

USMA Regulation 150-6

Academy Research

**Department of the Army
United States Military Academy
West Point, NY 10996-5000
1 July 2020**

UNCLASSIFIED

Academy Research

By Order of the United
States Military
Academy
Superintendent:

DARRYL A. WILLIAMS
Lieutenant General,
USA
Superintendent



C. MARK WEATHERS
Colonel, AV
Chief of Staff, USMA

History: This publication is a revision of DPOM 5-01 and DPOM 5-02.

Summary: This regulation provides policy and regulatory guidance for the conduct of research at the Academy.

Applicability: USMA Regulation 150-6 applies to all USMA staff and directorates.

Proponent and exception authority: The proponent of this regulation is the Dean of the Academic Board, USMA. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and risk. All waiver requests will be endorsed by the commander or senior leader of the requesting

activity and forwarded through its higher headquarters to the policy proponent. The request must include formal review by the activity's senior legal officer and endorsement by the authorizing official.

Suggested improvements: Users should send comments and suggestions directly to the Associate Dean for Research, West Point, NY 10996.

Distribution: This publication is available in electronic media only and is intended for all USMA personnel.

Expiration date of this Regulation: No longer than five years from the date of approval.

Contents

1. General, page 1
 - a. Purpose, page 1
 - b. References, page 1
 - c. Definitions, page 2
2. Research Significance and Policy, page 2
 - a. Background and Importance of Research, page 2
 - b. Institutional Research Policy (General), page 3
3. Responsibilities for Research, page 5
 - a. Superintendent, USMA, page 5
 - b. Dean of the Academic Board, page 5
 - c. Chief of Faculty Learning, Innovation, Collaboration, and Research (FLICR) , page 5
 - d. Associate Dean for Research, page 6
 - e. Academic Research Division (ARD), page 6
 - f. Academy Research Council, page 7
 - g. Department Heads and Organizational Directors, page 7
 - h. Center Directors, page 8
 - i. Principal Investigators, page 9
 - j. Researchers, page 9
4. Research Procedures, page 10
 - a. Publications and Presentations, page 10
 - b. Human Research, page 10
 - c. Research Misconduct, page 11

Appendices:

- A References, page 13
- B Academy Research Council, page 14
- C Procedures for Addressing Research Misconduct, page 16
- D Research Operations Compliance Program, page 20
- E Sponsored Research Policy, page 28
- F Intellectual Property Management, page 46
- G Army Cyber Institute Research Policy, page 48

1. General

a. Purpose

The purpose of this regulation is to provide guidance and delineate policies, responsibilities, and procedures for the conduct of research activities at the United States Military Academy (USMA). This regulation applies to all research activities that are conducted by members of the Staff, Faculty, Corps of Cadets, and other organizations or individuals who engage in research activities at USMA, including the Army Cyber Institute and West Point Band.

b. References

Required and related publications and prescribed and referenced forms are listed in Appendix A.

c. Definitions

1) *Research* is defined as a systematic investigation (including research, development, testing and evaluation (RDTE)) designed to propose, develop, or contribute to generalizable or disciplinary knowledge. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

2) *Research activities* are systematic investigations designed to produce generalizable knowledge within disciplines for the advancement, teaching, and learning of these disciplines. This knowledge may be basic, applied, technological, or pedagogical in nature.

3) *Human research* is a systematic investigation designed to produce generalizable knowledge in which investigators (whether professional or student) obtain data about living human individuals through interaction or intervention with the individuals, or collect information that may contain or be used to deduce private identifiable information about living individuals. The United States Military Academy's Institutional Official (IO) and Deputy IO, the Institutional Review Board (IRB), the Human Protections Director (HPD), investigators and research staff and other institutional personnel supporting research covered under its DoD Assurance will ensure that all of its activities associated with research involving human subjects (as defined by Title 32 Code of Federal Regulations Part 219 (32 CFR 219)) are guided by the ethical principles set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research entitled *Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (the Belmont Report). The institution will also comply with 32 CFR 219; Title 10 United States Code Section 980 (10 USC 980); DoD Instruction 3216.02 (DoDI 3216.02); 45 CFR Part 46 (Subparts B, C, and D as made applicable by DoDI 3216.02),

and any other applicable federal, state and local laws.

4) *Research misconduct* in research activities and scholarship is unethical behavior that undermines the integrity of the produced disciplinary knowledge. See Appendix C for further details on research misconduct and how it is addressed at USMA. For USMA's definition of scholarship, see USMA Regulation 150-3 (Credentials and Promotions).

5) *Official government work* is limited to any publication or presentation that is created in fulfillment of direction or a tasking by USMA, Department or the Army, or DoD leadership, or that is completed on government time or using government resources (beyond the incidental use allowed in the course of unofficial work by the JER and USMA policy) in accordance with 17 USC 105, USMA Policy Memorandum 228-01 (Academic Freedom), and the Local Interpretation of AR 360-1. Such works are in the public domain.

6) *Reimbursable funding* is financial support brought in from outside agencies to support research work at USMA. Reimbursable funding is subject to regulatory provisions as described in Appendix D of this regulation.

2. Research Significance and Policy

a. Background and Importance of Research

1) Vision: The USMA Research program provides opportunities to seek knowledge and address issues that educate and develop cadets and faculty. The program enhances and augments the experiential component of the Academic program for cadets; contributes to the intellectual capital of the Army through the development of cadets and faculty; and makes meaningful contributions to solving Army and national problems.

2) The engagement of cadets and faculty in research activities and scholarship is essential for maintaining the status of USMA as a premier undergraduate educational institution. The research program at the United States Military Academy provides growth opportunities for our faculty and cadets as we work to develop leaders of character in our classrooms, laboratories, libraries, and workspaces. West Point is uniquely positioned at the nexus of academe, policy, and practice, providing scholarship for the Army, DoD, the nation, and beyond as we focus on innovative research and providing solutions for the challenges of tomorrow.

3) Research and scholarship by cadets, mentored or coached by faculty members with significant research and scholarship experience, enhances cadet intellectual development. Cadet research activities support independent study courses, integrative and interdisciplinary learning experiences, and senior thesis and senior engineering design projects. Cadet research activities underpin the achievements of cadets who receive nationally recognized scholarships and other competitive academic awards, affording them the chance to publish and present the results of their research. The engagement of cadets

in research activities is essential to developing the cadets' capability and desire to pursue continued intellectual development.

4) Cadet and faculty research activities and scholarship are hallmarks of a vibrant, supportive learning environment, and are expected in a top tier educational institution. The high standards they set, the institutional support they receive, and the recognitions they gain are important factors in USMA's attraction and retaining the highest caliber students and faculty members.

5) Faculty members who engage in scholarship maintain currency in their disciplines, introduce new concepts, materials, and techniques into the classroom, develop themselves professionally, contribute to the institutional quality of USMA, coach or mentor junior faculty members, and serve as role models in the intellectual domain of cadet development. For more information on the sabbatical, operational experience, and other academic absence programs that support this effort, see USMA Regulation 150-5 (Broadening Programs).

6) The research activities undertaken by faculty and cadets are often done in collaboration with, and financially supported by, external organizations, including Army research centers and other Department of Defense and Government agencies. These research activities are the principal means by which USMA leverages its intellectual capital to build mutually beneficial relationships and address key research questions for its partners. The sponsoring agencies benefit from the high quality, relevant research produced by USMA personnel at relatively low cost. The benefits of sponsored research activities to USMA include financial support for cadet and faculty research activities that would otherwise be unfunded; acquisition of state-of-the-art equipment and technologies that would not otherwise be acquired; and unique opportunities for cadets and faculty to actively participate in addressing important problems facing the Army and the nation.

b. Institutional Research Policy (General)

1) Research activities by cadets and faculty are encouraged and supported as an integral part of the Academic Program. They contribute to and provide evidence of the outstanding learning environment at USMA and the achievement of intellectual cadet development domain goals; most notably, "...to developing the cadets' capability and desire to pursue progressive and continued intellectual development." Scholarly achievement by faculty members is a requirement for academic promotion; research is crucial to that scholarship.

2) Research activities by cadets and faculty seek to accomplish one or more of the following goals:

- a) Enhance the education of cadets.
- b) Develop the faculty professionally.

c) Address important issues facing the Army and the Nation.

3) In keeping with USMA's commitment to integrity, research activities are to be carried out in accordance within the normative, professional, and ethical standards for academic, disciplinary scholarship. Research misconduct is not tolerated at USMA.

4) The Academic Research Division (ARD), Office of the Dean, is responsible for the general institutional facilitation, promotion, and oversight of Academy research activities. As a component of the Faculty Leadership, Innovation, Collaboration, and Research (FLICR) cross-functional team, ARD will promote interdisciplinary research to the greatest extent possible.

5) The planning, primary approval, execution, and direct oversight of research activities occurs within the Academic Departments, to include any Department-affiliated Centers, and other research organizations outside the Dean's Directorate. Since the majority of Academy research takes place within the Dean's Directorate, the policies in this regulation are configured for application within the Dean's Directorate. If USMA research organizations outside the Dean's Directorate wish to apply a separate set of procedures, those procedures will be drafted as an appendix to this regulation. FLICR/ARD will evaluate the draft appendix and provide recommendations on the feasibility of its implementation. The USMA G5 and Staff Judge Advocate (SJA) will review proposed organizational appendices to this regulation and advise the Chief of Staff on the feasibility of their implementation.

6) Financial support for research activities from external sources will be obtained, expended, and accounted for in accordance with the procedures in Appendix E of this regulation.

7) Publication review and copyright status of Academy research will be governed by the procedures and standards contained in USMA Policy Memorandum 228-01 (Academic Freedom) and by standing guidance from USMA SJA maintained by the USMA Library.

8) Inventions by USMA personnel that are a part of official government work are to be officially disclosed to the USMA SJA by the inventors, in accordance with AR 27-60, Intellectual Property. In conjunction with disclosures, inventors also submit official information to be used to determine rights to inventions. Cadet inventors are to be assisted by a faculty or staff member in submitting disclosure and rights-to-invention documents. The ARD will advise and assist inventors in these matters, in conjunction with the USMA SJA. See Appendix F for the full USMA Intellectual Property Management Plan.

9) Human research at USMA protects the safety, health, well-being, privacy, and personal integrity of individual human subjects, in accordance with federal laws and regulations. Human research projects must be pre-approved by an independent institutional review process, in accordance with USMA Regulation 70-25, The Human

Research Protection Program (HRPP) and applicable USMA policy letters, before work on human research projects may begin. The HPD will advise and assist researchers in these matters.

10) As a general rule, classified research is normally not conducted by cadets at the Academy. Classified research involving cadets may be approved on a case-by-case basis by the Department Head or equivalent leadership if the appropriate security measures are in place. Faculty may, in consultation with department/organizational leadership and in adherence to appropriate regulations, conduct classified research. Storage and management of information designated as Controlled Unclassified Information (CUI), Law Enforcement Sensitive (LES), or For Official Use Only (FOUO) will be performed in accordance with USMA Regulation 25-2 (Cybersecurity).

11) Under current Army policy and federal regulations, cadet and faculty research work is subject to public release. Client research that should not be publicly releasable requires language to that effect in the research agreement.

3. Responsibilities for Research

a. Superintendent, U.S. Military Academy.

1) Serves as the Institutional Official for the United States Military Academy's Department of Defense (DoD) Assurance for the Protection of Human Research Subjects.

2) Provides final approval for the establishment/dissolution of USMA research centers.

b. Dean of the Academic Board.

1) Establishes policies for the conduct of research and for the control and use of research funds and equipment.

2) Has overall responsibility for the distribution and accountability of funds in support of research.

3) Serves as the Associate Institutional Official for the United States Military Academy's Department of Defense (DoD) Assurance for the Protection of Human Research Subjects.

4) Approves substantial changes to USMA research center names and missions.

c. Chief of Faculty Learning, Innovation, Collaboration, and Research (FLICR)

1) Serves as rater and supervisor for the Associate Dean for Research.

2) Advocates for and supports interdisciplinary research opportunities for all faculty.

3) Reviews proposals for the establishment/dissolution of Academy research centers for feasibility and redundancy with existing elements of the research enterprise.

d. Associate Dean for Research

1) Advises the Dean on matters pertaining to research.

2) Staffs and supports Dean's policies for the conduct of research and for the control and use of research funds and equipment.

3) Serves as the initial focal point for research at USMA and liaison to external research agencies. Informs the Academy of on-going research activities to provide synergy across directorates and minimize duplication of research efforts.

4) Serves as Division Head of the Academic Research Division and as a non-voting member of the Academy Research Council.

5) Serves as the Director of the Research Operations Compliance Program (ROCP) and acts as the Dean's representative in overseeing the reimbursable program.

6) Formulates and implements policies and procedures for proper stewardship of research funding received from external agencies and coordinates actions regarding compliance with ethical and legal requirements of the Academy and the sponsoring organizations.

7) Serves as the Authorized Organizational Representative (AOR) for institutional approval of research grant proposals submitted through Grants.gov, external agencies, and private organizations.

8) Acts as the Dean's representative in establishing agreements with external agencies concerning research activities involving more than one department.

9) Performs functions of the Office of Research and Technology Applications (ORTA), as described in AR 70-57, Military-Civilian Technology Transfer, on technology transfer matters.

e. Academic Research Division (ARD)

1) Facilitates and promotes research activities.

2) Manages the Dean's internal funds designated for faculty research activities, known as Faculty Research Funds (FRF). Collects faculty research proposals intended to utilize those funds. FRF policies are governed by the Dean's Annual Guidance to the Academy Research Council (ARC).

3) Receives FMS 7600 A/B, Research Personnel Support Forms (and any other required documentation for a Reimbursable packet) from departmental/research centers. Gathers required MIPR packet elements and proofs documents for accuracy and completion prior to sending them to the G8 Reimbursable Team to process for the

acceptance of external funds for research activities.

4) Assists administrative personnel and individual faculty members on the preparation of research proposals and financial transaction documents and advises them on expenditures of research funds.

5) Provides general institutional oversight of research activities.

6) Publicizes research activities among departments and centers.

7) Maintains the Research Operations Compliance Program (ROCP) database. Keeps up to date the ROCP database by tracking personnel changes, completion of required training for personnel that administer funds, tracks research and compliance forms.

8) In conjunction with the ARC Chair, plans, organizes and coordinates the USMA Projects Day. Prepares and manages all necessary documents, brochures, and software for Projects Day.

9) Manages and prepares routine research-related correspondence to department heads and research directors, Academy Research Council (ARC) members, Dean's Staff and various personnel in the form of memorandums, emails, contracts and other documents.

f. Academy Research Council (see Appendix B)

1) Fosters cooperation among the various USMA departments and research organizations to promote research activities at USMA.

2) Serves as an advisory and recommending body to the Dean on all matters relating to research at USMA, to include recommending allocations of the Dean's internal research funds. Reports to the General Committee upon the request of that body with respect to matters related to Academy research.

g. Department Heads and Organizational Directors

1) Supervise the research activities of researchers assigned to their organizations.

2) Endorse research proposals of researchers assigned to their organizations that seek funding from external agencies.

3) Implement procedures to ensure accountability for sponsored research work and for proper expenditures of sponsored research funds. Ensure equipment purchased as part of the research work is accounted for properly.

4) Inform researchers and cadets on institutional publications and presentation policies.

5) Ensure that information pertaining to all formal academic creative works (e.g., research articles, books, presentations, and/or white papers) produced by faculty members is submitted to the Academy's institutional repository (IR) system on a recurring basis. The IR is used to make faculty research more visible to search engines and in support of answering RFIs about research points of contact.

6) Propose the establishment/dissolution of research centers within their departments.

7) Define roles and responsibilities for research center directors within their organization, consistent with other responsibilities in this regulation.

h. Center Directors

1) Enable research opportunities for USMA cadet and faculty researchers.

2) Enable the research center's Principal Investigators for efficient, effective, and compliant conduct of their research projects.

3) Strive to enable the scholarship of USMA cadets and faculty (their presentation or publication of their scholarly works).

4) Lead the research center pursuant to the guidance provided by the Department Head or Organizational Director, thereby enhancing the academic disciplines of the organization and addressing important issues facing the Army and the Nation.

5) Upon written delegation by the Department Head or Organizational Director, serve as an Approving Authority for the obligation of reimbursable research funds, ensuring these funds are obligated consistent with the documents that made the funds available at USMA (generally support agreements).

6) Engage with external organizations to enable research collaborations, outreach, and partnerships.

7) Inform faculty and cadet researchers on institutional publications and presentation policies.

8) Develop and maintain performance metrics for the research center.

9) Execute the requirements of the Dean's Research Operations Compliance Program.

i. Principal Investigators

- 1) Devise and propose research projects in order to obtain funding support, thereby establishing or continuing Sponsored Research projects.
- 2) Serve as the USMA faculty lead researcher and research point of contact for a Sponsored Research project. In the context of a Qualifying Research Award, the PI named in the award will have responsibilities specific to that award.
- 3) Direct the execution of the Sponsored Research project.
- 4) Have inherent responsibility for the proper use and execution of funds in their Sponsored Research project.
- 5) Recommend and account for the obligation of Sponsored Research funds in accordance with applicable Army and USMA regulations as listed in Appendix A, as well as support agreements and Awarding Agency regulations.
- 6) Lead a group of researchers (where applicable) involved in the Sponsored Research project, advising these researchers in pursuit of project objectives.
- 7) Meet the responsibilities of a Researcher listed below.
- 8) See Appendix E for additional and amplifying descriptions.

j. Researchers

- 1) Plan research activities that accomplish one or more of the goals under section 2.b.2), above and are designed to meet the scholarship requirements for academic promotion. Senior researchers are to assist and mentor junior researchers in this regard.
- 2) Obtain organizational approval of research activities that make significant use of organizational resources; specifically, the usage of personnel, work time, and equipment.
- 3) When research involves cadets, educate cadets on research methods and mentor cadet research activities that are planned to meet Academic Curriculum requirements.
- 4) Identify funding opportunities for research activities with external sponsors.
- 5) Obtain organizational and institutional approval of research proposals to be submitted to external agencies for funding.
- 6) Obtain independent institutional reviews of human research projects, in accordance with USMA Regulation 70-25, before beginning work.

7) Conduct research activities in accordance with the normative, professional and ethical standards for academic disciplinary scholarship.

8) Account for expenditure of research funds in accordance with applicable Army and USMA regulations as listed in Appendix A as well as support agreements.

9) Disclose inventions in accordance with institutional policy and assist cadet inventors in such matters, per paragraph 2.b.8), above, and Appendix F.

10) Update the Institutional Repository as research products are published. As a general rule of thumb, publications should be listed in the IR at the end of each academic semester. Researchers should also keep their research interests current in the IR; this will facilitate connections among faculty and with external agencies.

4. Research Procedures

a. Publications and Presentations.

1) Publications and presentations by cadets and researchers in public venues are to be done in accordance with Army Regulation 360-1, Chapters 5 and 6, or, in the case of institutional matters, USMA Regulation 70-1, with reference to the USMA Local Interpretation Regarding the Relation of USMA Academic Freedom Policy and Public Affairs Policy and Security Reviews. They may not disclose classified or operational security information. Review of publications and presentations will be conducted IAW the procedures in USMA Policy Memorandum 228-01 (Academic Freedom), including the USMA Local Interpretation of AR 360-1. Researchers who collaborate on a project with another government partner may be required to obtain clearance from the other government agency prior to submission of a product for publication or presentation.

2) Any individual who uses a title or other identification connected with DOD in an unofficial writing or speech will include with such material a disclaimer stating that "the views expressed in this article (book) are those of the author and do not reflect the official policy or position of the Department of the Army, DOD, or the U.S. Government."

b. Human Research

1) Properly conducted human research at USMA protects the safety, health, well-being, privacy, and personal integrity of individual human subjects in accordance with federal laws and regulations.

2) Investigators, whether they are cadets, faculty, or staff members, who intend to initiate human research projects, must obtain the appropriate institutional approval prior to enrolling or engaging human subjects. In addition, they must reapply for institutional approval before changing the scope or procedures of on-going human research work.

3) The requirements for conducting human research at USMA are detailed in

USMA Regulation 70-25, The Human Research Protection Program, and supporting USMA policy memos.

4) USMA Regulation 70-25 identifies the Corps of Cadets as a “vulnerable population” of subjects for human research. Accordingly, special requirements are set forth in USMA Regulation 70-25 that must be met to have approval to use cadets as human research subjects.

5) The purpose of an institutional review is to determine, independently from any stakeholder’s or proponent’s point of view, whether the benefits of the proposed research significantly outweigh the risks to the human subjects. Investigators are to follow specific guidelines in requesting institutional reviews that are designed for the benefit of the approval authorities. The guidelines clarify the benefits of the research, the risks to the subjects, and how those risks will be mitigated during the study.

6) There are two types of institutional review processes at USMA: (1) review of Requests for Exemption and (2) review of Research Protocols (see USMA Regulation 70-25). Projects that entail “minimal risks” and conform to one or more of eight exemption categories defined by federal law, or are determined to not include human research, are given an official exemption certificate by the Exempt Determination Official (EDO). Formal and detailed Requests for Exemption are submitted to the EDO for review. Projects that do not qualify for exemption must be reviewed by the Combined Academic Institutional Review Board (IRB). Formal and detailed Research Protocols for projects that do not qualify for exemption are submitted to the designated IRB for review. The EDO and the designated IRB are the only USMA approval authorities for human research conducted under the authority of USMA’s assurance.

7) Human research projects undertaken by cadets must have a faculty member or staff member submit the Requests for Exemption or Research Protocols. This member must serve as Principal Investigator to ensure that human subjects are protected.

8) Investigators must recognize that the institutional review process is a necessary and required part of planning human research studies. They must allow sufficient time for appropriate institutional review and approval prior to enrolling or engaging any human subjects. The Human Protections Administrator (HPA) will advise and assist investigators in these matters.

c. Research Misconduct

a. Research misconduct can take many forms, including (but not necessarily limited to) fabrication or falsification of data, theft of ideas or direct plagiarism, and deliberate interference with the integrity of the work of others.

b. Alleged misconduct on the part of cadets must be investigated and adjudicated institutionally under the provisions of the Honor Code and/or Documentation of

Academic Work. Appendix C provides guidance and procedures for addressing research misconduct on the part of faculty and staff members. The process involves an initial inquiry into allegations and apparent instances of research misconduct, followed by a more formal investigation as warranted.

Appendix A: References

DoD 4000.19, Support Agreements

DoD 7000.14.R, Volume 11A, Chapter 2 Project Orders

DoD 7000.14.R, Volume 11A, Chapter 3 Economy Act Orders

DoD 7000.14.R, Volume 11A, Chapter 2 Army Annex Project Order Procedures and Documentation

Joint Ethics Regulations (DoD 5500.7-R), Chapter 3, Activities with Non-Federal Entities

OMB Circular A-21, Section J

Under Secretary of Defense for Acquisition, Technology and Logistics

Department of Defense Instruction (DoDI) 3216.02, Protection of Human Subjects and Adherence to Ethical Standards in DoD-Supported Research, 8 November 2011

AR 150-1, United States Military Academy: Organization, Administration, and Operation

AR 27-60, Intellectual Property

AR 360-1, The Army Public Affairs Program

AR 360-5, Public Information Policies

AR 621-7, Acceptance of Fellowships, Scholarships, or Grants

AR 690-400, Chapter 410 Training (Civilian), Subchapter 7 Acceptance of Contributions, Awards and Payments from Non-Government Organizations

AR 70-25, Use of Volunteers as Subjects of Research (under revision)

AR 70-57, Military-Civilian Technology Transfer

AR 735-5, Property Accountability: General Principles, Policies, and Basic Procedures

USMA Policy Memorandum 228-01, Academic Freedom

USMA Regulation 25-2, Cybersecurity

USMA Regulation 70-1, Institutional Research

USMA Regulation 70-25, Human Research Protections Program

USMA Regulation 150-3, Credentials and Promotions

USMA Regulation 150-5, Broadening Opportunities

Appendix B: Academy Research Council

1. Purpose

The purpose of the Academy Research Council (ARC) is to foster cooperation among the various USMA departments, centers, and agencies, DA and DoD research organizations, and other research communities in order to promote research at USMA. The ARC will also serve as an advisory and recommending body to the Dean on all matters relating to Academy Research, and provide updates to the General Committee as directed by that body. The current ARC member listing is maintained by the Academic Research Division (ARD), Office of the Dean (MADN-ARD).

2. Functions

The functions of the ARC include providing a:

- a. Mechanism for USMA faculty to act in an advisory, consulting, and planning capacity to the Dean on matters concerning research.
- b. Forum for the consideration and discussion of matters of interest to the USMA research and study community.
- c. Conduit for the exchange of research and study ideas among faculty members, departments, and centers and outside agencies.
- d. Mechanism to disseminate research and study guidance.

3. Organization

a. Voting members. Voting members shall consist of one representative from each of the Academic Departments, the Department of Physical Education, the Department of Military Instruction, the West Point Band, and the Army Cyber Institute. Voting members will be appointed on orders by the appropriate Department Heads/Organizational Directors to serve terms of at least one year. The ARC will receive and act upon petitions from other USMA organizations to become voting members in a timely manner.

b. Non-voting members. Non-voting members shall consist of the Chief of FLICR, the Associate Dean for Research, and a representative from each research center.

c. Participants. Though not directly assigned to the ARC, other interested individuals may participate in ARC meetings as determined by the ARC itself.

d. Officers. The ARC Chairperson will be selected from its membership in a manner determined by the ARC. Additional officers will be determined and selected by the ARC as required.

e. Subcommittees. The ARC will establish working subcommittees to accomplish specific assignments. The FRF subcommittee will be a permanent body (see para 4.d., below); all others shall be constituted on an *ad hoc* basis.

4. ARC Responsibilities

a. Meet at least on a quarterly basis to conduct council business and act on agenda items as submitted by council members. The ARC may meet more frequently if the members of the council deem that it is appropriate.

b. Provide a forum for the discussion of research opportunities and projects and the development of interdisciplinary research and study teams. The ARC will strive to promote the open exchange of ideas among the USMA faculty, departments, and research centers.

c. Provide a forum for outside agencies to address the USMA research community and discuss potential projects and collaborations.

d. Constitute the FRF subcommittee to recommend allocations of the Dean's internal research funds.

e. Advise the Dean on any and all issues related to research activity and research policy at the USMA.

f. Review proposals for new USMA research centers and make recommendations to the Dean concerning their establishment.

g. Annually prepare a short summary of ARC actions and recommendations for the following year and submit it to the Dean.

5. Continuous Improvement

The ARC leadership will implement an internal assessment plan that is systematic, documented, effective, and addresses all chartered functions. As part of this assessment plan, within the first year of a new Superintendent's tenure, the ARC will provide a bottom-up review of all Academy research centers.

Appendix C: Procedures for Addressing Research Misconduct

1. Acknowledgement

The contents of this appendix have been excerpted and adapted from the *Massachusetts Institute of Technology Policies and Procedures 10.1, Procedures for Dealing with Academic Misconduct in Research and Scholarship*. In any area where this appendix conflicts with other USMA regulations governing misconduct, those regulations shall take precedence.

2. General Considerations

a. Unethical behavior in research and scholarship strikes at the heart of the scholarly and educational enterprise. Research misconduct can take many forms, including fabrication or falsification of data, theft of ideas or direct plagiarism, and deliberate interference with the integrity of the work of others. Such behavior may lead to disciplinary actions, including, in severe cases, dismissal of an employee or termination of duty.

b. Alleged research misconduct on the part of cadets must be investigated and adjudicated institutionally under the provisions of the Honor Code and/or Documentation of Academic Work. This appendix provides guidance and procedures for dealing with research misconduct on the part of faculty and staff members. The process involves an initial inquiry into allegations and apparent instances of research misconduct, followed by a more formal investigation when warranted. An inquiry is the act of initial information gathering and fact-finding designed to determine whether or not an allegation deserves further investigation. An investigation is a formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

c. An inquiry or investigation of allegations concerning research misconduct raises difficult and sensitive issues for those making the allegations, for those suspected, and for those responsible for conducting the inquiry or investigation. Therefore, inquiries and investigations and any subsequent proceedings should be conducted promptly and carefully.

d. All members of the Academy are expected to cooperate with the proceedings of inquiries and investigations. Those involved should, to the maximum extent possible, protect the privacy of those who in good faith report apparent research misconduct and of those who are the alleged offenders, and should take steps to preserve the confidentiality of inquiries and investigations and information pertaining to them to the maximum extent possible. However, legal requirements, including legal process, may require disclosure in certain cases.

e. Those involved in inquiries and investigations also have a responsibility to take steps to prevent reprisal against the person bringing the allegation. Reprisal at any

time against the person bringing the allegation is an act of misconduct subject to disciplinary action.

f. Those conducting the inquiry or investigation should, to the extent reasonably feasible, have the expertise to carry out a thorough and authoritative evaluation of the relevant information and have no real or apparent conflicts of interest bearing on the case.

3. Reporting Research Misconduct

a. Someone believing in good faith that an act of research misconduct has taken place should, in most circumstances, present his or her concerns to the supervisor of the person whose work is in question. There may be circumstances in which it may be appropriate to seek confidential advice from senior academic faculty prior to notifying the supervisor.

b. Supervisors who become aware of possible research misconduct, either by their own observations, or because of reports from others, have a responsibility to report it in order to ensure that the proper procedures are followed.

4. Conducting an Inquiry

a. An inquiry should be initiated promptly after evidence of possible research misconduct becomes known and is brought to the attention of the Vice Dean for Operations, in consultation with the Vice Dean for Academics. The Vice Dean for Operations will appoint an impartial fact finder, or fact-finding committee, to conduct the inquiry. The alleged offender will be notified of the inquiry in writing by the Vice Dean for Operations.

b. The initial inquiry should, to the extent possible, be based on objective data and avoid unnecessary disclosures of the inquiry to others. Cases that depend specifically upon the observations or statements of the person bringing the allegation may require the involvement of that individual. Other cases that can rely on written information may permit the person bringing the allegation to remain anonymous. The inquiry might also include informal discussions with others of more senior responsibility, such as the relevant Department Head.

c. The fact finder will conclude the inquiry with a written report to the Vice Dean for Operations summarizing the process, the information reviewed, and the conclusions as to whether or not an investigation is warranted.

d. If the fact finder concludes that no reasonable basis exists for a belief that research misconduct has occurred and that further investigation is unlikely to produce any significant evidence of misconduct, the report should contain sufficient documentation to facilitate any future assessments of the reasons for this conclusion. The fact finder will provide a draft copy of the report to the alleged offender, who may

comment on the report. Those comments will become part of the written report. After considering those comments and revising the report (if necessary), the fact finder will submit the report to the Vice Dean for Operations. The Vice Dean for Operations will submit the report to the Dean of the Academic Board along with a recommendation on the next steps to be taken, including communicating the findings to others who should be informed.

e. If the fact finder determines that there is a reasonable basis to believe that research misconduct may have occurred, even if the evidence is inconclusive, the alleged offender will be given a copy of the draft report that includes the information supporting the allegations. The alleged offender shall be offered the opportunity to respond to the allegations and present such information as he or she wishes. This information will be made a part of the record. The fact finder and the alleged offender may meet in person for the fact finder to review this information. The alleged offender may be accompanied by an independent member of the Faculty Council at any meeting during the inquiry process and should be informed of this before any such meetings take place. After considering the responses of the alleged offender, the fact finder should prepare a final report, including an accurate summary of the information offered by the alleged offender, and forward it to the Vice Dean for Operations. The Vice Dean for Operations will forward the report to the Dean of the Academic Board with a recommendation as to whether an investigation should be initiated, and a recommendation as to who else should be informed.

5. Conducting an Investigation

a. If the Dean of the Academic Board concludes that an investigation is warranted, the Vice Dean for Operations will appoint an investigating person or committee that may include members from outside the Academy. The choice of a single investigator versus a committee will be driven by the complexity of the accusation and its underlying circumstances. At the same time, the alleged offender will be informed of this action in writing by the Dean of the Academic Board. The Dean of the Academic Board is also responsible for notifying the sponsor of a research project in which misconduct is suspected as soon as the decision has been made to undertake an investigation and for keeping the sponsor informed of the status of the investigation.

b. The investigating person or committee will conduct a full investigation in order to determine all the relevant facts. This will normally include the examination of all relevant documentation and interviews with all individuals who are involved or may have pertinent information. The investigation should be initiated promptly and completed as expeditiously as possible. The alleged offender should be provided with all necessary information in a timely manner to facilitate the preparation of a response and ensure an opportunity to address the charges and the supporting information in detail. The alleged offender may be accompanied to any meeting by an independent member of the Faculty Council. The person or persons conducting the investigation should reach findings of fact based on all

relevant information, and not be bound by the findings of the prior inquiry process.

c. If, at any point, the investigation reveals the charges to be unsubstantiated, every reasonable effort should be made to restore and protect the reputation of the person under investigation. The investigating person will prepare a report documenting the reasons for the conclusion that the allegation is without merit. That report will be given to the Vice Dean for Operations, who will submit it to the Dean of the Academic Board along with recommendations concerning it, including recommendations of others who should be informed. Appropriate actions should be taken against anyone found to have brought intentionally dishonest charges.

d. If the investigation substantiates the charges, the investigating person or committee will detail its findings in a final report that includes substantiating documentation. The Vice Dean for Operations will share a draft of this report with the subject. The investigating person or committee will give the final report, including comments from the subject, to the Vice Dean for Operations. Upon receiving the report and comments, the Vice Dean for Operations will notify the alleged offender that the investigation has been concluded and that a decision with respect to any administrative action will be reached as expeditiously as possible. The Vice Dean for Operations will deliver the report to the Dean of the Academic Board along with a recommendation for administrative actions to be taken and persons to be notified.

e. In addition to any disciplinary actions that the Dean of the Academic Board might take after considering the report, the Dean of the Academic Board has the authority to mitigate the effects of the misconduct by withdrawing the Academy's name and sponsorship from pending abstracts and papers and by notifying persons known to have relied upon any work affected by the misconduct.

Appendix D: Research Operations Compliance Program

1. References

- a. AR 11-2, Managers' Internal Control Program, dated 26 March 2012.
- b. AR 11-7, Army Internal Review Program, dated 29 March 2017.

2. Purpose

The purpose of this Appendix is to codify the Dean's Research Operations Compliance Program (ROCP). ROCP is implemented within the research program to provide reasonable assurance that reimbursable funding made available by organizations external to USMA is executed in a compliant, auditable manner.

3. Summary

a. ROCP is based upon the Army Managers' Internal Control Program (MICP) and is synchronized in its annual execution to support the USMA MICP timeline. MICP is conducted by USMA, in accordance with Army Regulation 11-2 (Reference a), to determine and document the status of USMA internal controls. This culminates with the command's annual statement of assurance being submitted to the Assistant Secretary of the Army for Financial Management & Comptroller (ASA (FM&C)). USMA publishes guidance for MICP each fiscal year. This guidance includes USMA's Internal Control Evaluation Plan (ICEP); training, reporting, and evaluation requirements; and the timeline for MICP execution. Based on the Dean's initiative, ROCP extends MICP-like actions one level below Department level to the Research Center level. ROCP feeds into the USMA MICP program by informing Department-level feeder statements of assurance.

b. This appendix describes how ROCP applies to research operations and provides the Dean reasonable assurance that reimbursable funding made available by organizations external to USMA is being executed in a compliant, auditable manner. This appendix provides direction to the individuals authorized to make reimbursable funding execution decisions, as well as to the leaders and staff that contribute to its execution. ROCP is an internal control program and is a leader's program, not an administrative program.

c. Reliance on an effective internal control program has many positive benefits over the reliance on external audits: it cultivates an in-depth understanding of processes, associated risks and controls – the staff experts performing functions can best identify areas of concern and propose solutions; recommendations for solutions come from within the organization; it allows leadership identification of the problem prior to impact and the ability to contain negative publicity; it can be implemented as part of the strategic planning process; and it has a positive impact on the effectiveness and accomplishment of the organization's mission.

4. Applicability

This program is applicable to all Academy personnel involved in the research program execution of reimbursable funding made available by organizations external to USMA. Those with primary responsibilities are the 1) Center Director/Responsible Individual (CD/RI), 2) MICP sub-assessable unit manager (Department Head or Vice Dean for Operations), 3) Associate Dean for Research, 4) Assistant Dean for Budget and Resources, and 5) their supporting staffs. Funding other than reimbursable funding may be executed within the research program, however this funding is not included in ROCP, as other internal controls are in place to ensure the compliant and auditable execution of those funds (e.g. USMA appropriated funding or gift funding).

5. Definitions

ROCP-introduced terms are defined below. Additionally, because of ROCP's basis in MICP, several common MICP terms are also listed for completeness and may be elaborated on for their applicability to ROCP.

a. Annual statement of assurance. A written statement signed by the senior member of an organization, providing an accurate and objective assessment of internal controls within the organization. The statement provides the signatory's personal assurance, which may be an unqualified assurance, qualified assurance, or no assurance, that internal controls are in place and being implemented effectively. The absence or ineffectiveness of internal controls constitutes a deficiency, weakness, or material weakness and must be corrected. The USMA Superintendent, as the commander of an Army Direct Reporting Unit, will submit an annual statement of assurance to ASA (FM&C).

b. Assessable unit. A segment of the reporting organization that is responsible for conducting internal control evaluations in accordance with the Internal Control Evaluation Program. Under MICP, the Dean's directorate is an assessable unit; the Academic Departments and Dean's Staff are sub-assessable units. Under ROCP, Research Centers are sub-assessable units reporting to their supported Directorate or Academic Department.

c. Assessable Unit Manager (AUM). The military or civilian head of an assessable unit; the Dean is the AUM for the Dean's directorate.

d. Center Director/Responsible Individual (CD/RI). These are terms defined within ROCP which refer to a person who is either a Center Director or a Responsible Individual. The ROCP-specific responsibilities for a CD or RI are the same. The default organizational structure of having all Sponsored Research under the purview of a CD is preferred, however the appointment of an RI is allowed as needed for situational flexibility and organizational preference. Each CD/RI is formally appointed to implement ROCP responsibilities for designated reimbursable research funds. Center Directors have responsibility for reimbursable research funds under the control of their respective Centers. When reimbursable research funds are not placed under a research center, then a RI

should be appointed responsibility for those funds. The expectations for a CD or RI to understand and execute the ROCP program are the same (e.g., complete all necessary training, document all spending decisions, and provide an annual feeder statement of assurance supported by checklists per the ROCP ICEP). If an RI is not appointed, then the next higher sub-assessable unit manager is the de facto RI and must personally meet all ROCP requirements expected of a CD/RI. The ROCP's default is that reimbursable research funding be placed under a Center for execution, though an allowance for exception is the appointment of an RI. Signature authority for CD/RI ROCP duties is not delegable, except in the case where the CD/RI is formally not present for duty (e.g. on leave); in that case, an acting CD/RI can be appointed by the CD/RI in writing to cover that period. It is the CD/RI's responsibility to ensure the acting CD/RI is knowledgeable of ROCP responsibilities. The CD/RI must ratify all acting CD/RI signatures upon return to duty.

e. Feeder statement of assurance. These are annual statements of assurance submitted by the senior member of an organization at the assessable unit and sub-assessable unit level. Under MICP, the sub-assessable unit manager (Department Head or Vice Dean for Operations) submits an annual feeder statement of assurance to the assessable unit manager (the Dean), who submits a feeder statement of assurance to Superintendent's appointed Senior Responsible Official. Under ROCP, this process is extended one level deeper so that the CD/RI submits a feeder statement of assurance to the supported sub-assessable unit manager.

f. Internal Control Administrator (ICA). An individual designated by the AUM to administer MICP for the organization. For the Dean's directorate, this assignment is made within the Budget Cell.

g. Internal Control Evaluation (ICE). A periodic, detailed assessment of key internal controls to determine whether they are operating as intended. This assessment must be based on the actual testing of key internal controls and must be supported by documentation. Checklists noting the specific artifacts audited are the standard approach. Checklists may be completed by an individual with subject matter expertise but must be reviewed and approved by the sub-assessable unit manager. For ROCP the approver is the CD/RI.

h. Internal Control Evaluation Plan (ICEP). The written plan that describes how required internal control evaluations will be conducted over a five-year period. ROCP extends the requirement to complete the ICEP to the CD/RI and may add additional checklists for ROCP specific needs.

i. Internal controls. The rules, procedures, techniques, and devices employed by managers to ensure that what should occur in their daily Operation does occur on a continuing basis. Internal controls include such things as the organizational structure itself, formally defined procedures, checks and balances, and a broad array of measures used

by managers to provide reasonable assurance that their subordinates are performing as intended.

j. Material weakness. A significant deficiency, or combination of significant deficiencies, that results in a reasonable possibility that a material misstatement will not be prevented or detected.

k. Reporting organization. This is an organization which submits an annual statement of assurance directly to ASA (FM&C) for use by the Secretary of the Army. USMA, as a Direct Reporting Unit of Army, is a reporting organization.

l. Responsible Individual (RI). See CD/RI.

m. Senior Responsible Official (SRO). This is the individual who has overall responsibility for ensuring the effective implementation of MICP within the reporting organization. The USMA G8 is typically designated by the Superintendent as the SRO for USMA.

n. Sub-assessable Unit Manager (SAUM). These are organization leads at levels below the AUM. Under the USMA MICP, Department Heads and the Vice Dean for Operations are SAUMs. Under ROCP, CD/RIs are SUAMs typically reporting to Department Heads, except for the case of CD/RIs within the Dean's staff, which report to the Vice Dean for Operations.

6. Responsibilities

a. Dean. The Dean has directed that the ROCP augment the MICP to provide reasonable assurance that reimbursable funding made available by organizations external to USMA is executed in a compliant, auditable manner.

1) Ensure subordinate leaders are aware of their responsibilities under ROCP and verify ROCP execution through the Dean's annual Review and Analysis (R&A).

2) Approve the ROCP ICEP.

3) Jointly appoint (along with the appropriate sub-assessable unit manager) each CD/RI. This appointment authorizes CD/RIs to begin executing reimbursable research funding placed under their control.

4) Annually submit a feeder statement of assurance to the USMA SRO that is informed by ROCP via sub-assessable unit feeder statements of assurance.

b. Associate Dean for Research. The Associate Dean for Research is the Dean's senior staff leader responsible for enabling successful ROCP execution and providing staff oversight of ROCP.

- 1) Develop the ROCP ICEP.
- 2) Maintain and update ROCP guidance and resources, making them readily available to those responsible for executing ROCP functions. This includes:
 - a) Provide document templates.
 - (1) CD/RI appointment certificate
 - (2) CD/RI assumption of responsibility memoranda
 - (3) PowerPoint chart for R&A submission
 - b) Other training as required to perform duties.
- 3) Provide and maintain an ROCP dashboard where CD/RIs post required ROCP documentation.
- 4) Develop and implement a biennial staff assistance visit, whereby each CD/RI is visited at least once every other year.
- 5) Review annual CD/RI feeder statements of assurance to assess the level of understanding and execution of the program.
- 6) Maintain a current listing of approved CD/RIs.
- 7) Verify that all reimbursable funding executable under the Dean's oversight is aligned with an appointed CD/RI, or in the case where a CD/RI is not appointed, show that the respective Department Head or Vice Dean for Operations performs the CD/RI role.
- 8) Annually complete the online Confidential Financial Disclosure Report (OGE-450), in accordance with USMA SJA timelines.
- c. Assistant Dean for Budget and Resources. The Assistant Dean for Budget and Resources is Dean's senior staff leader responsible for enabling the proper execution of funding of all types and sources.
 - 1) Maintain a listing of all reimbursable research funding executable under the Dean's oversight. Ensure this is made available to ARD and each respective sub-assessable unit manager (Department Head or Vice Dean for Operations).
 - 2) Establish the timeline for receipt of feeder statements of assurance from Departments and the Vice Dean for Operations in order to meet the USMA MICP suspenses.
 - 3) In cooperation with the Academic Research Division (ARD), verify that all reimbursable funding executable under the Dean's oversight is aligned with an appointed

CD/RI. In the case where a CD/RI is not appointed, ARD will help identify the respective Department Head or Vice Dean for Operations who will perform the CD/RI role.

d. Department Heads, Organizational Directors, or Vice Dean for Operations (in their role as sub-assessable unit manager).

- 1) Prepare, sign, and submit the CD/RI joint appointment certificate for the Dean's signature. Present this certificate to the CD/RI when completed. Additionally, it is expected that the CD/RI will be delegated the authority to approve the obligation decisions for reimbursable research funding under their purview.

- 2) Identify the reimbursable research funding placed under the purview of each CD/RI in the organization.

- 3) Perform the duties expected of the CD/RI for any reimbursable research funding within the organization not placed under the control of a CD/RI.

- 4) In addition to MICP requirements, review the annual feeder statement of assurance from each CD/RI within the organization to inform the feeder statement of assurance submitted to the Dean.

- 5) For departments and organizations involved in ROCP, include the most recent ROCP information in the department's submission to the annual Dean's R&A

- 6) Annually complete the online Confidential Financial Disclosure Report (OGE-450), in accordance with USMA SJA timelines.

e. Center Director/Responsible Individuals.

- 1) Prepare and sign a CD/RI assumption of responsibilities memorandum within 30 days. Completion of this document, along with receipt of the CD/RI appointment certificate, authorizes the CD/RI to make execution decisions for reimbursable research funding.

- 2) Add the required ROCP statement (available in the ICEP) to their officer evaluation report (OER) support form (for officers) or annual performance plan (for civilians).

- 3) Complete all necessary ROCP training within the prescribed timelines.

- a) MICP AUM training within 60 days of appointment as CD/RI, then every two years thereafter.

- b) Ethics at Work (HBS 415) within 60 days of appointment as CD or RI, annually thereafter.

c) Other training as required in order to perform assigned duties relating to Government Purchase Cards (GPC), Defense Travel System (DTS), General Fund Enterprise Business System (GFEBS), Contracting Officer Representative, and/or supply (Property Book Unit Supply Enhanced (PBUSE) system), as applicable.

4) Annually complete the online Confidential Financial Disclosure Report (OGE-450), in accordance with USMA SJA timelines. CD/RIs names will be submitted to USMA SJA by ARD. USMA SJA will track the training requirements and will inform ARD when complete.

5) Maintain a listing of all reimbursable research funding under their purview along with the documents from the sponsoring organizations that made this funding available. A primary responsibility for CD/RIs is to understand these documents so that they can make obligation decisions for this funding which are consistent with these documents.

6) The CD/RI (not the Principal Investigator, if that is a different person) is the individual authorized to make obligation decisions for reimbursable research funding. Obligation decisions can be documented outside of the management information systems used for the mechanics of executing funding (i.e., GFEBS, DTS, etc.), so long as evidence of each decision is provided in the supporting documentation in the management information system.

7) Be aware of the Dean's ROCP ICEP and understand the contents of the internal controls (checklists). The intent for ROCP is that CD/RIs execute their research program in an effective, efficient, and compliant manner while incorporating the internal controls, such that the checklists may be completed at any time without shortcomings or deficiencies.

8) Ensure annual completion of the ROCP checklists required by the ROCP ICEP. These checklists are to be completed based upon actual audit of physical/electronic artifacts, not from memory of prior actions. The specific artifacts audited should be noted for possible later verification. Checklists may be completed by an individual with subject matter expertise but must be reviewed and approved by the CD/RI. Complete and retain a DA Form 11-2 (Internal Control Evaluation Certification) for each internal control checklist.

9) With the completed DA Form 11-2 and ROCP checklists as supporting documentation, complete and sign a feeder statement of assurance.

10) Complete the ROCP Summary Dashboard chart for submission as part of the organization's annual R&A submission to the Dean. Brief this chart during R&A if identified for oral presentation.

11) CD/RIs are charged with executing the reimbursable research funding under their control in a compliant, auditable manner. Aspects of the program such as the training

and checklists are beneficial in helping them understand what they can do. CD/RIs who are uncertain of the proper approach should seek guidance from ARD.

7. Procedures

a. The ICEP for Research Operations can be found at the ARD website. This is the Academy plan for conducting the required internal control evaluations over a five-year period. It identifies the internal controls that the CD/RIs must evaluate, who will conduct the evaluation, and when the evaluation must be conducted. Similar to the overall MICP, the ROCP expects the commanders—the Department Heads and the CD/RIs—to perform most of the evaluations and assessments themselves. The Dean provides the tools so that the CD/RIs are equipped to execute the ROCP and the Office of the Dean provides oversight to verify that internal evaluations and assessments are being conducted.

b. It is critical that CD/RIs understand their role in the ROCP and have the training to effectively perform that role. As such, the appointment orders and required verbiage in the OER support form or annual performance plan ensure that CD/RIs understand the significance of the ROCP (templates may be found on the ARD ICEP website). The required training provides them the tools required to effectively implement the ROCP. Finally, this appendix and the ICEP provide the CD/RIs an understanding of what should be evaluated, how it should be evaluated, and when it should be evaluated. Together, this provides CD/RIs the knowledge required to effectively administer the ROCP.

c. CD/RIs are responsible for evaluating each area identified in the ICEP. For each internal control area that must be assessed, a checklist is provided. The CD/RIs fill out and retain each checklist. The responsible individual can conduct more frequent evaluations but only a formal evaluation, as directed by the ICEP, requires the responsible individual to complete the DA Form 11-2. A separate DA Form 11-2 must be completed for each internal control that is evaluated. After completing all required evaluations for the fiscal year, the CD/RIs submit a feeder annual statement of assurance to his/her department head and ARD.

d. Throughout the year, ARD conducts periodic visits to the centers to assist in their internal control evaluations. Each Academic Department incorporates the annual statements of annual assurance for any centers within the Department into the Department's statement of annual assurance to the Dean. The Department's annual statement of assurance covers all components of the MICP, not just Research Operations.

e. The Dean will draw upon feeder statements of assurance from the Academic Departments, Department R&As, and a review of the ARD Dashboard to assess whether internal controls are operating as needed. The Dean will use this information to complete the annual statement of assurance for the Superintendent.

Appendix E: Sponsored Research Policy

1. Purpose

This Policy applies to all Sponsored Research involving USMA personnel, equipment, or facilities. Sponsored Research is generally grouped into three categories: Reimbursable Research, Gift Funded Research, and Qualifying Research Awards. These categories are characterized by their external funding source. A research program or project may have components from across more than one of these categories. USMA routinely engages in Reimbursable Research projects funded by external organizations within the US federal government. USMA also has research funded via gift funds as Gift Funded Research. USMA is authorized to accept Qualifying Research Awards on a competitive basis from a non-federal entity, such as a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes. Per AR 150-1, the Dean is delegated the authority to accept Qualifying Research Awards on behalf of the Superintendent. This Annex addresses the receipt, execution, oversight, and control of Sponsored Research. The default organizational structure for the execution of Sponsored Research is Principal Investigators (PIs), organized within research centers led by Center Directors (CDs), organized within departments led by Department Heads (or within equivalent-level organizations led by Organizational Directors). Annex D Research Operations Compliance Program allows for a Responsible Individual (RI) in lieu of a CD. The Associate Dean for Research leads the Academic Research Division and is directed to monitor and facilitate all Sponsored Research at USMA. All USMA personnel involved in sponsored research are required to follow the Policy and Procedures described within this regulation.

2. Definitions

a. **Research Activity.** Research activities are systematic investigations designed to produce generalizable knowledge within disciplines for the advancement, teaching, and learning of these disciplines. This knowledge may be basic, applied, technological, or pedagogical in nature.

b. **Sponsored Research.** Research that is provided resources (typically funds) by an external organization. Sponsored Research is generally grouped into three categories: Reimbursable Research, Gift Funded Research, and Qualifying Research Awards.

c. **Reimbursable Research.** Research projects funded by external organizations within the US federal government.

d. **Gift Funded Research.** Research projects funded by gift funds.

e. **Grant.** For the purposes of this policy the term grant includes both *Federal* and *non-Federal* grants. A Federal grant is a legal instrument of financial assistance between an Awarding Agency or pass-through entity and USMA. It is used to carry out a public

purpose, and not to acquire property or services for the Awarding Agency or pass-through entity's direct benefit. It does not provide for substantial involvement of the Awarding Agency or pass-through entity. A non-Federal grant is awarded to USMA faculty on a competitive basis from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

f. **Cooperative Agreement.** For the purposes of this policy, a Cooperative Agreement is a legal instrument of financial assistance between an Awarding Agency or pass-through entity and USMA. It is used to carry out a public purpose, and not to acquire property or services for the Awarding Agency or pass-through entity's direct benefit. Unlike a grant, a Cooperative Agreement provides for substantial involvement of the Awarding Agency or pass-through entity.

g. **Qualifying Research Award.** A qualifying research award is a grant (Federal or non-Federal), cooperative agreement, or similar instrument that is awarded to USMA.

h. **Subcontract.** For the purposes of this policy, subcontracts include sub-awards, sub-contracts, Cooperative Agreements, or similar instrument used to send funding to another educational institution or similar entity that is organized and operated primarily for scientific, literary, or educational purposes, in support of a Qualifying Research Award.

i. **Principal Investigator.** For the purposes of this policy, a USMA PI is the researcher who devises, proposes, receives, and directs a Sponsored Research project and advises other research personnel at USMA in pursuit of project objectives. It is generally the PI's idea or intellectual property that underpins the research project. The PI recommends and accounts for the obligation of the research funds. In the context of a Qualifying Research Award, the PI named in the award will have responsibilities specific to that award and serve as the primary research point of contact for the award. This individual is not necessarily the PI on the overall award if it is a partnership between multiple institutions (e.g., USMA is not the Prime Awardee). A USMA PI must be a USMA faculty member.

j. **Center Director.** A Center Director (CD) is the leader of a recognized USMA research center. Research centers at USMA have evolved as an efficient and effective construct for enabling cadets and faculty to engage in research leading to scholarship. A CD is often also a PI, but not all PIs will be CDs. CDs' primary responsibilities are to enable research opportunities for cadets and faculty and to ensure the compliant administration of all research projects within their research center. The latter is particularly relevant for reimbursable research projects, as any reimbursable funding within the purview of the CD must have the CD's documented approval before being obligated (or documented approval of a higher-level authority, e.g. Department Head). CDs are charged with ensuring reimbursable funds are obligated consistent with the documents that made the funding available at USMA (generally support agreements). For reimbursable funds, following the PI's request to obligate funds, the CD would "approve" the use of the funds

for the requested purpose (G8 personnel involved the mechanics of funds obligation will certify that the funding is of the right type and is available for the requested purpose). This arrangement is intended to allow a smaller subset of USMA faculty (the CDs) to be the enabling experts on the “mechanics” of USMA’s Academic Research processes, allowing the PIs and other research personnel to focus more of their attention on the research itself. This is particularly enabling and empowering given the large percentage of rotating faculty and the absence of graduate students at USMA. CDs thereby enable a lower barrier to entry for USMA cadets and faculty to engage in research leading to scholarship. Also see Annex D Research Operations Compliance Program.

k. Responsible Individual. In circumstances where a PI of a Sponsored Research project is not organized under a research center, there would not be a CD to ensure compliant administration of the reimbursable funding. In that case the Department Head must either designate a Responsible Individual (RI) or assume that responsibility directly themselves. In either case the RI or Department Head would then be required to complete all the training and reporting required of a CD under the ROCP. Having reimbursable research projects that are not organized under research centers generally detracts from the efficiency and effectiveness of the default organizational model but is allowed as need for situational flexibility.

3. Policy.

a. Eligibility. Any Academic Department, Organization, or other USMA entity that employs USMA staff and faculty shall have their faculty eligible to be the Principal Investigator (PI) when applying for a Qualifying Research Award. All USMA staff and faculty are eligible to be personnel supporting a Qualifying Research Award, pursuant to receiving approval from their Department Head or Organizational Director. This approval may be delegated to the Deputy Department Head or Deputy Organizational Director, respectively.

b. Coordination. The Academic Research Division (ARD) serves as the central office for coordinating the proposing, awarding, and administration of Qualifying Research Awards. ARD is responsible for managing the allocation of internal funds to support research activities and for coordinating the processing of funds from external sources through the USMA G8.

1) ARD is responsible for coordinating with USMA G8 to provide guidance to Departments and Organizations on the proper usages of external funds and for monitoring general compliance. ARD is responsible for coordinating with the Aberdeen Proving Grounds MICC for subcontracts in support of Qualifying Research Awards.

2) Departments and Organizations are responsible for overseeing the use of research funds and overseeing the execution of the corresponding research projects by the PIs.

3) The primary responsibility for the proper use of funds and proper research project execution rests on the PI, except where another individual (e.g., a Center Director) is specifically designated as the Responsible Individual per Appendix D of this regulation.

c. Execution of Funds.

1) Funds received by USMA organizations from external sources are entrusted to USMA, representing the Army, the Department of Defense, and the United States Government, for appropriate usage. They are subject to corresponding financial management regulations and policies, regardless of the external source of funding or the specific type of sponsored activity. For funding granted directly to individual faculty members, see paragraph 10 of this Appendix.

2) Subject to the provisions of the Economy Act, 31 USC 1535, 10 USC 2358, and the Project Order Act, a portion of reimbursable funding available for USMA may be used to pay for expenses incurred that are in direct support of the research project (Reimbursable Personnel Support Fee (RPSF)). This fee covers staffing to support awarding and administration of Reimbursable Research and Qualifying Research Awards.

3) The G8 will review every funding transfer document for research fee application. In the case of a large award where the assessment of the standard RPSF will greatly exceed the needs of the Academy, the G8 will propose a lower RPSF for that particular transaction. The G8 will review RPSF income and expenditures on a monthly basis. The G8 will assess the need for refunds of RPSF on a quarterly basis and make refunds as appropriate.

4) Any proposed increase in the RPSF will be staffed as follows:

- The chief of FLICR will identify the new requirements that mandate an increase in the RPSF, explaining why the current capabilities are insufficient to meet the need.
- G8 will identify the increase in the RPSF required to resource the new requirements.
- The complete proposal, to include the details of previous RPSF spending, will be reviewed by the ARC and formally staffed with departments and directorates.
- The USMA Chief of Staff will review all feedback on the proposed increase and approve, modify, or disapprove the increase.

d. Partnerships

1) It is understood that faculty and cadet development are best served by strong partnerships between USMA and corporations, educational institutions or similar entities that are organized and operated primarily for scientific, literary, or educational purposes.

2) USMA researchers are encouraged to develop partnerships for Qualifying Research Awards. These partnerships may consist of sharing resources towards a common or related research goal.

3) Pursuant to the Awarding Agency's willingness to provide USMA with a separate Award in compliance with financial regulations and subject to proper authority, USMA researchers are eligible to partner with external research entities on Qualifying Research Awards.

4) Any partnership/teaming agreements must be endorsed by the Associate Dean for Research.

e. Publications. The publication of research resulting from Qualifying Research Awards accomplished by cadets, faculty, and subcontractors is to be done in accordance with the Awarding Agencies Guideline and Army Regulation 360-1, Army Public Affairs Program, para.6-8, along with the USMA Local Interpretation as discussed in the base document of this regulation. The Awarding Agency and specific Qualifying Research Award may have additional guidelines which also must be followed.

4. Responsibilities for Sponsored Research.

a. Dean of the Academic Board.

1) Accepts Qualified Research Awards on behalf of the Superintendent.

2) Has overall responsibility for the distribution and accountability of externally funded sponsored research.

b. Associate Dean for Research.

1) Implements the Academy's policies for the conduct of externally funded sponsored research.

2) Ensures proper stewardship of research funding from external agencies and coordinates actions regarding compliance with ethical and legal requirements of USMA and the sponsoring agencies.

3) Acts as the institutional representative on behalf of the Dean and USMA, to enter into agreements with external agencies concerning Qualifying Research Awards.

4) Acts as the institutional representative on behalf of the Dean and USMA, to enter into partnership/teaming agreements, Letters of Intent, or similar agreements, with other research entities concerning Qualifying Research Awards when no resources are committed.

5) Review Memoranda of Agreements, Cooperative Research and Development Agreements (CRADA), and Research Grants, in coordination with their proponents.

6) Works with USMA SJA to ensure that all outgoing agreements and subcontracts are appropriate and meet all fiscal laws and policies.

7) Endorses research proposals for external agencies prior to their submission.

8) Provides end-of-quarter reports of external funds received and expended against each project by Department and Research Center to the Chief of FLICR.

c. Academic Research Division

1) Maintains files for each sponsored project account that contain proposals, spend plans, statements of work, funding documents, and other documentation supporting the approved proposal.

2) Provides the Budget Cell with end-of-quarter summary Financial Execution and Stewardship Reports on external funds expended

3) Facilitates and promotes externally funded sponsored research opportunities for USMA.

4) Maintains current information on potential sources of external research support and advertises funding opportunities to USMA faculty.

5) Processes the acceptance of external funds.

6) Provides general institutional oversight of externally funded sponsored research.

7) Assists with the preparation of research proposals and financial transaction documents and advises faculty on expenditures of research funds.

8) Periodically review expenditures from selected externally funded sponsored research accounts.

9) Coordinate with the G8 to accept the funding and process the required financial transactions to execute the funds IAW appropriate fiscal laws and policies.

10) Coordinate with the G8 to maintain auditable records of actual funding and actual expenditures on all Qualifying Research Awards.

11) Maintain up-to-date templates and guidelines for all research-related documents on their website in collaboration with the USMA SJA. This includes templates for Memoranda of Agreements, CRADA, Qualifying Research Award Acceptance, Proposal Endorsement Form, and Proposal Budgeting Guidelines.

d. USMA G8.

1) Coordinates with external agencies to ensure financial documents are properly completed.

2) Processes the acceptance of research funds and ensure the funds are available to the PIs to execute their approved proposals according to the timeline set out in their Statement of Work.

3) Coordinates with PIs/CD/RIs, the Budget Cell, and finance offices of external agencies to ensure that funding is properly accepted and financial transactions are properly executed.

4) Advises PIs/CDs/RIs and department administrative personnel on the proper expenditure of research funds.

5) Develops monthly summary reports of external funds received.

6) Maintains a complete audit trail of documentation accounting for all funds expended for at least six years and three months from the end of the fiscal year covered by the project period of performance.

e. Departments and Organizations.

1) Endorse research proposals for external agencies prior to their submission.

2) Provide a Funding Acceptance Memorandum through ARD to G8 for each sponsored research project.

3) Ensure equipment purchased as a part of the Qualifying Research Award is accounted for properly.

4) Approve and monitor personnel time spent on Qualifying Research Awards.

5) Ensure that administrative support personnel monitor the use of each assigned account to ensure that all funds and expenditures are in accordance with the approved spending plans and guidelines set within the proposal, in addition to maintaining

auditable records of proposals, spend plans, statements of work, and other documentation related to the approved proposal.

6) Reconcile account balances with ARD, Budget Cell and the G8 Budget Analyst at the end of the fiscal year, or upon request.

7) Organizations that exceed their reimbursable funds will be expected to address the shortfall from their operating budget.

8) Designate a CD/RI for each award. PIs may be designated as RIs.

f. Principal Investigators.

1) Devise and propose research projects in order to obtain funding support, thereby establishing or continuing Sponsored Research projects.

2) Serve as the USMA faculty lead researcher and research point of contact for a Sponsored Research project. In the context of a Qualifying Research Award, the PI named in the award will have responsibilities specific to that award.

3) Direct the execution of the Sponsored Research project.

4) Have inherent responsibility for the proper use and execution of funds in their Sponsored Research project. As such, their recommendations are made to their CD to make an obligation decision (or to the RI in the case where a PI is not organized within a research center). A PI may be a CD or RI.

5) Recommend and account for the obligation of Sponsored Research funds in accordance with applicable Army and USMA regulations as listed in Appendix A, as well as support agreements and Awarding Agency regulations.

6) Lead a group of researchers (where applicable) involved in the Sponsored Research project, advising these researchers in pursuit of project objectives. Monitor personnel time spent on their Sponsored Research projects (i.e., Qualifying Research Awards may have specific requirements).

7) Meet the responsibilities of a Researcher.

8) Encouraged to identify funding opportunities for research activities with external sponsoring agencies and to consult with ARD on potential sources.

9) Prior to developing proposals for external sponsors, PIs should discuss the related resource issues with their Department Head (or designated representative) and the Associate Dean for Research.

10) Obtain organizational and institutional approval of research proposals to be submitted to external agencies for funding.

11) Obtain independent institutional reviews of human research projects, in accordance with USMA Regulation 70-25, before beginning work. Awarding agencies may have additional requirements for human research projects.

12) Expend and account for research funds in accordance with applicable Army, USMA, and Awarding Agency regulations.

13) Upon notification of an offer of funds from an external sponsor, PIs are to update their corresponding budget spending plan with their CD and Department or Organization designated financial manager.

5. Procedures

a. Pre-Proposal Planning. Prior to submitting any pre-proposal documents (e.g., a white paper) through e-mail or similar medium to external sponsors, potential PIs must consult with their Department Head or Organizational Director to ensure that the proposed time commitments and department resources are available for the project. Furthermore, PIs must consult with the Associate Dean of Research to ensure that USMA is eligible for the award. PIs do not require formal endorsement at this point unless:

1) They are planning to enter into a partnership/teaming agreement with another entity or require a letter of intent or similar endorsement. In this case, they need to follow the procedures for full proposal endorsement.

2) They are required to submit their documents through grants.gov or a similar website. In this case, they need to follow the procedures for full proposal endorsement.

b. Proposal Endorsement.

1) Prior to being sent to potential external sponsors, all proposal documents (including pre-proposals, letters of intent, statements of work, draft spending plan, agreements, grant proposals, proposal briefings, etc.) are to be endorsed by the (1) PIs, (2) the PIs' organizational leadership (and CD/RI, if a different individual), (3) the USMA SJA and, if an institutional representative is required, (4) the Associate Dean for Research. Additional endorsements may be required depending on the nature and scope of the proposed activities (see paras c-f, below).

2) Endorsements will be documented in a Proposal Endorsement Form that is affixed to the proposal for internal USMA review and recording purposes. In order to be endorsed, the proposal document must be in final or near final form and the resource requirements for USMA in undertaking the proposed activity must be clearly understood. PIs must plan to allow sufficient time to secure endorsements prior to submitting proposals

to external sponsors. Without prior approval, the Associate Dean for Research requires a minimum of five business days to endorse and submit a proposal.

3) The Proposal Endorsement Form contains at a minimum the following information and certifications, with more specific information provided below:

- PI/PD's name, phone number, and Department.
- Sponsoring agency name, the Broad Agency Announcement number or equivalent, and the due date for proposal submission.
- Project title, proposed period of performance, estimate of total project work hours by USMA personnel during the period of performance, and total amount of external funding requested.
- Statement of proposed sub-contracting arrangements.

c. Personnel Issues

1) If funds are requested for new or existing staff positions, itemize positions with work times and pay rates according to the appropriate schedule (e.g., GSA pay rates for employees; contracted rates for contracted positions).

2) If it is proposed to involve cadets in a manner that requires USCC approval, have approval signature from an appropriate USCC official.

3) If USMA-affiliated personnel or any family members of USMA-affiliated personnel will personally benefit directly or indirectly from the proposed activity, insert a Disclosure Statement on the first text page of the proposal document that explains the benefits.

d. Equipment and Information Technology Issues.

1) If funds are requested for (non-Information Technology) equipment items costing \$5,000 or more with normal use periods of more than one year, itemize the equipment, its cost, installation and maintenance requirements.

2) If funds are requested for Information Technology, itemize the Information Technology, its cost, installation and maintenance requirements. If the Information Technology requires access to the West Point Research and Engineering Network (WREN), it must also have an approval signature from the CIO/G6.

e. Space and Facilities Issues.

1) If there are additional or renovated space requirements, describe the requirements and have approval signature from an appropriate administrative official (as determined by the Assistant Dean for Facilities).

2) If there are exceptional usage of facilities or exceptional institutional service requirements, describe the requirements and have approval signature from an appropriate administrative official.

f. Research Issues.

1) If human subjects are part of the proposed research plan, attach a copy of the appropriate institutional review approval document (Statement of Exemption from the Exemption Determination Officer/Human Protections Director or approval of the Human Research Protocol from the Institutional Review Board). If the appropriate institutional review has not been completed, insert the following notification on the first text page of the proposal document: *“NOTIFICATION OF HUMAN SUBJECTS RESEARCH: This project involves human subjects research that must be approved by the USMA human research protections program before any human subjects may be enrolled or engaged by researchers.”*

2) If biological hazardous or controlled materials are to be utilized or produced in the proposed research, have approval signature from an appropriate safety officer.

3) If classified or otherwise sensitive U.S. Army, Department of Defense, U.S. Government, or USMA institutional information is to be utilized or produced in the proposed research, have approval signature of an appropriate security officer.

g. PI Certification. Specific to Qualifying Research Awards, the PI is to sign and date the following certification statement: *“I certify that the statements made in the attached proposal and in this Proposal Endorsement Form are true and complete to the best of my knowledge. I agree to comply with relevant federal requirements and sponsoring agency funding terms and conditions if this project is funded.”*

h. Organization Director and CD/RI Affirmation. Specific to Qualifying Research Awards, the PI's Department Head or Organizational Director is to sign and date the following affirmation statement: *“The purpose of the project described in the attached proposal supports the Department's overall program and academic objectives. The personnel time allotted to the project is realistic and manageable within the Department's mission requirements. Adequate space and facilities are available or planned for in order to conduct the project.”* If the CD/RI is a separate individual from the PI, that individual will sign and date the following affirmation statement: *“I understand that I have primary responsibility for the proper use of funds and proper funding execution of this project.”*

i. The Associate Dean for Research Affirmation. If required, the Associate Dean for Research is to sign and date the following affirmation statement: *“The attached proposal is consistent with the overall objectives of the Academic Program and the Dean’s Policies for Academic Research. All institutional concerns are resolved.”*

j. Proposal Selection. Upon notification that a proposal has been selected for award, the PI will update all budgetary and technical aspects of the proposal as required based on negotiation with the Awarding Agency. Any change to the budget or technical plan (e.g., Statement of Work) will require an updated Proposal Endorsement Form before the Associate Dean will be able to approve acceptance of the Award.

k. Award Acceptance. Upon receipt of a properly completed financial transaction document from an external agency for a sponsored project, ARD will provide a copy to the PI for attachment to a Funding Acceptance Memorandum to be filled out, signed by the PI, and returned through the PI’s Director, ARD, SJA and to G8 for acceptance of the funding document. The purposes of the Funding Acceptance Memorandum are:

1) To provide a budget plan for expenditures according to cost categories and quarterly spending plan for each Fiscal Year during the Period of Performance. The cost categories are:

- Direct Personnel: Civilian Pay (GS, WG, Title X, Title V) and Contracted Personnel (e.g., Post-Doctoral Researchers)
- Fringe Personnel Fees
- Travel (TDY)
- Equipment/Information Technology
- Materials and Supplies
- Contractual Services including Sub-Awards
- Reimbursable Personnel Support Fee

2) To affirm the intent of the PI to execute the sponsored project according to the budget plan and the terms of the attached financial transaction document.

3) To affirm the intent of the Department/Organization to provide the resources, administration, and service support required for the sponsored project.

4) To request the G8 accept the financial transaction document on behalf of the Academy.

I. General Financial Responsibilities.

1) All funds received from external sponsors belong to the Academy as an institution, under the control of the G8, regardless of who the sponsors are, which individuals are responsible for procuring the funds, or who is responsible for executing the sponsored projects. The Academy is accountable for the proper management and usage of sponsored research funds.

2) In accordance with the Anti-Deficiency Act (31 USC 1341), the Academy must not use funding from external sponsors for purposes for which the Academy receives its appropriated operating budget. Operating funds and sponsored research project funds must be accounted for separately.

3) Funds received by the Academy for a sponsored research project must be used for that project within the prescribed limits for obligating the funds and for project expenditures that have been approved by the sponsoring agency.

4) Funds received from external sponsors to support research activities may not, under any circumstances, be used to pay for unallowable costs listed in OMB Circular A-21 Section J; for example, goods or services for personal use, entertainment, and alcoholic beverage costs are unallowable.

5) Auditable records of sponsored research fund expenditures must be maintained that document proper usage of funds.

6) All expenditures for items not listed in the financial transaction documents received from the sponsoring agency should be justified as to why these expenditures are appropriate for the sponsored project. In addition, any such expenditure costing \$5,000 or more should be accompanied by a written note from the sponsoring agency approving the specific purchase.

7) Expenditures for special purpose equipment and information technology items that will become USMA property should be justified as to why these expenditures are appropriate for the sponsored project. They should also be listed explicitly in the financial transaction documents received from the sponsoring agency.

8) Accumulated expenditures for contractual services that are 75% or more of the total amount received should be justified and documented in accounting records.

9) Accumulated reissuing of amounts received by USMA to another U.S. Government agency that are 75% or more of the total amount received should be justified and documented in accounting records; specifically, the reason why the third party is unable to receive the funding directly should be stated.

m. Economy Act Orders and Project Orders.

1) The “Project Order Law” (41 USC 6307) and the “Economy Act” (31 USC 1535) contain legal authority and requirements for one U.S. Government entity to perform work for another. Research activities at USMA that are sponsored by U.S. Government agencies constitute work performed by USMA for the sponsoring agency. The sponsoring agencies issue Economy Act Orders or Project Orders for work to be done by USMA, which USMA agrees to accept. Upon acceptance by USMA, the sponsoring agency incurs an obligation against its appropriated funds for the agreed upon amount. DoD Financial Management Regulation on the use of Project Orders and Economy Act Orders is given in Chapters 2 and 3 of DoD 7000.14.R, Volume 11A. The following paragraphs highlight some key differences and commonalities between Project Orders and Economy Act Orders.

2) A Project Order is distinguished by requesting works or services that are not reasonably severable between fiscal years; so that if the work were terminated at the end of the fiscal year, few, if any, benefits would accrue to the sponsor. The work under an Economy Act Order should be reasonably severable between fiscal years. Project Orders must be an order for an “entire” end-item or service would call for a single or unified outcome or product and would be one in which few, if any, benefits would accrue if the work were terminated without completion at the end of the fiscal year in which it was placed. An example of an effort that is eligible for project order financing is the manufacture, production, or assembly of items including experimental prototypes or items manufactured and assembled for test. “Items” include ships, aircraft, guided missiles, other weapons, vehicles of all kinds, ammunition, clothing, machinery and equipment for use in such operations, and other military and operating supplies and equipment (including components and spare parts). Typically, Project Orders are issued for longer than one fiscal year; while Economy Act Orders are usually issued for one fiscal year. Project Orders cannot be accepted as a direct fund cite - only reimbursable. Work under a Project Order should begin within 90 days of receipt of funding. Project Orders should be cancelled if work does not begin before 1 January following the 30 September end of appropriations. A Project Order may not be used to finance education, training, or travel, if any of these are the primary purpose of the order. A Project Order may not be placed if more than 49% of the total costs are for contracted services. Army agencies may not accept RDT&E funded Project Orders after the first year of availability (see DoD 7000.14.R, Volume 11A, Chapter 2, Army Annex). Economy Act Orders are not restricted in these ways.

3) Economy Act Orders and Project Orders shall be specific, definite and certain both as to the work encompassed by the order and the terms of the order itself. They are subject to the same fiscal limitations that are contained within the appropriation from which they are funded. Orders citing an annual or multiyear appropriation must have a bona fide need in the fiscal year (or years) for which the appropriation is available for obligation. The bona fide need is generally determined by the requesting agency; however, the servicing

agency (USMA) should refuse to accept an order if it is obvious that it does not serve a bona fide need when the appropriation is available for obligation. Orders may not be issued to extend the availability of appropriations. A support agreement is required to outline the terms and conditions for Economy Act and Project Orders.

n. Funding Documents - Military Inter-agency Purchase Requests (MIPRs), 7600Bs, and Direct Charge Agreements). Funding transfers from external sponsors to USMA are accomplished by officially authorized financial transaction documents called a funding document. Financial transactions with non-Army agencies are accomplished via MIPR/7600B. Funding transactions between Army Agencies are accomplished via Direct Charge Agreements. PIs are to inform sponsors to ensure their resourcing agency includes all required information on MIPRs/7600Bs and similar documents. ARD in coordination with G8 will coordinate with sponsoring agency financial officials in order to have complete and accurate MIPRs/7600Bs sent to USMA for acceptance. To ensure proper processing and subsequent administration of funding, G8 will disseminate standard information lines for inclusion into MIPRs/7600Bs.

6. Cooperative Research and Development Agreements (CRADAs)

a. The Superintendent has the authority to enter into CRADAs with State and local governments or the private sector for projects that serve the purpose of transferring federally owned technology or federally developed research to organizations outside of the U.S. Government.

b. Under a CRADA, USMA may accept funds from State and local government agencies or private companies to pay for certain costs associated with research project work by USMA personnel; however, USMA may not provide funds to the non-federal partner. The CRADA is a contract containing standard terms and conditions designed to protect the rights of both parties, with an attached Statement of Work (SoW) that describes the work to be done and the resources to be supplied by each party.

c. Researchers pursuing a CRADA should collaborate with the non-federal partner and the Associate Dean for Research in writing the SoW to facilitate agreement on the technical scope of the project. Questions or concerns about the legal terms of the agreement are to be resolved by the legal representatives of both parties. Once complete, both parties will review the CRADA for legal sufficiency. After signature by the non-federal partner, the Associate Dean for Research will staff the CRADA for the Superintendent's approval and signature.

d. The Associate Dean for Research will maintain a file of all CRADAs and will review them at least annually. The SoW for a CRADA has the following content:

- 1) Project title and brief project description.
- 2) Objectives and technology transfer.

- 3) Benefits to both parties.
- 4) Background.
- 5) Technical tasks of both parties.
- 6) Deliverables and milestones.
- 7) Itemized cost budget.
- 8) Points of contact.

7. Memorandum of Agreement (MOA)

A Memorandum of Agreement is executed between separate U.S. Government agencies that plan to commit resources towards a mutually beneficial program that is consistent with their respective missions. The MOA is an official document co-signed by duly authorized institutional representatives. The Associate Dean for Research has the responsibility to participate in the development of USMA MOAs that support research activities and to coordinate with the partnering agency in having them fully executed. All USMA MOAs are reviewed for legal sufficiency by the USMA SJA and signed by the Superintendent, unless the Superintendent delegates signature authority for support agreements. The Associate Dean for Research will maintain a file of all MOAs that support research activities and will review them at least annually to help identify areas for consolidation of agreements and avoid duplication of effort. A typical MOA has the following sections:

- a. Authority for entering the agreement.
- b. Background information relevant to entering the agreement.
- c. Purpose and objectives of the agreement.
- d. Responsibilities of both parties under the agreement.
- e. Period of performance.
- f. Financial information.
- g. Contact information.
- h. Procedures for modifying and terminating the agreement.

8. Material Transfer Agreements

An MTA is a contract that governs the transfer of tangible research materials between two organizations, when the recipient intends to use it for his or her own research purposes. The MTA defines the rights of the provider and the recipient with respect to the materials

and any derivatives. Biological and non-biological MTA templates are available from ARD for use by USMA researchers. All USMA MTAs are reviewed for compliance with department SOP by Department Heads and for legal sufficiency by the USMA SJA. MTAs may also require additional reviews for compliance with specific areas such as animal use, human tissue, hazardous materials, and conflicts of interest; consult ARD for concerns in this vein. Similar to MOAs, MTAs are considered support agreements for which the Superintendent may elect to delegate signature authority. Unless specifically differentiated in the delegation, USMA officials with signature authority for MOAs also have signature authority for MTAs. Once approved, departments will maintain an archive copy of an MTA and provide a copy to ARD for Academy reference.

9. Gifts

Departments and Centers may develop statements-of-need for research related purposes, such as endowed chairs, faculty and cadet development, academic conferences, specialized research equipment and educational projects. Department and Center statements-of-need are coordinated through the PRD and approved by the Dean for inclusion in the USMA Needs Book that is maintained by the Directorate of Academy Advancement (DAA). If faculty members are approached with unsolicited offers of financial support or inquiries about making donations in support of research activities, they may gather information and state needs but must avoid soliciting, encouraging, or negotiating the terms of potential donations. They should inform their Department or Center Head about the initial contact. The appropriate follow-up procedure will be determined by the Department or Center in coordination with DAA.

10. Co-sponsored Events with Non-Federal Entities

Under the provisions of the Joint Ethics Regulations, (DoD 5500.7-R), Chapter 3, *Activities with Non-Federal Entities*, Paragraph 3-206, *Co-Sponsorship*, and Paragraph 3-211, *Logistical Support of Non-Federal Entity Events*, USMA co-sponsors, participates in and supports private organization events that promote professional development, the exchange of information and interest in scientific, technical and academic issues that are relevant to the mission of the USMA and the Army. The following conditions apply:

- a. The non-federal co-sponsor must be a recognized scientific, technical, educational, or professional organization approved for the purpose of the event by a USMA SJA Ethics Officer in the legal review of the agreement.
- b. USMA is represented by a Department or Organization which takes the responsibility to schedule the event, ensures that the relevant USMA logistical support activities will be in place, and develops a written agreement with the co-sponsor.
- c. A summary sheet is staffed by the department to obtain the required legal review of the agreement by the USMA SJA, including the concurrences of all offices affected, and approval by the Superintendent.

11. Financial Support to Individuals

a. Overview. Under certain conditions, private sector agencies may make funds available directly to USMA personnel in order to support their research activities. These conditions include consulting, teaching, lecturing, writing, and accepting grants or scholarship awards to defray the costs of research or educational endeavors. These activities will be reviewed by the USMA SJA for legal sufficiency and ethical appropriateness and then subsequently approved by the Dean of the Academic Board.

b. Research activities outside of normal duty hours. Researchers (military and civilian) may pursue personal financial support for research activities that are done outside of normal duty hours if the activities do not involve, or conflict with, their official duties with respect to the USMA, the U.S. Army, or the U.S. Government. Financial support to individual research activities will be subject to the provisions for outside employment contained in the Civilian Faculty Career Model regulation and/or Army regulations as applicable to individual faculty members.

Appendix F: Intellectual Property Management Plan

1. Summary

The U.S. Military Academy at West Point's mission is "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army." Within that mission, Technology Transfer (T2) affords the Army's future leaders opportunities to collaborate with state, local and quasi-government agencies, as well as industrial and academic partners on technologies critical to the warfighter as made available under 15 USC 3710. The opportunity provides cadets and faculty access to collaborate on leading edge work and to develop expertise in research, development, and acquisition of technology critical to the Army's warfighting mission.

2. Intellectual Property Management Strategy

a. External collaborations are determined by the educational organizations across the Academy representing the academic, military, physical, and character pillars of the Academy's mission. The collaborations are in service of cadet and faculty development to work on problems relevant to the warfighter. The Academic Research Division is an active component in USMA's interaction with non-federal entities and is in service to the faculty in establishing the right agreements to partner with non-federal entities. The Associate Dean for Research (ADR), who serves as USMA's Technology Transfer (T2) representative, is supported by routine access to USMA SJA. Given that agreements with outside institutions are approved by the Superintendent, the Associate Dean for Research coordinates with the Chief of Faculty Learning, Innovation, Collaboration, and Research for appropriate staffing and policy support.

b. Managing the T2 program is the job of the ADR, supported by the USMA SJA. This includes working, as delegated by USMA's T2 authority, Cooperative Research and Development Agreements (CRADAs), Materiel Transfer Agreements (MTAs), Memorandums of Understanding and Agreement (MoUs and MoAs), Education Partnership Agreements (EPAs), Non-disclosure Agreements, Information Transfer Agreements, and similar agreements. To manage the processes, the ADR provides annual training in Technology Transfer to interested faculty across the Academy. The ADR maintains a digital workflow to assist faculty in developing the appropriate agreement with their partnered agency, and to maintain an archive of agreements.

c. The ADR manages Intellectual Property (IP) emergent from the collaborations. The Academic Research Division organizes an annual USMA symposium in conjunction with Project's Day to evaluate potential of cadet and faculty work for patent submission. Patent submission and funding follow the policy set by the Academy.

3. Intellectual Property Management Objectives

The following objectives support the three DoD T2 Strategy & Action Plan focus areas in the context of supporting the Academy's mission:

- a. Encourage DoD and its agencies to partner, consistent with their missions and authorities, with partnership intermediaries;
- b. Pursue or invoke authorities, such as Enhanced Use Lease, tailored to engage in public-private partnerships leveraging relationships with incubators, accelerators, and research and technology parks on or near DoD labs;
- c. Engage in regionally focused public-private partnerships, exploring technical areas of importance to their mission, which also work to further the commercialization of science-based innovations arising from DoD laboratories.

4. Components of Intellectual Property Management

- a. Generation and Identification of Army-owned IP. The USMA IP legal team oversees the generation and identification of Army-owned IP. USMA IP legal reviews all agreements and regularly reviews active agreements to insure the protection of Government IP rights.
- b. Protection of Army-Owned IP. All inventions developed at USMA or with partnered agencies are disclosed to USMA IP legal team. In most cases decisions to patent are based on whether or not the partner decides to follow through with filing and resourcing the patent process. On occasion the U.S. Military Academy may decide, in collaboration with an Army partner (typically within Army Futures Command), to file for a patent.
- c. Exploitation of Army IP. Historically, USMA IP has not been commercialized. Any IP deemed worthy of commercialization would be so determined and managed by an Army partner, typically within Army Futures Command.
- d. IP Partnerships and Agreements. Since delegated T2 Authority, the U.S. Military Academy has averaged less than 10 T2 agreements a year. Of those partnerships, the majority are with other DoD laboratories.
- e. IP Training. USMA's IP training program is under development. Currently USMA uses networks and resources within the Federal Laboratories Consortium for Technology Transfer to support required training.
- f. IP Outreach. USMA's main outreach is through the annual Projects Day. Projects Day showcases the work of cadets, faculty and partners across the many disciplines within the Academy. The Academy is also building a presence on the Federal Laboratories Consortium for Technology Transfer website to encourage greater collaboration with regional partners.

Appendix G: Army Cyber Institute Research Policy

1. Purpose

This appendix defines exceptions to the regulation for the Army Cyber Institute (ACI), per the procedures outlined in paragraph 2.b.5) of this regulation. The ACI is a directly funded unit and a direct-report to the Superintendent that primarily conducts multidisciplinary cyber-focused research and academic partnerships. Unless otherwise stated below, the policies and procedures outlined in this regulation apply to the ACI.

2. Definitions

For the purposes of this regulation, the ACI Director has the equivalent authorities as a Department Head regarding research activities. Exceptions to this are outlined in subsequent paragraphs.

3. ACI Research Policy (General)

- a. The planning, primary approval, execution, and direct oversight of research activities occurs within the ACI.
- b. The ACI Director is responsible for the facilitation, promotion, and oversight of research activities within the ACI.
- c. Financial support from external sources for research activities, with the exception of grants and other similarly competitive awards, will be obtained, expended, and accounted for in accordance with federal and Army regulations.

4. Responsibilities for Research

- a. Director of the ACI.
 - 1) Establishes policies for the conduct of research and for the control and use of research funds and equipment within the ACI.
 - 2) Has overall responsibility for the distribution and accountability of funds in support of research within the ACI.
 - 3) Serves as the focal point for research within the ACI and liaison to external research agencies.
 - 4) Approves agreements with external agencies concerning research pursuant to authorized USMA delegations of authority.
 - 5) Nominates one representative to sit as a voting member on the Academy Research Council.

6) Approves research proposals from researchers assigned to the ACI that seek funding from external agencies.

7) Supervises the research activities of researchers assigned to the ACI.

b. ACI Support Staff

1) Implements procedures to ensure accountability for sponsored research and for proper expenditures of sponsored research funds. Ensures equipment purchased as part of the research work is accounted for properly.

2) Manages internal and external funds earmarked for research activities.

3) Receives FS-7600A/B forms from ACI research staff. Gathers required agreement packet elements, proofs documents for accuracy and completion prior to sending them to the G8 Reimbursable Team to process for the acceptance or payment of funds for research activities.

4) Performs as the interface between the ACI and the Agreements contracting team at Aberdeen Proving Grounds for ACI research agreements.

5) Develops and staffs ACI non-competitive CRADAs, Agreements, Broad Agency Announcements (BAA), and MOAs for approval at the appropriate approval authority level.

6) Provides Academic Research Division with copies of all signed agreements.

c. Researchers. Obtain ACI approval of research activities and their related usage of ACI resources; specifically, the usage of personnel, work time, and equipment.

5. Research Operations Compliance Program

a. The ACI Director performs as the Assessable Unit Manager (AUM) for the ACI.

b. The ACI AUM may delegate to a Responsible Individual the responsibility for reimbursable fund management. Responsible individuals report directly to the ACI AUM for all MICP related requirements.

c. The ACI Director assigns an Internal Control Administrator (ICA) for the ACI.

d. The ACI AUM submits a feeder statement of assurance to the USMA SRO.

6. Financial Support to Individuals

ACI staff seeking outside financial support will request approval using the USMA outside employment procedures.