been submitted.

Misconduct in Research Procedures:

All allegations and evidence of misconduct in research are to be presented to the Provost and Senior Vice President. When a specific allegation is made in good faith and set forth in writing with a complete description of the event or observation that prompted the allegation, or when evidence of possible misconduct in research is discovered, the Provost and Senior Vice President or designee shall immediately initiate an inquiry. Written notification of the allegation will be provided to the individual suspected and to the chief administrative officer in charge of research (henceforth referred to as the Research Officer). The Provost and Senior Vice President, with the assistance of the Research Officer, will take appropriate interim administrative action to protect federal funds provided by any sponsor, and endeavor to ensure that the purposes of the financial assistance are being carried out. Information will be gathered to determine whether an allegation or apparent instance of misconduct warrants an investigation and persons with the appropriate expertise will be consulted to assure a thorough evaluation of the relevant evidence. To the maximum extent possible, the privacy of those who in good faith report apparent misconduct will be protected. The inquiry will be conducted in such a way as to provide the affected individual(s) confidential treatment, a prompt and thorough inquiry, and an opportunity to comment on all allegations and findings of the inquiry and/or allegations. All possible precautions will be taken to prevent real or apparent conflicts of interest on the part of those involved in the inquiry.

An inquiry must be completed within 60 days of its initiation unless circumstances clearly warrant a longer period. A written report shall be prepared by the Provost and Senior Vice President or designee that summarizes the evidence reviewed and relevant interviews, and states the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of the inquiry. If suspected individual(s) comment(s) on the report, those comments will be made part of the record. If the inquiry takes longer than 60 days to complete, the suspected individual and the Research Officer will be notified in writing and the record of the inquiry shall include documentation of the reasons for exceeding the 60 day period. If an inquiry of Department of Health and Human Services (DHHS)-funded research is terminated for any reason without completion of the requirements above, notification of the termination and the reasons for it must be reported to the DHHS Office of Research Integrity.

If the initial inquiry does not substantiate the allegation, the written report and supporting files will be kept for three years in a secure location designated by the Research Officer and then destroyed. For projects funded by DHHS, copies of the report will be given to authorized DHHS personnel upon their request.

If the initial inquiry does uphold the allegation, the Provost and Senior Vice President or designee will submit a written report on the inquiry to the Research Officer for initiation of an investigation. The investigation will commence within 30 days of the completion of the inquiry and will be completed in totality within 120 days of commencement of the investigation. If federally funded research is involved, a written report, including intent to begin an investigation, will be made to the appropriate federal agency and the ORI on or before the date the investigation begins. During the investigation, the Research Officer will advise ORI of any developments that may affect current or potential DHHS funding for the individual(s) under investigation. Should it not be possible to complete the investigation in 120 days, a request for extension will be submitted to ORI. The request will include an explanation for the delay, an interim report on progress to date, an outline of what remains to be done, and an estimated date of completion. All investigations of DHHS funded research or other federally funded research must comply with pertinent regulations issued by the respective federal agency.

The Research Officer, in consultation with the President of the Faculty Senate and the Provost and Senior Vice President, will appoint an ad hoc committee of not fewer than three members chosen for their objectivity and competence to conduct an investigation. The investigation shall provide for due process for the suspected individual. The ad hoc committee will be responsible for:

1. examining all documentation relevant to the allegation and conducting interviews with individuals involved in the allegation;
2. securing necessary expertise to carry out the evaluation of the relevant evidence;
3. taking precautions against real or apparent conflicts of interest on the part of those involved;
4. preparing and maintaining the documentation necessary to substantiate the investigation's findings;
5. insuring confidentiality of all proceedings, documentation and records of the investigation unless this confidentiality is waived in writing by the accused; and
6. making a final recommendation to the Research Officer as to validity of the allegation.

Misconduct in Research Resolution:

If an investigation of DHHS-funded research is terminated for any reason without completion of the ORI requirements, notification of the termination and the reason for it must be reported to ORI.

If the investigation does not substantiate the allegation, no further action will take place and the suspected individual will be notified in writing of the findings. The suspected individual will also be given an opportunity to comment on the allegations and findings of the investigation. Records from the investigation will be retained in a secure location designated by the Research Officer for three years and then destroyed.

If the investigation supports the allegations, the Research Officer will notify the Provost and Senior Vice President who will make a determination as to whether the case should be the basis for dismissal for cause, or if other appropriate sanctions will be imposed. The final report will also be made available for comment to the subjects of the investigation, and appropriate parts of the report will be provided to those who raised the allegation. Documentation associated with a substantiated investigation will be retained by the University and a summary of the actions of the Provost and Senior Vice President will be placed in the individual's personnel record. The University will undertake to protect, to the extent possible, and at all times, including both inquiry and investigation stages, the professional reputation of individuals accused of scientific misconduct and the positions and reputations of those persons who, in good faith, make allegations.

When DHHS-funded research is involved, a final report of the investigation will be sent to ORI, along with a description of policies and procedures governing the investigation, and the documentation relevant to the case. If, at either the inquiry stage or the investigation stage involving DHHS-funded research, any of the following conditions exist:

1. an immediate health hazard;
2. an immediate need to protect federal funds or equipment;
3. an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
4. it is probable that the alleged incident is going to be reported publicly; or

5. a reasonable indication of possible criminal activity,

then this condition(s) will be reported to the University's President or the President's designee who will, as appropriate, report it to the ORI, and do so within 24 hours of receipt in the case of criminal activity. Other misconduct investigations concerning federally funded research will be reported as required by the granting agency.

Implementation:

This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Provost and Senior Vice President shall have primary responsibility for publication, dissemination and implementation of this University policy.

Revision Date:

August 15, 2000



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9.14 / Commitment of Time, Conflict of Interest, Consulting and Other Employment

The Kansas Board of Regents [Commitment of Time, Conflict of Interest, Consulting and Other Employment Policy](#) is located at Section 3.04 of this manual.



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9.15 / Conflict of Interest Reporting Procedures

Wichita State University maintains and enforces a written conflict of interest policy¹ that complies with federal policies (National Science Foundation's Investigator Financial Disclosure Policy and Public Health Service's Objectivity in Research) and is consistent with Board of Regents policy. The University has a responsibility to manage, reduce, or eliminate any real or apparent conflicts of financial interest or time that may arise due to the activities of a faculty or staff member. Therefore, the University requires that such individuals disclose any significant interest that would reasonably appear to be related to their research, teaching, or service assignments, and emphasizes that disclosure will protect professional reputations and careers from potentially harmful allegations of misconduct.

¹ Section 3.04, [Commitment of Time, Conflict of Interest, Consulting and Other Employment](#)

All full- and part-time faculty and unclassified staff are required to report annually whether or not they have conflicts of interest and must update the report if their circumstances change with regard to such conflicts between annual disclosures. Conflicts of financial interest must be reported for all members of the immediate family and personal household. Faculty and unclassified staff who make application for external support for their research, educational, or service projects will be required to specify on the University Proposal Routing Form that they have read the conflict of interest policy and have filed a disclosure report before their application is sent to the potential sponsor.

Procedures:

Copies of the University conflict of interest policy will be mailed to all full- and part-time faculty and unclassified staff by the Office of Research and Technology Transfer (RTT). Additional copies of the policy may be obtained at any time of the year from RTT.

Based upon a review of the policy, their University assignments, time commitments, and financial interests, faculty and staff must determine if real or apparent conflicts exist, and if so, must disclose in full the information that may affect the fulfillment of their University responsibilities. Appropriate forms will be supplied to faculty and staff for this report once a year, and ad hoc conflicts must be reported as soon as such situations become known.

All completed report forms, whether conflicts of interest exist or not, are to be submitted first to the department chair or unit head of the faculty/staff member, who after appropriate notice of any conflicts reported, will forward all report forms to the dean or director. Working with the faculty or staff member, the chair and the dean/director will address conflicts of time commitment relative to the employee's assignment. The dean/director will forward all report forms to the Vice President for Research and Technology Transfer or official designee, who shall conduct an initial review of financial disclosures and refer all reports to the Conflict of Interest Review Committee (CIRC), a University level committee, for identification of conflicts of interest. CIRC shall consist of at least four members representing a cross-section of academic and employment interests appointed by the Faculty Senate and the Unclassified Professional Senate, and shall be convened and facilitated by the Vice President for Research and Technology Transfer.

If the CIRC determines that a significant financial interest could directly affect the design, conduct, or reporting of a sponsored project, or other research, educational, or service activities, then the committee will recommend to the Vice President for Research and Technology Transfer conditions or restrictions to be imposed by the institution to manage, reduce, or eliminate actual or potential conflicts of interest that arise from the disclosure.

The faculty/staff member may develop and present to the CIRC a resolution plan to manage, reduce, or eliminate any actual or potential conflict of interest. The CIRC may recommend this plan to the Vice President for Research and

Technology Transfer or develop its own plan. In either case, the recommendation may include conditions such as: public disclosure of significant financial interest; review of research protocol by independent reviewers; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or a portion of the research funded; divestiture of significant financial interests; or severance of relationships that create actual or potential conflicts of interest.

The Vice President for Research and Technology Transfer shall make the final decision regarding resolution, and the approved resolution plan shall be included in a Memorandum of Understanding between Wichita State University and the faculty or staff member. The memorandum shall be signed by the faculty/staff member, the department chair or unit head, and the Vice President for Research and Technology Transfer. If agreement cannot be reached on the resolution of a conflict of interest, the aggrieved parties may pursue a grievance following the procedures outlined in [Resolution of Internal Disputes](#), Section 5.06 of this manual.

Records of financial disclosure and of actions taken to manage actual or potential conflicts of interest shall be retained by the Office of Research and Technology Transfer for three years. Disclosures, CIRC deliberations and recommendations, and resolutions of conflicts of interest are all confidential.

If the conflict of interest policy or procedures are violated by faculty or staff members, these individuals will lose the right to submit internal and external grant applications until they comply. In addition, the CIRC may recommend to the Vice President for Research and Technology Transfer disciplinary actions ranging from a public letter of reprimand to dismissal and termination of employment.



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9.16 / Depository for Certifications and Assurances

Purpose:

Wichita State University is required to certify or assure state and federal governments that the University complies with statutes, administrative orders, etc. Examples are the Delinquent Federal Debt, Drug-Free Schools and Communities, and Equal Employment/Opportunity/Affirmative Action (Title VI). In some instances the University is asked to complete a form, return it to a state or federal agency, and to have on file copies of the completed form and whatever certificate or official notice is returned by the agency. In other instances, the University attests it is in compliance as a condition for a grant or contract. The purpose of this policy is to establish formal designation of a responsible officer for each compliance requirement, a central depository, and an index of certificates and assurances in order to monitor renewal and to facilitate audits.

Policy:

1. Pursuant to University Policy, the University's General Counsel is the official Custodian of Records for Wichita State University. Certain records related to official certifications or assurances required of the University will be deposited with the Office of Research and Technology Transfer (RTT).
2. When any unit of the University receives a request for official assurance or certification of compliance with a state or federal regulation, that unit will fill out the form and forward it to RTT.
3. RTT will
 - a. check the certification or assurance;
 - b. arrange for the President to sign, if necessary;
 - c. send the certification or assurance to the appropriate agency; and
 - d. keep a duplicate of the certification or assurance.
4. If the University receives notice of receipt of the certificate or assurance, RTT will keep the original and will distribute copies according to point no. 3 above.
5. RTT will maintain an index of University certifications and assurances, will monitor reporting dates, and keep a file of annual compliance officer's validation.
6. A University officer will be designated as the person responsible for compliance for each requirement, statute, regulation, etc.
7. On or before June 30 of each year, the responsible University officer will validate in writing to the Vice President for Research and Technology Transfer for the entry into the record that the University is in compliance with the current requirement.

Revision Date:

June 10, 1999

January 25, 2001



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9.17 / Research Involving Human Subjects

Purpose:

To comply with federal regulations regarding the review and approval of research involving human subjects conducted by faculty, staff and students of Wichita State University.

Preamble:

The purpose of advance review of research involving human subjects by an Institutional Review Board ("IRB") and the requirements of informed consent is to assure that the rights and welfare of subjects who participate in research at Wichita State University ("University") are protected and that the University is in compliance with the requirements of Title 45 **Code of Federal Regulations**, Part 46 ("45CFR46").

Policy Statement:

1. Establishment of University Institutional Review Board

- (a) The IRB shall be composed of at least seven and not more than eleven members. At least one member shall be from an area outside the sciences such as law, ethics or religion and at least one member shall not be otherwise affiliated with the University; other members should possess backgrounds related to the research activities of the University. All members of the IRB, except those representing nonscientific areas, shall be selected for their competence in research.
- (b) Members of the IRB are appointed by the Vice President for Research and Technology Transfer as the Institutional Official (IO) in consultation with the Deans of the Colleges and the Directors of RTT.
- (c) Candidates for membership representing the scientific areas will be nominated by the Deans of the Colleges. Candidates for membership representing the community and nonscientific areas will be nominated by the Vice President for Research and Technology Transfer, the Directors of RTT and other IRB members.
- (d) Members shall be appointed for one-year terms and may be reappointed.
- (e) The IRB shall consist of members of both genders. Membership selection criteria shall include considerations of racial and cultural backgrounds, areas of professional research competence and community attitudes.
- (f) The Vice President for Research and Technology Transfer, the Directors of RTT and a member of the Research Compliance Office shall be ex-officio, non-voting members of the IRB.

2. Chair and Vice-chair of the University Institutional Review Board

- (a) A Chair and Vice-chair of the IRB shall be elected annually by IRB members at the first meeting of the IRB in the fall semester of each academic year.
- (b) The Chair shall convene and preside over meetings of the IRB, work closely with the Office of Research and Technology Transfer (RTT), and conduct expedited reviews when assigned by Administrator.
- (c) The Vice-chair shall provide assistance to the Chair as needed and preside over the meetings of the IRB in the absence of the Chair.

(d) If the Chair is unable to complete a one-year term, the Vice-chair will be elevated automatically to the position of Chair for the remainder of the term and a new Vice-chair will be elected by members of the IRB.

3. Responsibilities of the University Institutional Review Board

(a) All research involving human subjects conducted by University faculty, staff and students must be submitted to the IRB for review or certification of exemption from 45CFR46 prior to the initiation of such research. For research conducted by a student, the application must be approved and signed by a faculty sponsor or director, with said faculty sponsor or director listed as principal investigator with the student as co-investigator. The IRB has the authority to approve, require modifications or disapprove the proposed research.

(b) In its review, the IRB will seek to assure that risks to subjects are minimized; that the selection of subjects is equitable; that informed consent is obtained from each prospective subject and documented in appropriate form; that adequate provisions exist to protect, to the full extent permitted by law, the privacy of subjects and to maintain the confidentiality of research data; and that appropriate safeguards have been included in the research plan to protect the rights and welfare of subjects who are members of a particularly vulnerable group.

Implementation:

1. This policy statement will be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.
2. RTT shall provide administrative support to the IRB by processing applications for IRB review, maintaining records of all applications and actions of the Committee and attending all IRB meetings.
3. A copy of this policy will be given to each member appointed to the IRB.

Revision Date:

August 11, 1998

January 27, 2003

August 3, 2016



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9.18 / Animal Use

The use of vertebrate animals (e.g., mice, rats, gerbils, guinea pigs, rabbits, hamsters, fish, etc.) other than humans in any activity by faculty, staff, or students must be in compliance with the provisions of the Animal Welfare Act and all amendments and applicable requirements of the U.S. Department of Agriculture and the Association for Assessment and Accreditation of Laboratory Animal Care, International. The Institutional Animal Care and Use Committee (IACUC) must receive, review, and authorize animal use prior to the start of a project. Information describing animal welfare regulations, the WSU Animal Welfare Assurance document, and the form for submission of an animal use protocol are available from the Office of Research and Technology Transfer.

Revision Date:

July 25, 2001



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Policies and Procedures

9.19 / Service Center Indirect Cost

Purpose:

To comply with federal indirect cost regulations and the Colleges and Universities Rate Agreement for Wichita State University.

Policy Statement:

In keeping with indirect cost recovery rates negotiated with the Department of Health and Human Services, acting on behalf of the federal government, and fiscal policies of the federal Office of Management and Budget, Wichita State University (WSU) is obligated to charge indirect costs on all University contracts where services are provided to external entities, individuals, agencies and businesses, including those negotiated on behalf of WSU laboratories, offices, and other facilities (WSU Service Centers) that provide such services for fees. The budgets of said WSU Service Center contracts for services should clearly indicate the indirect costs that are being charged at the federally negotiated rate and the amount of indirect costs that are being shared, if appropriate. The Office of Research and Technology Transfer (RTT), which monitors such budgets, is responsible for maintaining compliance with federal regulations relating to indirect costs.

Since indirect costs are charged in part to recover expenses associated with the use of WSU buildings, utilities, and equipment, WSU service centers are required to budget a minimum of 10% of direct costs in all research, service, and training programs for the recovery of indirect costs. These costs will be recovered by RTT and placed in the appropriate WSU accounts that support the development and management of WSU's research and sponsored program mission through the redistribution of such funds to project directors, department chairs, and deans in accordance with the WSU policy entitled Sponsored Programs: [Indirect Costs](#) (Revised), effective July 1, 1989. Exceptions to the Service Center Indirect Cost Policy when necessary will be determined by the Vice President for Research and Technology Transfer.

Implementation:

This policy will be distributed to WSU Service Center directors for implementation.

Effective Date:

October 1, 1997



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9.20 / U.S. Government Property Management Procedures

Purpose:

Establish procedures to be used when any award from an agency, department, bureau, or any similar operating entity of the United States (hereinafter "U.S. Government") to Wichita State University (hereinafter "University") includes provisions for the U.S. Government to provide property or the U.S. Government claims title to property acquired with award funds.

Preamble:

U.S. Government property is that equipment and materials for which the U.S. Government retains title as specified in an award. The University, to the extent permitted by state law, is directly responsible and accountable for all U.S. Government property in its possession, including that which has been provided to subcontractors, in compliance with the requirements of the award. This includes loss, damage, theft, destruction and disposition, but does not include normal wear and tear in utilizing the property for its intended use. The University property record becomes the official U.S. Government accounting record for any U.S. Government property in the University's possession, or the possession of its subcontractors, and must comply with U.S. Government regulations.

Regulations for acquiring or using U.S. Government property are provided in Office of Management and Budget (OMB) Circular A-110, Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations. U.S. Government awards may also include regulations specified in the Federal Acquisition Regulations (FAR) Part 45, Government Property; Department of Defense Manual 4161.2-M, Property Administration; NASA Grants Regulations, section 1260.27, other U.S. Government agency supplements, and specific property provisions included in U.S. Government awards.

Definitions:

Award: Financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money, or property in lieu of money, by the U.S. Government to an eligible recipient.

Equipment: Tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Exempt Property: Tangible personal property acquired in whole or in part with U.S. Government funds, where the awarding entity has statutory authority to vest title in the recipient without further obligation to the U.S. Government.

Materials: All personal property excluding equipment as defined in this section.

Personal Property: Property of any kind except real property. As used in these procedures, property is limited to equipment and materials as defined above.

Special Test Equipment: Single or multipurpose integrated test units engineered, designed, fabricated, or modified to accomplish special purpose testing in performing a contract. It consists of items or assemblies of equipment including standard or general-purpose items or components that are interconnected and interdependent so as to become a new functional entity for special testing purposes.

Procedures:

A. Award Notification

Upon receipt of a U.S. Government award that includes provisions for the U.S. Government to provide property or the U.S. Government claims title to property acquired with award funds, the Principal Investigator and/or Award Notice Recipient shall immediately notify the Office of Financial Operations and Business Technology Property Accountant, the Physical Plant Warehouse and the Office of Research Administration to provide the following information:

1. Award number and date of award.
2. Title of award and U.S. Government entity name.
3. List of property to be owned by the U.S. Government including:
 - a. Name, description and, if furnished in the award notice, manufacturer's serial number, model number, federal stock number, national stock number, or other identification number.
 - b. Quantity.
 - c. Unit price and unit of measure.
 - d. Whether U.S. Government provided or is to be acquired with award funds.
4. Campus location for the storage/use of the property.
5. Name and phone number of the University employee who is to be the custodian of the U.S. Government property as designated by the department chair or the manager of the University unit providing oversight.

B. Principal Investigator and/or Award Notice Recipient Responsibilities

1. Provide the award notification as set forth in Section A, above.
2. Enter onto purchase requisition forms the notation "U.S. Government Property" for each applicable item.
3. When designated the custodian of U.S. Government property, fulfill the responsibilities set forth in Section C, below.
4. When authorized by the Office of Research and Technology Transfer, bill for the use of U.S. Government property for purposes other than the award for which it was acquired.
5. Dispose of U.S. Government property in compliance with disposition instructions from the Office of Research and Technology Transfer as furnished by the U.S. Government.

C. Property Custodian Responsibilities

1. Verify the property has been tagged as "U.S. Government Property."
2. Verify the property is kept in the location designated in the University property record.
3. Verify the safekeeping of U.S. Government property is as secure or secured better than State of Kansas property in the same location. Take necessary actions to keep highly valued or non-anchored items in appropriately locked spaces.
4. Verify the property is used only for purposes authorized by the award unless authorization for other uses has been obtained from the Office of Research and Technology Transfer.
5. Verify routine maintenance requirements are met.
6. Prevent the removal of the property from the designated location.
 - a. Generate a property transfer document to relocate the property when instructed by the Principal Investigator, identifying the new Property Custodian (if applicable).
7. Keep U.S. Government property segregated from all other property.
8. Maintain receipt and issue records for material acquired by the University as provided in Department of Defense Manual 4161.2-M, Chapter 5, Part I Property at Non-Profit Contractors as outlined in a through c, below.
 - a. Maintain a file for each award of receiving notices, purchase requisitions, purchase orders and other records

- e. Acquisition date (or date received, if the equipment was furnished by the U.S. Government) and unit cost.
 - f. Information from which one can calculate the percentage of U.S. Government participation in the cost of the property (not applicable to equipment provided by the U.S. Government).
 - g. Location and condition of the property and the date the information was reported.
 - h. Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the awarding entity for its share.
4. Provide for a physical inventory and reconciliation at least every two years as specified in OMB Circular A-110, Subpart C, Section .34(f)(3).
 5. Record the disposition of U.S. Government property in accordance with federal entity disposition instructions provided by the Office of Research and Technology Transfer.

G. Purchasing Department Responsibilities

1. Flow-down to subcontractors the applicable U.S. Government property requirements of the award for property or property provided to the subcontractor or acquired by the subcontractor.
2. Pass-through the purchase requisition notation "U.S. Government Property" on procurement documents and requires it to be inserted into shipping documents by the supplier.

H. Physical Plant Warehouse Responsibilities

1. Upon receipt of U.S. Government Property, place the equipment in a segregated and secure holding area.
2. Immediately notify the Principal Investigator and/or the Award Notice Recipient and the Office of Financial Operations and Business Technology Property Accountant of the receipt of U.S. Government property.
3. Verify requests to move any items designated as U.S. Government property have the approval of the Principal Investigator and/or the Award Notice Recipient before moving the items.

Implementation:

These procedures shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Vice President for Research and Technology Transfer shall have primary responsibility for publication, dissemination and implementation of these procedures.

Effective Date:

October 1, 2000



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9.21 / Compliance with Federal Export Regulations

Purpose:

The purpose of this statement is to set forth University policy with regard to compliance with federal export regulations.

Preamble:

The federal government has promulgated numerous regulations that directly affect University research conducted for federal and state agencies, industries and other clients. These regulations include the Export Administration Regulations (hereinafter "EAR") promulgated by the U.S. Department of Commerce and the International Traffic in Arms Regulations (hereinafter "ITAR") promulgated by the U.S. Department of State.

These regulations are intended to provide for governmental control and supervision of research involving technological, biological, chemical and military-related research when tangible items are exported *or* a non-U.S. citizen participates in any segment of a research project. Export regulations apply to all research activities, regardless of funding source (including unfunded research) and apply to both commercial contracts and to awards made under grants and cooperative agreements.

In the case of academic or research institutions, there is an exemption for fundamental research, results of which are or are about to be, in some cases, ordinarily are publicly available. Additional exemptions may be available and require review on a case-by-case basis. The regulations require in some circumstances that the University apply for a license with the appropriate government department or find and record an exception to the law which is allowed and/or develop processes that ensure compliance.

Non-compliance penalties are severe and include monetary and criminal punishment. University compliance with export regulations is required by law and they apply whether or not the regulations are referenced in research awards. Consequently, the University may never get a warning when there is a possible export situation and a violation may result if corrective measures are not applied.

Policy Statement:

1. Wichita State University will implement a compliance system to seek to prevent export law violations in the areas of funded research and testing and to ensure that the University is in full compliance with federal export regulations in regard to research and testing conducted by faculty and staff.
2. Proposals for research or testing must be reviewed for export regulation compliance by the Office of Research and Technology Transfer (RTT) prior to submission to potential sponsors. A routing sheet providing a check-off system to determine whether a proposal may be subject to export regulations will be used.
3. RTT has the responsibility of reviewing any research proposal, grant or contract to determine whether a license is needed or an exception to the law exists (RTT may consult with the University's General Counsel). If it is determined that a license is needed, RTT will serve as the institutional office with the authority to secure a license on behalf of Wichita State University.
4. RTT will inform faculty and staff researchers as to their respective responsibilities to comply with export regulations through educational programs and flow-down requirements to sub-recipients and collaborators.

5. RTT will be responsible for conducting on-going educational programs to keep faculty and staff fully apprised of current export law and requirements.

Implementation:

This policy shall be included in the *WSU Policy and Procedures Manual* and shared with appropriate constituencies of the University.

The Vice President for Research and Technology Transfer shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:

October 15, 2005



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9.22 / Conflict of Interest Policy for Public Health Service-Supported Investigators and Their Staff

Purpose:

The purpose of this statement is to set forth University policy to be responsive to the requirements of revised federal regulations intended to promote objectivity in federally funded research.

I. Preamble

The objectivity of research is of paramount importance and the basis for obtaining and maintaining public trust. To address the increasing complexities of the financial interests held by biomedical and behavioral researchers and the resulting interactions among government, research institutions and the private sector, the Public Health Service published revised regulations on the *Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought and Responsible Prospective Contractors* (commonly known as the Financial Conflict of Interest regulations). This policy statement is intended to be responsive to those regulations.

II. Policy Statement

Conflicts of interest and time commitment are endemic to the modern university. These conflicts are a consequence of the many and varied roles that university members play in such areas as technology transfer and applied research, the creation of new multimedia teaching tools, and activities as expert consultants to local, state and national governments as well as to the business community. The goal of this policy is to manage perceived, potential, and actual conflicts of interest and time commitment. A system of self-disclosure is most effective for Wichita State University, since conflicts of interest and time commitment must be dealt with on a case-by-case basis. Discussion, disclosure, and negotiation generally can resolve disputes related to conflicts of interest and time commitment.

This statement of policy concerning conflicts of interest and time commitment has been developed in order to ensure compliance with the laws of the State of Kansas and mandates from the Kansas Board of Regents and federal funding agencies, the latter as a prerequisite for their future support. **This policy statement applies only to personnel involved in research funded through the Public Health Service (“PHS”) of the United States Department of Health and Human Services, and is intended to, in large part, mirror the Conflict of Interest Policy currently located in [Section 3.04](#) that applies more broadly to University personnel.** The difference is that this policy additionally includes the requirements mandated by federal regulations, and its provisions shall be interpreted to promote such purposes. PHS-Supported means any person who works in a laboratory or program supported by PHS funds through contract, grant, or other cooperative agreement. This policy is based, in part, on the Board of Regents’ policy entitled Commitment of Time, Conflict of Interest, Consulting and Other Employment (11-16-11).

A. Conflict of Time Commitment

1. Attempts to balance University responsibilities with external activities, such as, but not limited to, consulting, public service or pro bono work, can result in real or apparent conflicts regarding commitment of time and effort. Whenever a faculty or staff member’s external activities exceed reasonable time limits, or whenever an unclassified staff or faculty member’s primary professional responsibility is not to the University, a conflict of time commitment exists.

2. Conflicts of commitment usually involve issues of time allocation. Faculty members and unclassified staff of state universities owe their primary professional responsibility to their employing university, and their primary commitment of time and intellectual effort must be to the education, service, research and scholarship missions of that university. Faculty and unclassified staff should maintain a presence on campus commensurate with their appointments. The specific responsibilities, position requirements, employment obligations and professional activities that constitute an appropriate and primary commitment of time will differ across schools and departments, but said responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time faculty or unclassified staff of the University. Exceptions must be justified and shown to enhance the institutional mission.

B. Conflicts of Interest

1. A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his/her professional obligations to the university or to the objectivity of research, such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined or substantially influenced by considerations of personal benefit, gain or advantage.
2. In addition, and without limiting the foregoing definition of conflicts of interest, conflicts of interest related to research that are in whole or part funded by PHS-funded grant, cooperative agreement or contract, are referred to in this policy as Financial Conflicts of Interest ("FCOI" or "FCOIs"). FCOIs are types of "conflicts of interest" referenced in this policy, and are distinguished from the more general conflicts of interest only where necessary based on applicable regulations. FCOIs exist where an Investigator's significant financial interest ("SFI") could directly and significantly affect the design, conduct, or reporting of PHS-funded research.
 - a. "Investigators" are project directors, principal investigators, and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of PHS-funded research, which includes without limitation, collaborators and consultants.
 - b. An SFI, as related to FCOIs, is a financial interest that reasonably appears to be related to an Investigator's "institutional responsibilities" in the following manners:
 - i. The value of remuneration (salary and any other payment for services) received by the Investigator, Investigator's spouse, and/or dependent children in the 12 months preceding a disclosure (see Part D) from a publicly traded entity, plus the value of any equity interest held by such persons in the entity (stock, stock option or other ownership interest as determined by public prices or other reasonable measures of fair market value) as of the date of the disclosure, exceeds \$5,000;
 - ii. The value of remuneration received by an Investigator, Investigator's spouse, and/or dependent children from any non-publicly traded entity in the 12 months preceding the disclosure exceeds \$5,000, OR when the Investigator, Investigator's spouse, and/or dependent children hold(s) any equity interest; or
 - iii. Upon receipt of income related to intellectual property rights and interests (such as patents and copyrights); provided however, this shall not include intellectual property rights assigned to Wichita State University and agreements to share in royalties related to such assigned rights.
 - iv. Reimbursed or sponsored travel related to institutional responsibilities as further detailed in Part D below, about which the University shall make a determination on whether or not such travel constitutes an SFI.
3. Significant financial interests, or SFIs, as used in this policy, may also exist, even though not pertaining to PHS-funded research, when a faculty or unclassified staff member holds greater than \$10,000 or more than 5% ownership in a company, in accordance with the Regents' policy.

4. An Investigator's "institutional responsibilities" include his or her professional responsibilities on behalf of Wichita State University, including without limitation, research, consultation, teaching, directed or non-directed service, professional practice, institutional committee memberships, service on panels such as institutional review boards or data and safety monitoring boards, and other administrative/programmatic service committees or panels.
5. Whether a conflict of interest or the appearance of one exists, depends on the situation and foregoing guidelines and definitions, not on the character or actions of the individual, and must be determined on a case-by-case basis. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict and thus, for purposes of this policy, perceived and potential conflicts are treated the same as actual conflicts. Whether or not a conflict of interest exists is determined according to the process set forth in Part D and Part E.
6. Situations involving potential conflicts of interest are not uncommon in a modern university and must be addressed. State universities have as part of their mission the promotion of the public good by fostering the transfer of knowledge gained through university research and scholarship to the private sector. Two important means of accomplishing this institutional mission include consulting and the commercialization of technologies derived from research. It is generally appropriate that university personnel be rewarded for participating in these activities through consulting fees and sharing in royalties resulting from the commercialization of their work, but such is subject to the mandates of the aforementioned federal regulations. It is not appropriate, however, for an individual's actions or decisions made in the course of his or her university activities and/or in PHS-funded research to be determined or substantially influenced by considerations of personal financial gain and/or SFIs. Such behavior calls into question the professional objectivity of the decisions and research, as well as the ethics of the individual. It also reflects negatively on the employing university. State universities are institutions of public trust; faculty and unclassified staff, as well as any other Investigator, must respect that status and conduct their affairs in ways that will not compromise the integrity of the university or the objectivity of PHS-funded research.
7. Except in purely incidental ways, University resources, including but not limited to facilities, materials, personnel, or equipment, may not be used in external activities unless prior written approval has been received from the University's chief executive officer or his/her designee. Such permission shall be granted only when the use of University resources is determined to further the mission of the University. When such permission is granted, the faculty member or unclassified staff member will make arrangements for reimbursement of the University for institutional materials, facilities or services used in the external activity. Such use may never be authorized if it violates the Board of Regents policy on Sales of Products and Services.
8. Proprietary or other information confidential to the University may never be used in external activities unless prior written approval has been received from the University's chief executive officer or designee.
9. Faculty or unclassified staff may not involve University students, classified staff, unclassified staff or faculty in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to their University. For example, a student's grades or progress towards a degree may not be conditioned on participation in a University employee's external activities.
10. At Wichita State University a college or unit may, in consultation with the University's chief academic officer, add clarification to the above definitions of actual, perceived, and potential conflicts relating to other actions leading to conflicts of interest or time commitment that are unique to the unit's professional mission; provided however, any such clarification shall be in accordance with the regulations pertaining

to FCOIs, if applicable. The final determination of such clarification shall be by the chief academic officer or an official designated by the chief academic officer.

11. The University's nepotism policy is stated in [Section 3.16](#).

C. Consulting and Other Employment

1. Consulting for Other State of Kansas Agencies

Consulting by faculty members and employees of institutions under the jurisdiction of the Board of Regents for another institution of the Board, as well as consultation for other state agencies, shall be approved in advance by both (i) the institution or agency seeking these services, and (ii) approved by the employee's home institution. The home institution shall effect payment through the regular process and shall receive reimbursement through the interfund transfer process.

2. Consulting Outside the University

For members of the faculty and unclassified professionals, the state university permits, and indeed encourages, a limited amount of personal, professional activity outside the faculty member's or unclassified professional's reasonable construed total professional responsibilities of employment by and for the University, provided such activity: (i) further develops the faculty member or unclassified professional in a professional sense or serves the community, state or nation in a professional capacity; (ii) does not interfere with the faculty member's or unclassified professional's teaching, research and service to the University; (iii) is consistent with the objectives of the University; and (iv) any such consulting or remuneration therefore is not a conflict of interest that cannot be satisfactorily managed. Regular instructional services to other educational institutions are normally regarded as an inappropriate personal, professional activity and are thus generally prohibited. Without prior written approval, faculty members or unclassified professionals on full-time appointments must not have significant outside managerial responsibilities nor act as principal investigators on sponsored projects that could be conducted at their employing university but instead are submitted and managed through another organization.

3. Other Employment

The Board of Regents expects faculty and unclassified staff employed by the state universities to give full professional effort to their assignments. It is therefore, considered inappropriate to engage in gainful employment outside the state university that is incompatible with institutional commitments. It is inappropriate to transact business for personal gain unrelated to the University from one's University Office, or at times when it might interfere with commitments to the University. Uncompensated participation in academic conferences, workshops and seminars on matters relating to education or the other functions of the University does not usually constitute consulting or outside employment. However, organizing and operating such meeting for profit may be construed as consulting or outside employment as defined in this policy.

D. Reporting and Disclosure Requirements; Training; Duties of Investigators; Records

1. Annual Reporting. All faculty and unclassified staff with 100% appointments

As part of the initial appointment process, all faculty and unclassified staff, who hold fractional appointments on an annual basis, and any other personnel who may qualify as an Investigator pursuant to the definition above, on an annual basis, must disclose to the University, at the applicable specified times, whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g. corporations, partnerships or trusts) have any SFI and/or conflict of interest. Such disclosures are to be made on the annual Declaration for Conflict of Interest and Time Commitment Form and the Supplemental Declaration of Financial Conflict of Interest (FCOI) Applicable Only to Public Health Service-Supported Investigators and Their Staff.

The annual Declaration of Conflict of Interest and Time Commitment form (“Declaration”), must be filled out annually. Two additional forms have also been developed to implement this policy as it pertains to federal regulations, which are currently available to be filled out in hard copy: the annual Supplemental Declaration of Finance Conflict of Interest (FCOI) Applicable Only to Public Health Service (PHS)-Supported Investigators and Their Staff (including any necessary Supplemental Disclosure and Management Plan) (“Supplemental Declaration”), and the Sponsored Travel Form (defined below). **The 2012-13 Supplemental Declaration and related documents must be filed by each investigator within 30 days of the posting of this policy and must be reviewed as set forth in Part E below, prior to any expenditure of funds under the PHS-funded research project; thereafter, the declaration shall be filed annually, or sooner if updates are necessary as required by this policy.**

If the faculty or unclassified staff member, or other Investigator, answers yes on any question on the Declaration or Supplemental Declaration, he or she shall submit along with the Declaration of Supplemental Declaration a completed “Disclosure Statement of Significant Financial and/or Time Commitment Interests” (“Disclosure”), or “Supplemental Disclosure Statement of Significant Financial and/or Time Commitment Interests Pursuant to Federal Public Health Service Regulations” (“Supplemental Disclosure”) with the applicable Declaration form. If the faculty or unclassified staff member, or other Investigator, believes there to be a perceived, potential or actual conflict of interest, he or she shall also submit along with the above documents the applicable Management Plan. Additionally, when the University, through the review process in Part E determines that the information submitted indicates that a perceived, potential or actual conflict of time commitment or conflict of interest does or may exist, the University may require that the faculty or unclassified staff member, or other Investigator, submit additional information and explanation regarding such conflict, including without limitation, an additional Declaration, Supplemental Declaration, Disclosure, Supplemental Disclosure, and/or a Management Plan.

2. Ongoing Duty to Report SFIs and Conflicts As They Occur

In addition to the initial and annual report that must be filed, such individuals must also disclose to the direct supervisor, department head/chair or dean on an ad hoc basis any current or prospective situations that may raise questions or conflict of time commitment, conflict of interest, or SFI, including without limitation new conflicts of interest or SFIs and updated information from a previously disclosed conflict of interest or SFI, as soon as such situations become known, and in any instance, not later than thirty (30) days after discovery or acquisition of the SFI. To make such a disclosure, a new Declaration and/or Supplemental Declaration, as applicable, shall be filled out and submitted to the direct supervisor and through the review process.

3. Sponsored and Reimbursed Travel

Investigators must report travel reimbursements and sponsored travel relating to their institutional responsibilities that are directly reimbursed to them or where travel costs are paid on behalf of the employee by another party other than those exempted entities expressly excluded in this paragraph. Reports must include purpose of the trip, sponsor/organizer, destination, and trip duration, and shall be submitted within 30 days of travel. Provided however, travel that is reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute does not have to be reported. Such disclosures shall be made on the Sponsored Project Personnel Report of Direct Reimbursed/Sponsored Travel Received Form (“Sponsored Travel Form”). After disclosure of information, the form shall be submitted to the immediate supervisor and the review process shall be followed to determine if there is an SFI and if so, a conflict of interest based on such reimbursed or sponsored travel.

4. Federal Reporting Requirements

State universities are required to adhere and implement any additional policies and procedures and disclosure requirements that are imposed by applicable federal conflict of interest laws. As set forth above, policies pertaining to federal PHS-funded research conflicts of interest are included with this

policy. The University has created additional form(s) regarding conflicts of interest to comply with federal regulations without specific review or approval of the Council of Presidents, as permitted by BOR policy. These are in addition to the information required on the form(s) developed by the Council of Presidents.

5. Reporting of Consulting

Aside from the exception specified below, the faculty member or unclassified professional must report the proposed arrangements for personal professional activities and secure written or electronic approval prior to engaging in these activities. For all activities concerned, the report should indicate the extent and nature of the activities, the amount of time to be spent in the activities, and the total amount of time spent or expected to be spent on all such outside activities during the current academic year. To the extent applicable, if the consulting presents an SFI or conflict of interest, such SFI and conflict shall also be disclosed on the applicable Declaration and Disclosure form(s).

The faculty member or unclassified professional staff must inform the University's chief academic officer, through the direct supervisor, department chair or head and the dean, of all external personal, professional activities. For faculty members only, personal, professional activities that occur within a single 24-hour period need not have prior approval but must be reported annual in writing on the annual Declaration for Conflict of Interest and Time Commitment.

Unclassified professionals must inform the appropriate vice president or the chief academic officer, through the unit head and appropriate supervising administrator, of all external personal professional activities. Unclassified professionals must obtain written approval prior to engagement in all external personal professional activity regardless of the length of engagement.

6. Disposition of Reports: Maintenance of Records

All required documentation and reports shall be submitted in accordance with institutional requirements and shall be included in individual personnel files to be used for the determination of whether an individual is in compliance with this policy. Such documents and reports will also be available to institutional research officers to permit certification and/or verification of compliance with federal regulations. The University must maintain these records and reports for a minimum of three years. Regarding PHS-funding through grants or cooperative agreements, the University shall maintain records relating to all Investigator disclosures of financial interests and the University's review of, and response to, such disclosures (whether or not a disclosure resulted in the Institution's determination of a financial conflict of interest) and all actions under the Institution's policy or retrospective review, if applicable, for at least three years from the date the final expenditures report is submitted to the PHS or, where applicable, from other dates specified in federal regulations for different situations. Regarding PHS-funding through contracts, the University shall maintain records relating to all Investigator disclosures of financial interests and the University's review of, and response to, such disclosures (whether or not a disclosure resulted in the University's determination of a FCOI), and all actions under the University's policy or retrospective review, if applicable, for at least three years from the date of final payment or, as specified in the applicable federal regulations.

7. Training

Each Investigator shall complete training regarding SFIs and FCOIs prior to engaging in research related to PHS-funded research and at least every four years, and immediately when any of the following circumstances apply:

- a. The University revises any policy pertaining to FCOIs or procedures that affect the requirements of Investigators:
- b. An Investigator is new to the University; or
- c. When the University finds that an Investigator is not in compliance with the FCOI policies or a management plan pertaining to a FCOI.

The Vice President for Research and Technology Transfer is responsible for the training and any questions about the training, the requirements, or the frequency shall be directed to him or her. As part of such training and as part of the Supplemental Declaration, each person shall certify receipt of the federal guidelines found at 42 CFR Part 50, and 45 CFR Part 94.

E. Wichita State University Review Process

Upon submission of any Declaration or Supplemental Declaration, or other related information or disclosures, or any updates related to any of the foregoing, a review process shall take place as follows:

1. Responsibilities of Direct Supervisors and Unit Heads

- a. First, the direct supervisor and then unit head will review the Declaration, Supplemental Declaration, the Consulting Request, and/or the Sponsored Travel Form and any information submitted pursuant to the ongoing duty to report. Any information submitted pursuant to the ongoing duty to report, shall be reviewed as set forth herein, and forwarded in a timely manner such that the chief academic officer can make a final determination within sixty (60) days of the disclosure.
- b. The direct supervisor and unit head will review any SFI and other information, and indicate by an approval signature (either electronically or by hard copy, as applicable) when a report or request does not appear to indicate a possible conflict of interest or where a satisfactory management plan has been developed at the unit level. The reports or requests and any management plans that have been developed shall be forwarded to the dean or appropriate administrator.
- c. Guidelines to determine whether an SFI is related to PHS-funded research include a reasonable determination by the supervisor or unit head, as applicable, that the SFI: (i) could be affected by the PHS-funded research; or (ii) is an entity whose financial interest could be affected by the research. A determination as to whether there is a FCOI shall be made based on a reasonable determination that the SFI could directly and significantly affect the design, conduct, or reporting of the PHS-funded research. The direct supervisor and unit head may involve the Investigator in his or her determinations.
- d. In cases where the direct supervisor or unit head determines that there may be a possible conflict of interest or time commitment, the direct supervisor or unit head may require that the individual submit additional information and explanation regarding the conflict and participate in the development of a management plan, or in the absence of the ability for the conflict to be managed, the elimination of such conflict.
- e. If the management of a conflict of interest is unresolved at the unit head level, the following procedures will be followed: (i) the unit head will prepare a written summary of the case, with the faculty or unclassified staff member affected having the opportunity to review and discuss the summary with the unit head and having an opportunity to submit to the unit head a written response recording his or her perception of the case; (ii) before the unit head submits the summary to the next administrative level, the faculty or unclassified staff member must sign a statement acknowledging the opportunity to review and to discuss the summary and indicating whether he or she submitted a written response; (iii) the unit head who prepared the summary must submit to the dean or appropriate administrator all forms, the summary of the case, including the facts indicating a possible conflict of interest or time commitment, and any written response prepared by the faculty or unclassified staff member.
- f. In the event that there is a conflict of interest for which a management plan is approved, the immediate supervisor shall regularly monitor compliance with such plan, until the completion of the PHS-funded research project if applicable, and report to the unit head any failures to comply, who shall report any such issues through the same review procedure and order of administrators as in this section. Failures to comply with the conflict management plan will be addressed on a case-by-case basis.

2. Responsibilities of Deans/Comparable Administrators

- a. The dean will review all of the materials submitted to ensure that the correct procedures have been followed. The dean will then determine whether the case involves an SFI, conflict of interest or the appearance of one, and whether any conflict management plan which has been developed is acceptable. The dean will take into consideration, as applicable, the guidelines set forth above, if applicable, or such other information that the dean deems appropriate in determining whether there is a conflict of interest. In cases where there is no such conflict or whether the conflict management plan is acceptable, the dean will show approval by signing the Supplemental Declaration in question.
- b. The dean will make recommendations for managing any perceived, potential or actual conflict that has not been resolved at the unit level, all in a manner acceptable to the dean. The dean may require that the individual submit additional information and explanation regarding the conflict and participate in the development of a management plan, or in the absence of the ability for the conflict to be managed, the elimination of such conflict. The recommendations will be presented to the unit head and the faculty, unclassified staff member or other Investigator. Those individuals must indicate in writing their acceptance of the dean's recommendation or their rejection of the recommendation. A written rejection must include the reasons why the individuals find the recommendation unacceptable.
- c. The dean must forward to the chief academic officer the form(s) and associated documentation (plans of management, recommended plans of management, and written statements of agreement or unresolved differences).

3. Responsibility of the Chief Academic Officer

- a. The office of the University's chief academic officer ("Office") will review all the reports or requests and supporting materials and recommendations. The Office will assess whether any SFIs, conflicts or apparent conflicts of interest or time commitment exist. The Office will take into consideration the guidelines set forth if applicable, and/or such other information that the Office deems appropriate in determining whether there is a conflict of interest. The Office and/or the Committee, as applicable, will evaluate the information, take into consideration, as applicable, the guidelines set forth, whether an SFI exists, whether the SFI constitutes a FCOI or other conflict of interest or time commitment, whether management plans which have been developed adequately manage any conflicts of interest and time commitment, and whether there are any inequities in the recommendations for management of conflicts. The Office and/or Committee, as applicable, will make a recommendation to the chief academic officer regarding any SFI or conflict.
- b. If the chief academic officer agrees with the recommendation, then after considering, as applicable, the guidelines set forth, such other information that the chief academic officer deems appropriate in determining whether there is a conflict of interest or of time commitment, the chief academic officer may approve the recommendation by signing the applicable form(s). If the chief academic officer does not agree with the recommendations for conflict management or elimination made by the subordinate administrators, including without limitation the Committee, an attempt must be made to reach consensus through consultation. If this fails, the chief academic officer's recommendation will be used. The chief academic officer may require that the individual submit additional information and explanation regarding that conflict and participate in the development of a management plan, or in the absence of the ability for the conflict to be managed, the elimination of such conflict. The individual(s) affected by the disagreement must be notified by the chief academic officer, in writing, of the chief academic officer's decision and its rationale.
- c. If the chief academic officer determines that there is a conflict of interest that can be satisfactorily managed, a management plan must be developed and implemented and if not already submitted, then submitted through the review process in this section. Additionally, an FCOI that is not eliminated but is managed pursuant to a management plan must be reported to the PHS Awarding Component through an FCOI report including the applicable federal regulation requirements.
- d. If, as set forth in Part E, there is determined to be an SFI or FCOI, a record shall be retained by the

Office, for three years from the date the information was last updated, and be available and provided within five (5) business days of a request, as mandated under federal regulations. The Office shall provide the most updated information concerning such FCOI disclosed to the University that meets the following criteria (i) the SFI was disclosed and is still held by the senior/key personnel; (ii) the University determines that the SFI is related to PHS-funded research; and (iii) the University determines that the SFI is an FCOI.

- e. In accordance with federal regulations, the University, through the Vice President for Research and Technology Transfer, must certify in each application for funding the requirements set forth in those applicable federal regulation(s). Prior to the expenditure of any PHS funds, the University shall submit an FCOI report regarding any Investigator's SFI found by the University to be conflicting and ensure that an adequate management plan has been implemented; if the conflict of interest is eliminated, rather than managed, no such report is required to be made. Within sixty (60) days of identification of a FCOI after the initial FCOI report, either due to a new Investigator, or a new or newly identified FCOI for existing Investigators, the University, through the chief academic officer's designee shall provide the PHS Awarding Component an FCOI report regarding the FCOI and ensure that a management plan has been implemented; when applicable, this shall be in addition to any reviews and mitigation reports related to noncompliance, as set forth below. The University shall also provide to the PHS Awarding Component an annual FCOI report that addresses the status of a previously reported FCOI and any changes to the management plan for the duration of the research project, as required by federal regulations. All FCOI reports shall be compliant with and include federal regulation requirements. The chief academic officer's designee is responsible for sending initial, annual and revised FCOI reports to the PHS Awarding Component.

4. Nondisclosure; Noncompliance

- a. Within sixty (60) days of a determination by any of the above-listed University officials of nondisclosure by an Investigator, failure by the University to review or manage a FCOI, or failure of an Investigator to comply with a management plan, all as pertaining to an FCOI, the direct supervisor and the unit head shall be notified and the review process in Part E initiated. This review process should be expedited by all University officials and immediately forwarded through the review process.
- b. If after the above-referenced review, the chief academic officer determines there is a FCOI, the University shall complete a retrospective review, within one hundred twenty (120) days of the determination of the nondisclosure, pursuant to the same order of review set forth herein to (A) determine whether any PHS-funded research conducted during the period of noncompliance, was biased in the design, conduct or reporting of such research, (B) implement any management plan as necessary, and (C) document such review. The documentation shall include, as applicable, the following details: (1) project/contract number; (2) project title; (3) the principal Investigator or the contact Investigator if more than one; (4) name of the Investigator associated with the FCOI; (5) name of the entity with which the Investigator has a FCOI; (6) reason for the retrospective review; (7) detailed methodology used for retrospective review (e.g., methodology of review process, composition of the review panel, documents reviewed); (8) findings of the review; (9) conclusions of the review.
- c. Based on the results of the retrospective review, the University, through the chief academic officer's designee, shall update a previously submitted FCOI report and specify actions being taken to manage the FCOI.
- d. If bias is found, the University, through the chief academic officer's designee, shall notify the PHS Awarding Component promptly and submit a mitigation report to it. The mitigation report must include (1) the key elements documented in the retrospective review, (2) a description of the bias on the research project, (3) the University's plan of action taken to eliminate or mitigate the effect of bias, (4) extent of harm done including any qualitative and quantitative data to support any actual or future harm, and (v) analysis of whether the research project is salvageable.
- e. Depending on the nature of the FCOI, the University, through the chief academic officer's designee, may determine that additional interim measures are necessary with regard to the Investigator's

participation in the PHS-funded research project between the determination of noncompliance and the completion of the retrospective review. The chief academic officer's designee shall notify the Investigator of any such interim measures.

- f. In addition to the foregoing, if the failure of an Investigator to comply with this policy or a management plan appears to have biased the design, conduct, or reporting of the PHS-funded research, the University, through the chief academic officer's designee, shall promptly notify the PHS Awarding Component of the corrective action taken or to be taken, which action should also be included in the mitigation report referenced above. The University shall comply with directions from the PHS Awarding Component provided after such notification.
- g. In any case in which the U.S. Department of Health and Human Services determines that a PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or a treatment has been designed, conducted, or reported by an Investigator with a FCOI that was not managed or reported by the University, the University, through the chief academic officer's designee, shall require the Investigator involved to disclose the FCOI in each public presentation of the results of the research and to request an addendum to previously published presentations.

5. Appeals

In the event that agreement is not reached by all parties concerned with the management of a case of conflict of interest or potential or perceived conflict of interest, the aggrieved parties may pursue a grievance following the procedures in the University Handbook, but in no circumstances shall such appeal delay any time limitations with which the University must comply pursuant to federal regulations.

F. Use of University Name

The name of the Board of Regents, a Regents institution, or the Regents System may never be used as an endorsement of a faculty member or unclassified staff member's external activities without expressed and advance written approval of the University chief executive officer and/or the Board's President and Executive Officer, as appropriate. Faculty members or unclassified staff members may list their institutional affiliation in professional books, articles and monographs they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

G. Sanctions

Failure to make an annual report or other disclosure required herein, and any updates thereto, may result in a temporary moratorium on expenditure of federally sponsored project funding until compliance is achieved and may result in discipline in accordance with University procedures, ranging, for example, from the loss of the privilege of submitting grant proposals and receiving extramural support to, in extreme cases, dismissal for cause.

H. Distribution and Dissemination

The policy statement will be distributed upon initial appointment of all applicable faculty and unclassified staff members by the University and to all Investigators as defined herein, and when any revisions to this policy are made.

I. Questions

Questions concerning this policy should be addressed to the Vice President for Research and Technology Transfer.

NOTE: Required forms for this policy currently available on request from the Office of Research and Technology Transfer.

Implementation:

This policy shall be included in the *WSU Policies and Procedures Manual* and shared with appropriate constituencies of the University.

The Vice President for Research and Technology Transfer shall have primary responsibility for publication, dissemination and implementation of this University policy.

Effective Date:

April 4, 2013



CHAPTER 9



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