# Research Administration and Compliance Meeting
# Wednesday, October 28, 2015 1:00 – 3:00 p.m.
# Larrick Student Center, Court End Ballroom A

## Agenda

**Grants & Contracts**
- Status of HHS Transition to Subaccounting
- Overview of Upcoming Cost Share Brown Bag Topics
- G&C Updates

**Office of Export Compliance**
- Dual Use Research of Concern Update
- Visitors to Campus

**Office of Sponsored Programs**
- OSP Staffing Update
- RAMS-SPOT—Implementation Update
- Sponsored Projects Administration Certification Program-Spring dates announced
- Uniform Guidance—Subrecipient vs. Contractor determination
- Federal Research Terms and Conditions—Comment Period
- State Agency—"Background check" expenses

**Office of Research Administration and Compliance**
- FY 2015 Awards Report
- Compliance Notices 15-006 – Use of RAMS SPOT
- Compliance Notices 15-007 – Nonstandard Terms

**Office of Research Subjects Protection**

**Office of Research Integrity and Ethics**
- COI Assessment and Process

**Clinical Research Updates**
- New Chargemaster Rates
- SIP Portal Link (Patient Recruitment Tool)
- Save the Date – FDA Workshop – April 18, 2016 – Larrick Hall

Upcoming RACM Meetings – 1 – 3 p.m., Larrick Student Center, Court End Ballroom A

- February 17, 2016
- April 27, 2016

# Grants and Contracts Accounting Updates

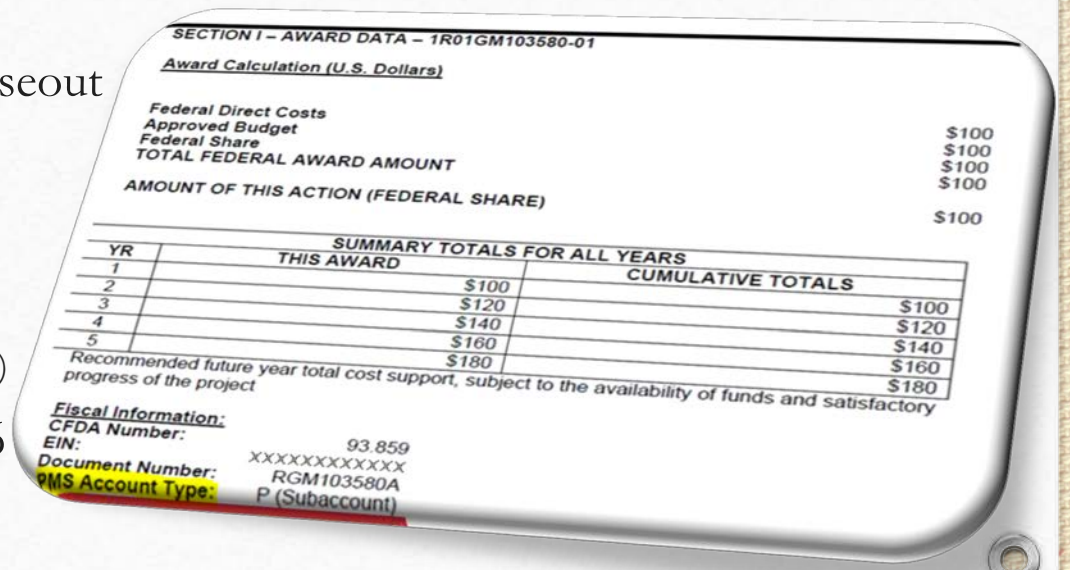
## RACM October 28,2015:

Cost Sharing

NIH Sub-accounting

# NIH Sub-accounting Transition/Updates

- What is it?
  - Change in how the University is reimbursed for costs occurred on NIH awards
- Why is NIH transiting to Sub-accounting?
  - Improve financial data integrity and financial closeout
    - http://grants.nih.gov/grants/payment/faqs.htm#3777
- When?
  - Initially the Fall of 2013
  - Federal FY 2016 (October 1, 2015 – September 30, 2016)
  - NIH's goal completion date: September 30, 2016



SECTION I – AWARD DATA – 1R01GM103580-01

Award Calculation (U.S. Dollars)

| | |
|---|---|
| Federal Direct Costs | $100 |
| Approved Budget | $100 |
| Federal Share | $100 |
| TOTAL FEDERAL AWARD AMOUNT | $100 |
| AMOUNT OF THIS ACTION (FEDERAL SHARE) | $100 |

SUMMARY TOTALS FOR ALL YEARS

| YR | THIS AWARD | CUMULATIVE TOTALS |
|---|---|---|
| 1 | $100 | $100 |
| 2 | $120 | $120 |
| 3 | $140 | $140 |
| 4 | $160 | $160 |
| 5 | $180 | $180 |

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

Fiscal Information:

| | |
|---|---|
| CFDA Number: | 93.859 |
| EIN: | XXXXXXXXXXX |
| Document Number: | RGM103580A |
| PMS Account Type: | P (Subaccount) |

# NIH Sub-accounting Transition/Updates

- How does it impact departments?
  - Cumulative Reporting (Streamlined Non-competing Award Process (SNAP))
    - A new grant ID create to transition the award
  - Budget Year Reporting (Annual Financial Reporting or Carry-forward approval required)
    - A new grant ID create to transition the award

**Virginia Commonwealth University**
**Grants and Contracts Accounting**
**FUND ASSIGNMENT MATRIX BY TYPE OF AWARD**
[based on Sponsor Financial Reporting Requirement]

| Award Type | | Award Conditions | | Financial Reporting Requirement referred to below as (RR) | | Treatment |
|---|---|---|---|---|---|---|
| Grant | | | | | | |
| Federal | ...if | 1)NIH EA/SNAP, NSF, DOE, ONR, USED, NASA, DOD (these are our primary; may include others) | ...and RR | Cumulative | ...then | Single Index w/Budget Yr Activity Code |
| | unless | 2)Annual Financial Reporting or Carry-forward approval required | ...thus | Budget Period | | Budget Period Index |

# NIH Sub-accounting Transition/Updates

- Where can I go for more information?
  - http://www.controller.vcu.edu/grants/gc-admin/fundassignmatrix.pdf
  - http://grants.nih.gov/grants/guide/notice-files/NOT-OD-14-103.html
  - http://grants.nih.gov/grants/payment/faqs.htm

# Cost Sharing



# Cost Sharing

- Recent inquires received have identified a need for conversation and training on cost sharing
- Upcoming Training
  - Format: 2 one-hour training sessions ("Brown bag")
  - Topics: Session 1: "The Basics" and Session 2: "Documenting Cost Sharing"
  - When: TBD (End of 2015/Beginning 2016)
- We look forward to seeing you!

# Thank you!

## Contacts (Cost Share Training)

- Cathy Short (804) 828-8104
- Presepine Fleming (804) 828-2056
- Mark Roberts (804) 828-0033

## Contacts (NIH Sub-accounting)

- Tiffany Mason (804) 828-5874
- Assigned Customer Service Team (804) 828-8104
- Presepine Fleming (804) 828-2056
- Mark Roberts (804) 828-0033


# Export Compliance Update

Quinton Johnson
Director, Export Compliance Office
Office of the Vice President for Research and Innovation

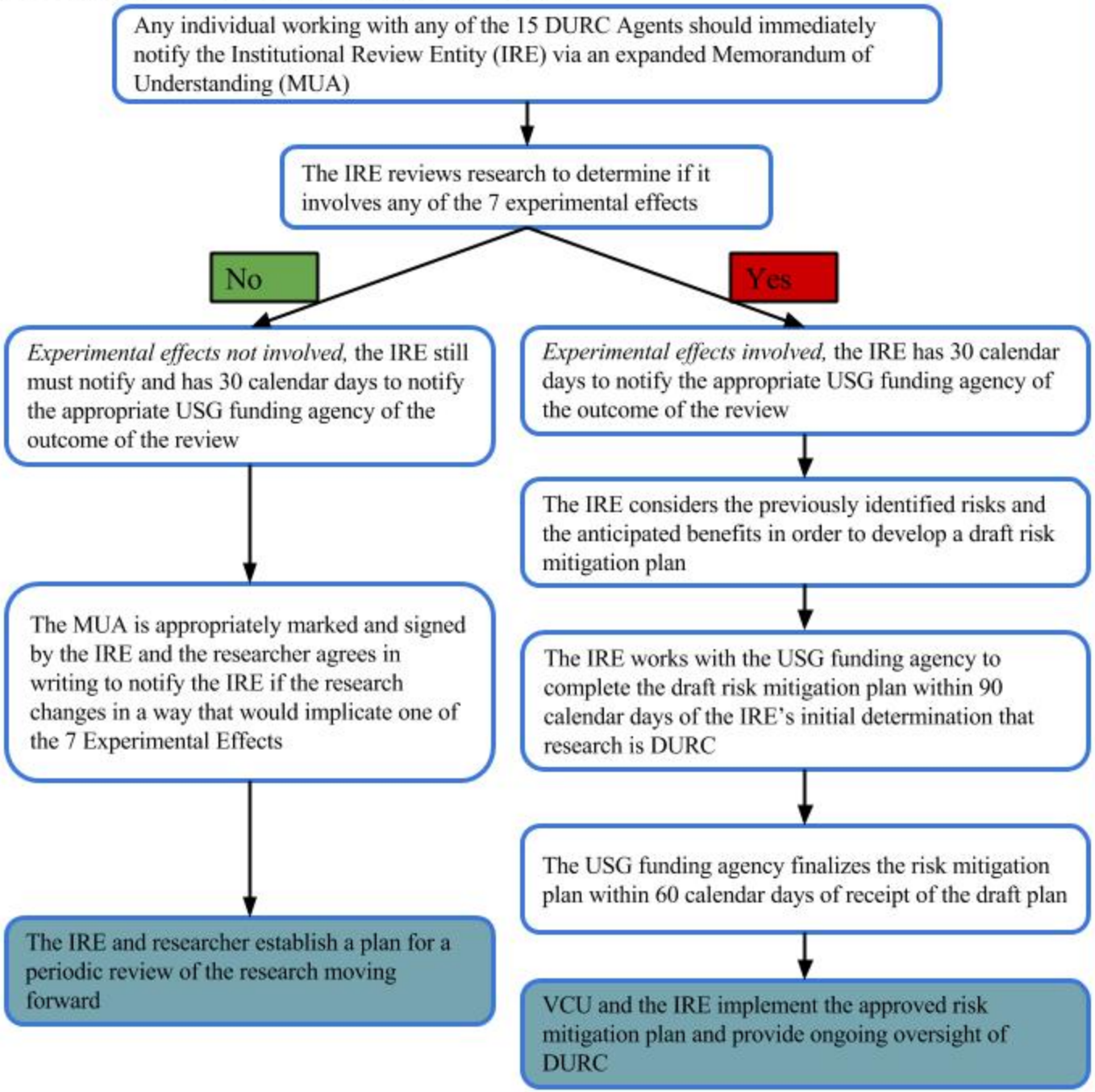
# Lab Visitor Guidance

- Is a person a
  - Post-doc
  - Visiting Scholar
  - Volunteer
  - Employee
  - Some other distinction
- If the person has a Visa is it appropriate for their role at VCU
- Who should you contact with these questions

# Export Compliance Committee
## Membership Roster

| | |
|---|---|
| **College of Humanities and Sciences** | Edith Allin |
| **Fixed Assets** | Lynne Trice |
| **Global Education** | Paul Babitts |
| **Human Resources** | Cathleen Burke & Laurie Bourne |
| **Integrity and Compliance Office** | Jacqueline L Kniska |
| **Office of Environmental Health and Safety** | Mary Beth Taormina & Larry Mendoza |
| **Office of Procurement** | Brenda Mowen & Nick Fetzer |
| **Office of Sponsored Programs** | Andrea J Publow & Melanie A Wiggins |
| **Provost Office** | Heidi Jack |
| **School of Engineering** | Ram B. Gupta |
| **School of Medicine** | Tricia Zeh |
| **VCU Qatar** | Gary L Huff |
| **VCU Technology Services** | Dan Han |

# Dual Use Research of Concern Review Process:




**15 DURC Agents & Toxins:**

1. Avian influenza virus (high-path)
2. Bacillus anthracis
3. Botulinum neurotoxin
4. Burkholderia mallei
5. Burkholderia pseudomallei
6. Ebola virus
7. Foot-and-mouth disease virus
8. Francisella tularensis
9. Marburg virus
10. Reconstructed 1918 influenza virus
11. Rinderpest virus
12. Toxin-producing strains of Clostridium botulinum
13. Variola major virus
14. Variola minor virus
15. Yersinia pestis

**7 Experimental Effects:**

1. Enhances harmful consequences of agent or toxin
2. Disrupts immunity or effectiveness of immunization without clinical/agricultural justification
3. Confers resistance to clinically and/or agriculturally useful prophylactic or therapeutic interventions or facilitates ability to evade detection methodologies
4. Increases the stability, transmissibility, or the ability to disseminate the agent
5. Alters the host range or tropism
6. Enhances the susceptibility of a host population
7. Generates or reconstitutes an eradicated or extinct agent or toxin previously listed

# Contact Information for DURC

- **Mike Elliott**

  Senior Safety Engineer

  Office of Environmental Health and Safety

  - mtelliot@vcu.edu
  - 804-400-4984
- **Larry Mendoza**

  Sr. Safety Engineer/Chemical Safety

  Office of Environmental Health and Safety

  - lgmendoz@vcu.edu
  - 804-828-2596
- **Quinton Johnson**

  Director, Export Compliance Office

  - exportctrl@vcu.edu
  - qjohnson3@vcu.edu
  - (804) 827-6088
- VCU Webpage
  - http://www.research.vcu.edu/export_control/


Office of Sponsored Programs (OSP) Updates:

Annie Publow

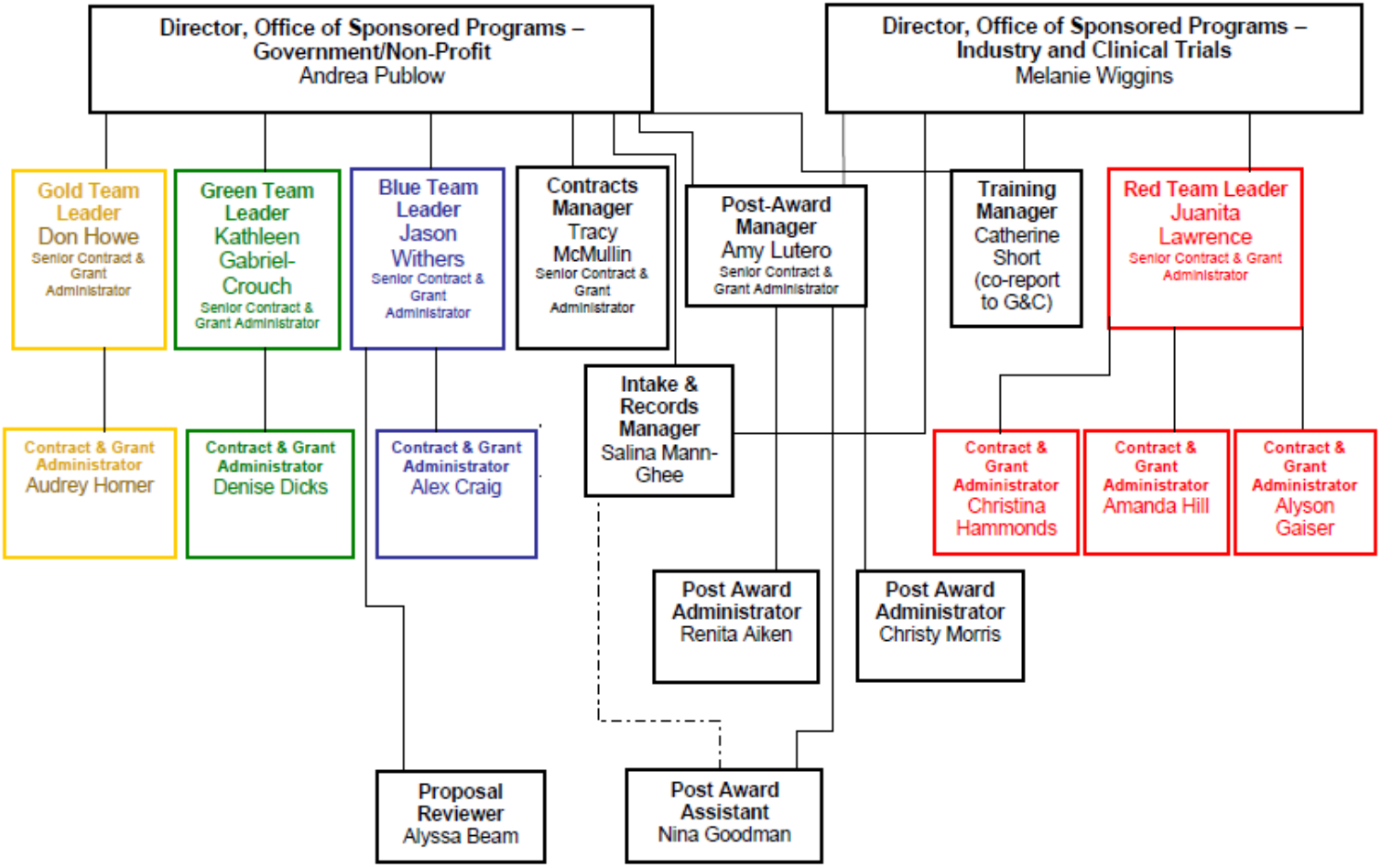
Director, OSP-Government/NonProfit

October 28,2015

# OSP Update Topics

- OSP Staffing Update
- RAMS-SPOT—Implementation Update
- Sponsored Projects Administration Certification Program-Spring dates announced
- Uniform Guidance—Subrecipient vs. Contractor determination
- Federal Research Terms and Conditions—Comment Period
- National Dialogue
- State Agency—”Background check” expenses

# VCU OFFICE OF SPONSORED PROGRAMS




October 2015

# OSP-Review Team Priorities
# Blue, Green, Gold teams

| | | |
|---|---|---|
| Proposal Review and Submission | Historically #1 priority | |
| Agreement Review and Negotiation | Dedicated Contract Manager over past year+ has allowed for better negotiation timelines. Aim to increase resources for further improvement. | |
| Administrative Actions | Historically actions have taken a “back seat” to proposal submissions | Aim to increase resources to reduce wait time for these transactions. |

# RAMS-SPOT Phased Implementation

## Phase 1: Submission new funding proposals

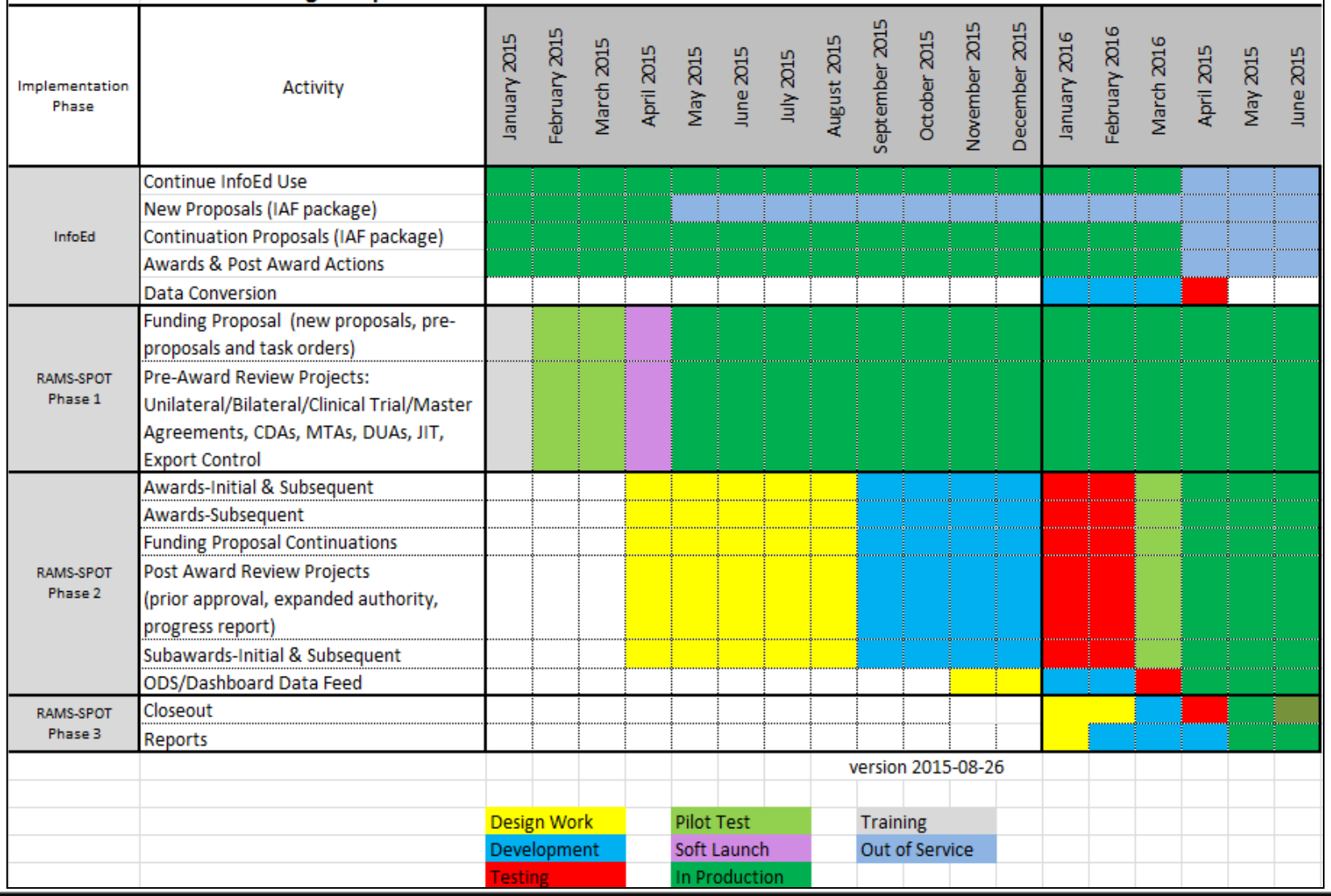
- Go Live: May 2015 Included…
  - All task orders and new proposals including available Grants.gov opportunities
  - Pre-proposals/Letters of Intent (LOI) that require OSP signature
  - Reviews for Confidentiality Non Disclosure Agreements (CDA), Material Transfer Agreements (MTA), and Data Use Agreements (DUA), Just-in-Time (JIT), Export Control
  - Agreements for negotiation including Unilateral/Bilateral/Master agreements

# RAMS-SPOT Implementation Update

## Phase 2: Awards, Post Award, Reporting activities

- Includes…
  - Award processing (initial and subsequent actions)
  - Funding Proposal Continuations/Supplements
  - Administrative Actions (Prior Approval, Expanded Authority, Progress Reports)
  - Subaward/Subrecipient (initial and subsequent actions)
  - Closeout
  - Reporting
- Target Go Live: 1st Quarter 2016

## RAMS-SPOT Target Implementation Timeline




VCU

VIRGINIA COMMONWEALTH UNIVERSITY

Make it real.

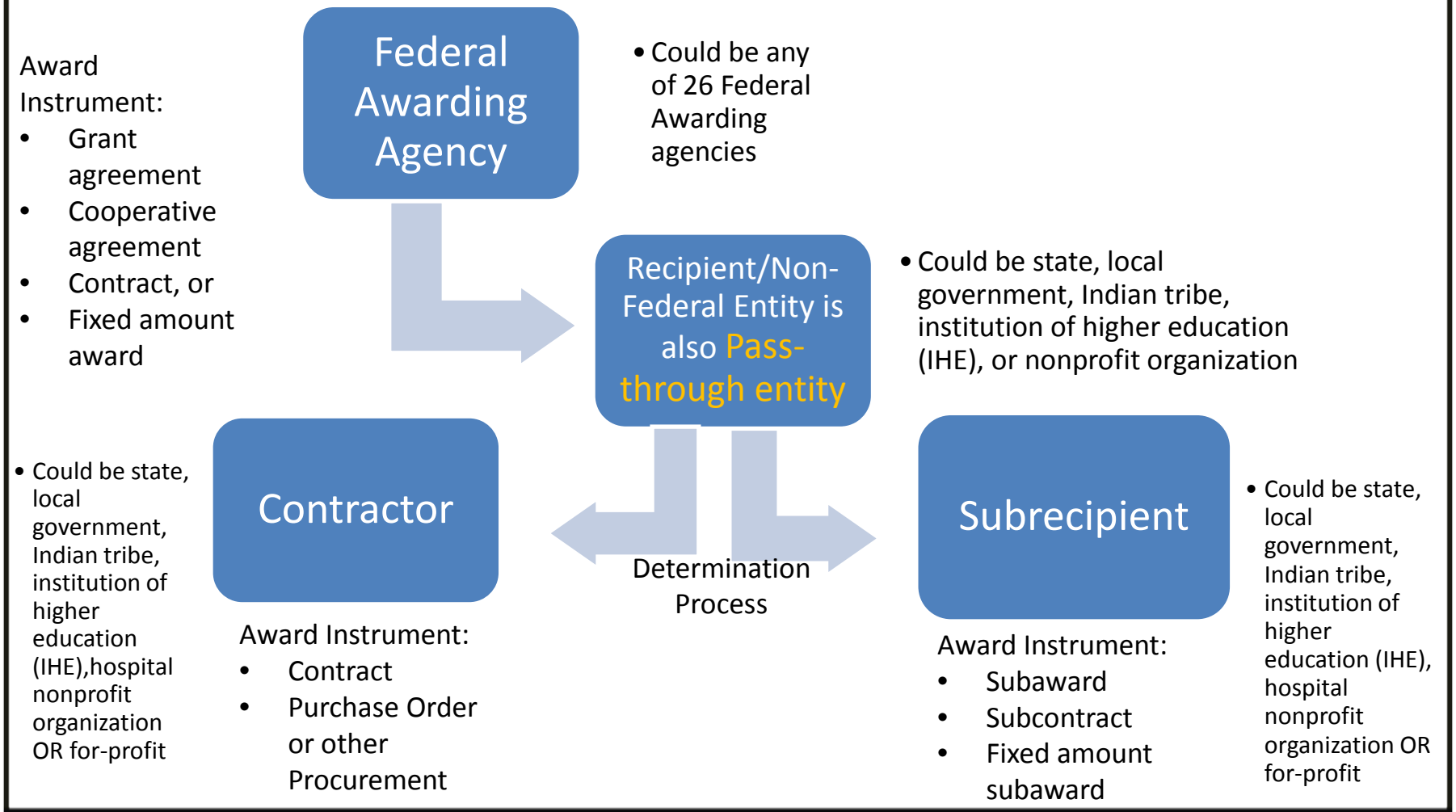
# Sponsored Projects Administration Certification Program

Winter/Spring, 2015:

- Sufficient interest expressed to fall survey, program will be offered
- Dates on OSP Training website next week: http://www.research.vcu.edu/osp/training.htm
- Will announce registration for spring via Research Administration list serve

**Course updated to include RAMS-SPOT and Uniform Guidance**

# Uniform Guidance:
# Subrecipient vs. Contractor Determinations



# Uniform Guidance: Subrecipient Determination

(200.330 Subrecipient and contractor determinations)

(a) ***Subrecipients***. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See §200.92 Subaward. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

(1) Determines who is eligible to receive what Federal assistance;

(2) Has its performance measured in relation to whether objectives of a Federal program were met;

(3) Has responsibility for programmatic decision making;

(4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and

(5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

(b) ***Contractors***. A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. See §200.22 Contract. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:

(1) Provides the goods and services within normal business operations;

(2) Provides similar goods or services to many different purchasers;

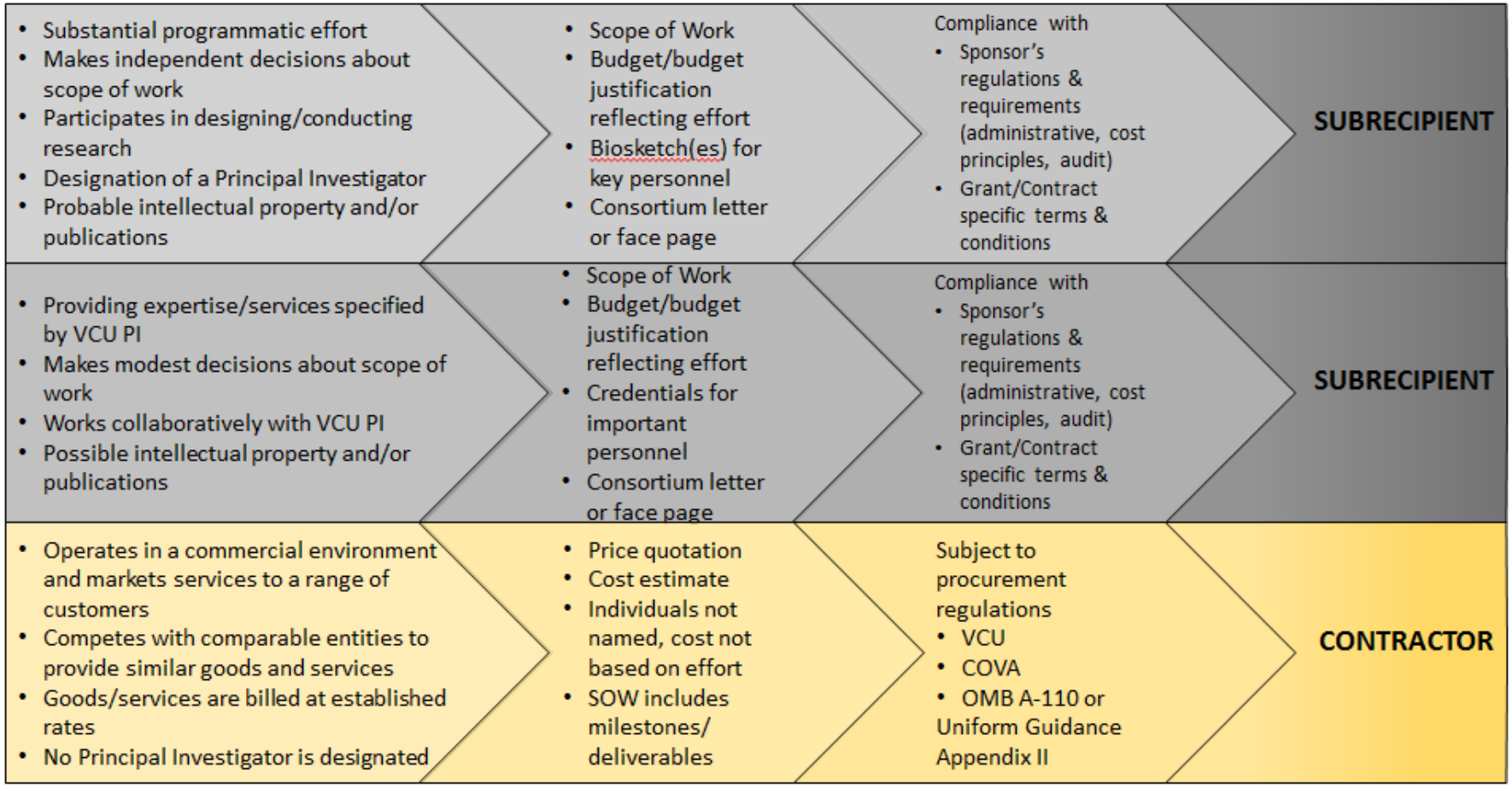
(3) Normally operates in a competitive environment;

(4) Provides goods or services that are ancillary to the operation of the Federal program; and

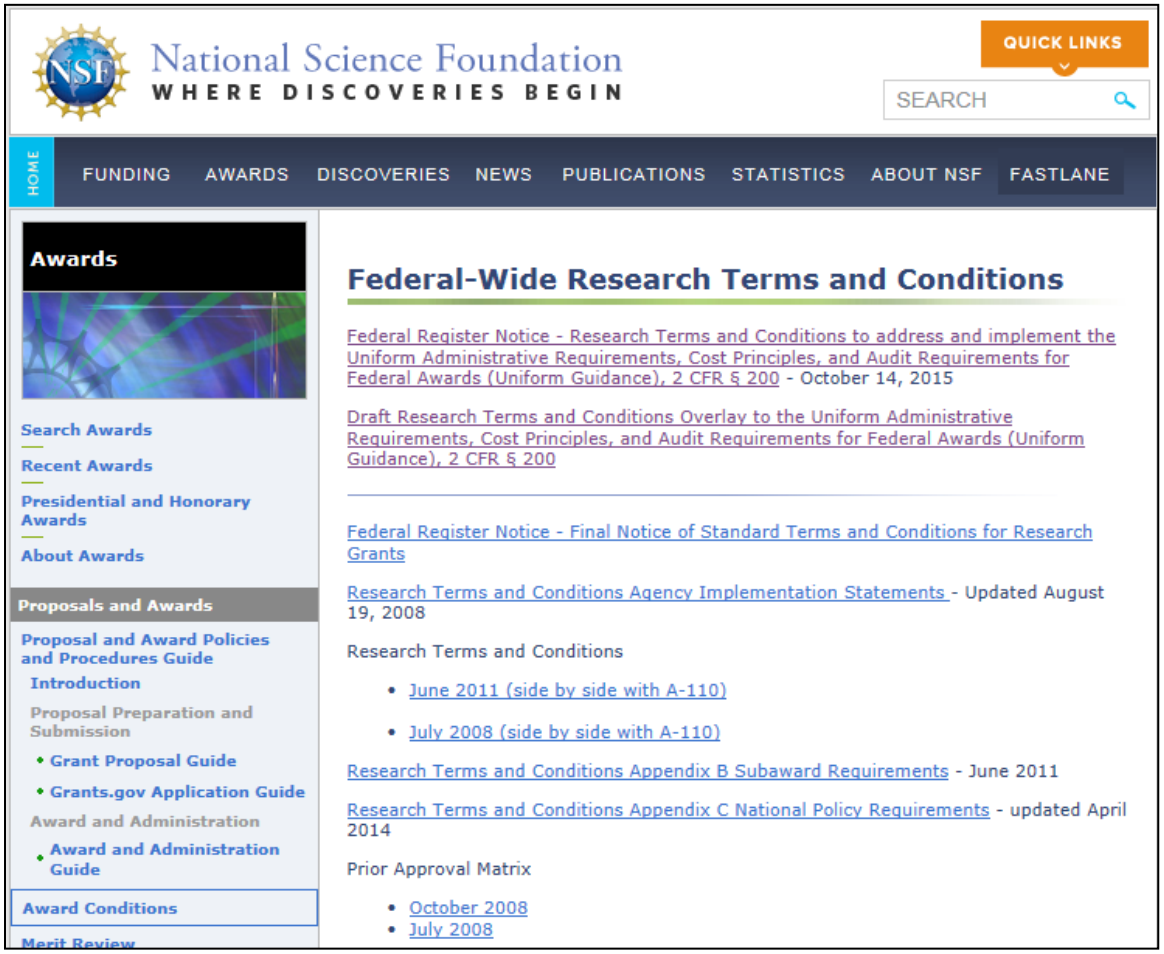
(5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

(c) ***Use of judgment in making determination***. In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

# Uniform Guidance—
# Subrecipient vs. Contractor determination



# Federal Research Terms and Conditions—Comment Period




http://www.nsf.gov/awards/managing/rtc.jsp

# Federal Research Terms and Conditions—Comment Period

**NATIONAL SCIENCE FOUNDATION**

**Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Request for Public Comment**

**AGENCY:** National Science Foundation (NSF).

**ACTION:** Request for public comment on updated Research Terms and Conditions (RTC) to address and implement the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* issued by the U.S. Office of Management and Budget (OMB).

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**SUMMARY:** In 2000, the Federal Demonstration Partnership (FDP), a cooperative initiative among numerous Federal agencies and institutional recipients of research funds aimed at reducing the administrative burdens

- Standard Terms and Conditions initially developed 2000 FDP as model implementation to OMB A-110
- Terms updated by "Research Business Models" (RBM) in 2005, an interagency working group
- June 2014, RBM interest to "develop a revised set of RTCs as they apply to research and research-related grants
- Sub-set of agencies participating
- Aims: (1) Incorporate UG, supplement select provisions (2) Apply to award or as incorporated by reference. Allow for flexibility….

http://www.nsf.gov/awards/managing/rtc.jsp

# Reporting and DATA Act Open Dialogue

Grantees

Welcome | How to Participate | About Us | DATA Act Resources

https://cxo.dialogue2.cao.gov/a/ideas/top/campaign-filter/byids/campaigns/13162

## What we're discussing [-]

What do these tags mean?

- administrative-burden
- reporting-burden
- reporting-processes
- concerning-regulations-or-guidelines
- duplicate-reporting
- non-standardized-processes
- central-reporting-portal audit
- frequency-of-reporting
- increases-costs

***To participate in the dialogue, you can submit a new idea by clicking "Submit New Idea" to the right, or you can vote and comment on existing ideas below.**

## Grants practices and processes

Key Participants: grantees, cooperative agreement holders, subgrantees

**Question:** If you could change one thing that would ease your reporting burden associated with your grants or subgrants, what would it be (e.g., time, cost, resource burden)?

**Question:** If you have reporting requirements to the Federal government, how are those met? (feel free to be specific about what is reported to whom and through what mechanism)

**Question:** If you could create a central reporting portal into which you could submit all required reports, what capabilities/functions would you include?

**OMB circular A-133:**

**Question:** If you could make a change to ease your reporting burden for audits under the Single Audit Act (i.e., audits required by OMB Circular A-133 which is being replaced by the Uniform Guidance 2 CFR 200 Subpart F), what one thing would you change about reporting by the auditee?

**Question:** If you could make a change to ease your reporting burden for audits under the Single Audit Act (i.e., audits required by OMB Circular A-133 which is being replaced by the Uniform Guidance 2 CFR 200 Subpart F), what one thing would you change about reporting by the auditor?

**Question:** If you could make a change to ease your reporting burden for audits under the Single Audit Act (i.e., audits required by OMB Circular A-133 which is being replaced by the Uniform Guidance 2 CFR 200 Subpart F), what one thing would you change about reporting to the Federal Audit Clearinghouse?

**Uniform Guidance (2 CFR 200):**

**Question:** Are there requirements in the new 2 CFR 200 that need additional clarification for improved implementation with reduced administrative burden ?

**Question:** What are the perceived burdens associated with the new standards such as the documentation of salaries & wages and time & effort (2 CFR 200.430), subrecipient monitoring (2 CFR 200.331), procurement standards (2 CFR 200.317- 2 CFR 200.324)?

**Question:** How can the administrative burden associated with standards compliance be lowered?

# Virginia State Agency-MOA "Background Checks"

Sample language:

**The [VA state agency] may require a background check for Contractor staff assigned to any resulting agreement. The Contractor shall be required to pay for all background checks processed for staff assigned to any agreement resulting from this agreement at a rate of $50.00. Fees are on a per background check basis and will be invoiced by [VA state agency]. The Contractor employees will be required to complete a form granting authority to release information.** ~~**The Contractor shall allow the [VA state agency] access to review Contractor staff personnel and employment records.**~~

- **Recommend including line item in proposal budgets to account for cost of background checks**

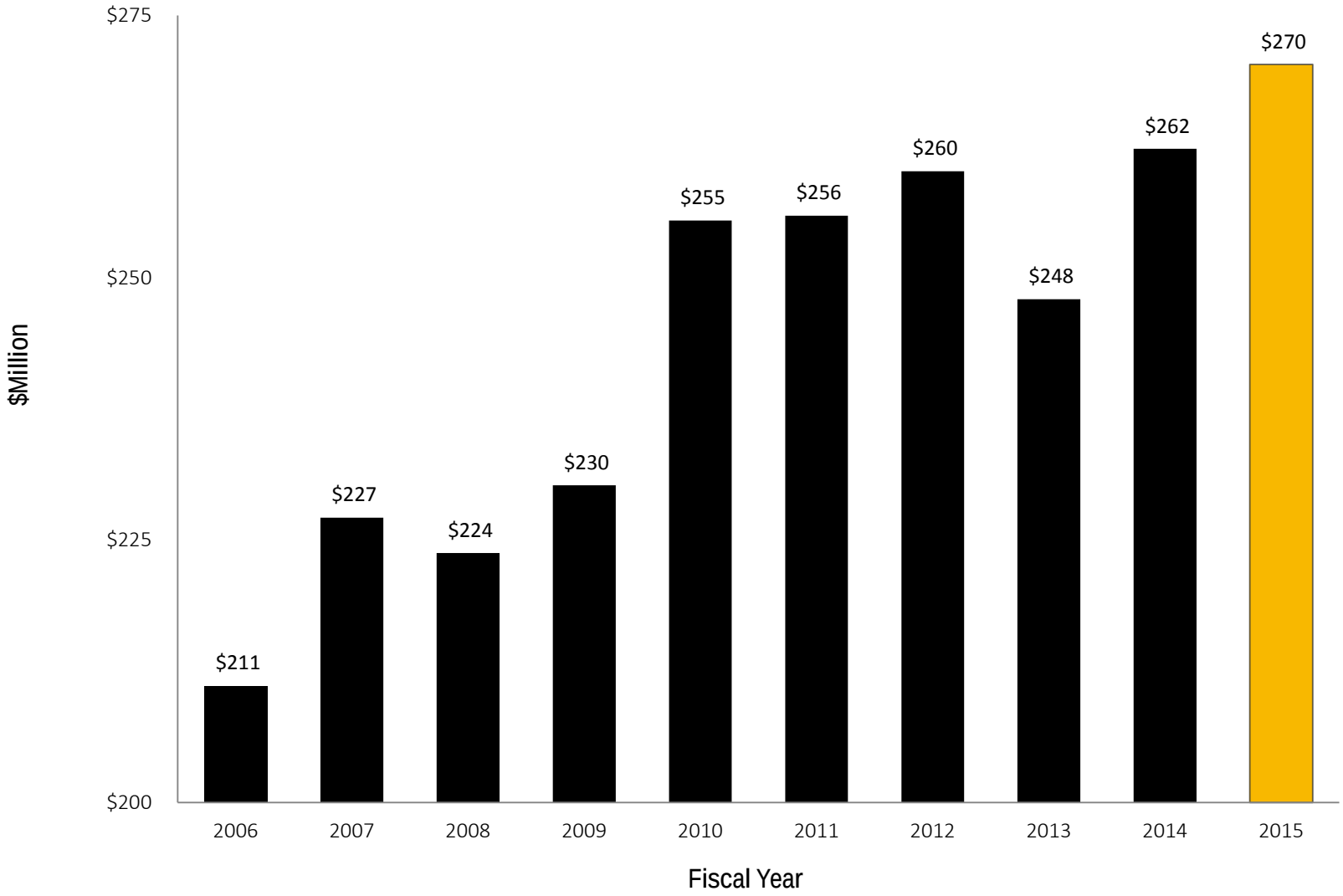

# VCU Sponsored Awards Portfolio

## FY 2015

## Office of Research & Innovation

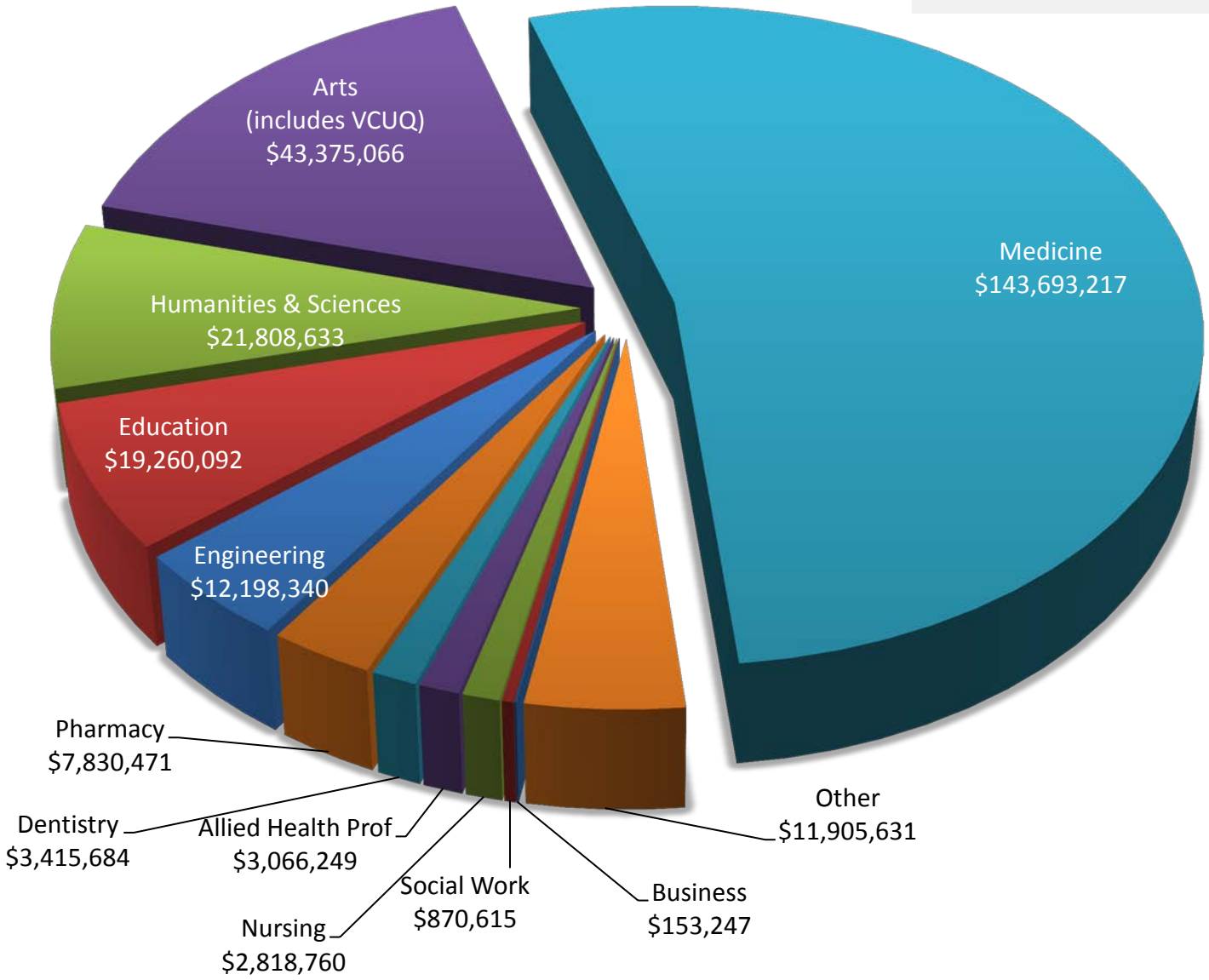
# VCU Sponsored Program Awards
# FY 2006-2015

FY 2015 Total Awards: $270,336,311



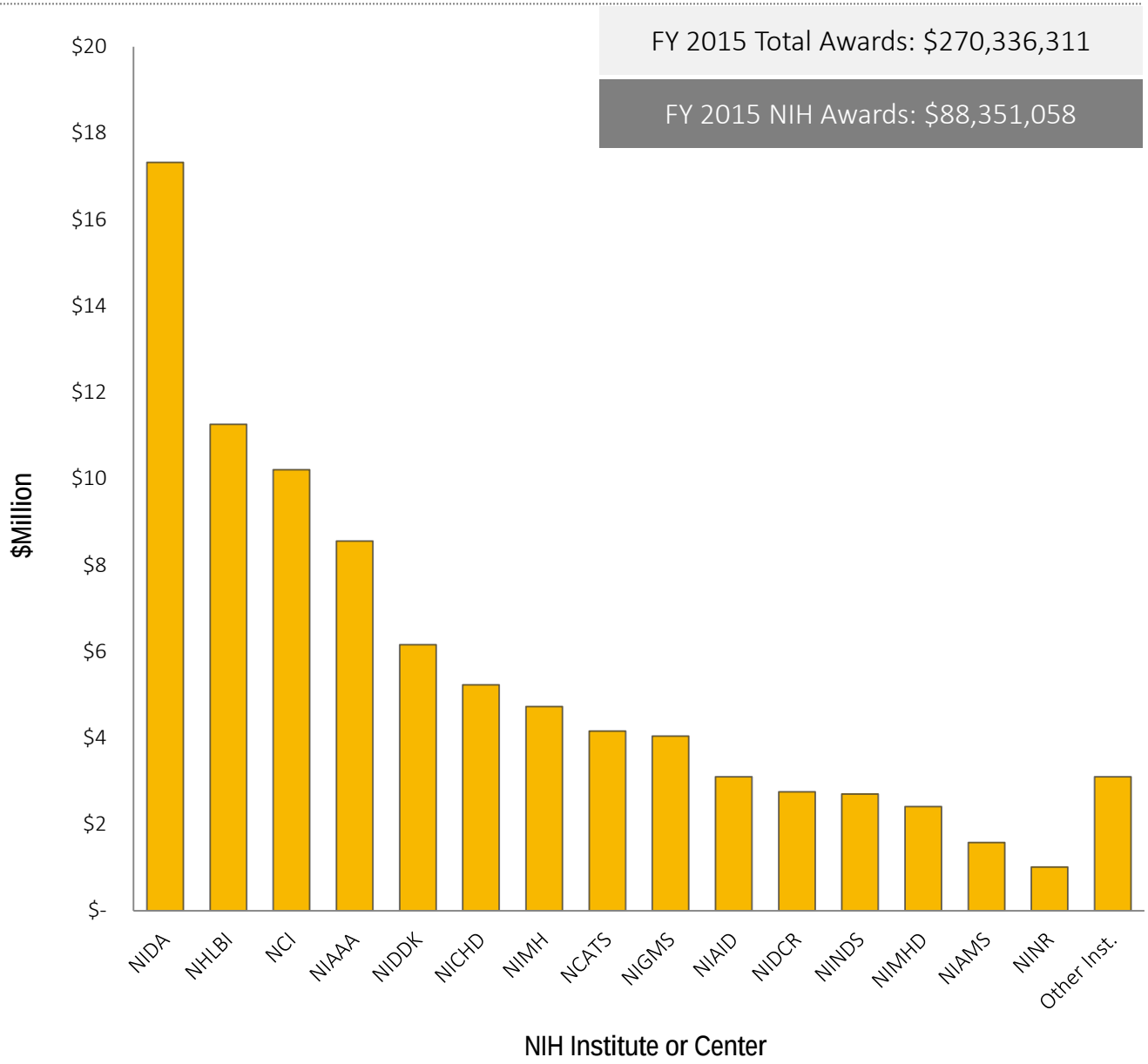
# VCU Sponsored Program Awards by School
# FY 2015

FY 2015 Total Awards: $270,336,311



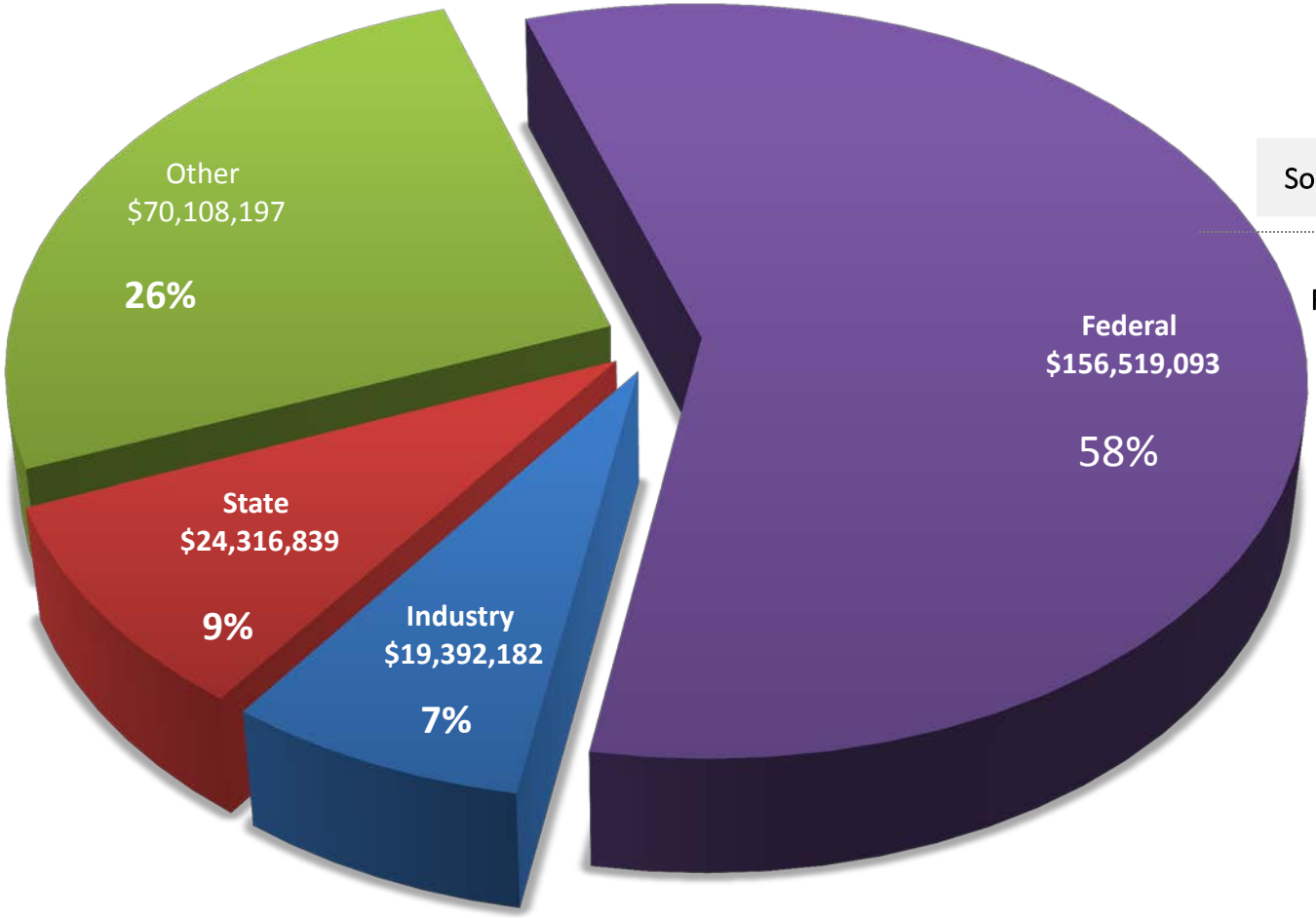
# VCU Sponsored Program Awards: NIH Portfolio FY 2015

| Abbrev. | Inst. |
|---|---|
| NIDA | Nat'l Inst. on Drug Abuse |
| NHLBI | Nat'l Heart, Lung, & Blood Inst. |
| NCI | Nat'l Cancer Inst. |
| NIAAA | Nat'l Inst. on Alcohol Abuse & Alcoholism |
| NIDDK | Nat'l Inst. of Diabetes & Digestive & Kidney Dis. |
| NICHD | Nat'l Inst. of Child Health & Human Dev. |
| NIMH | Nat'l Inst. of Mental Health |
| NCATS | Nat'l Ctr. for Advancing Translational Sci. |
| NIGMS | Nat'l Inst. of General Medical Sci. |
| NIAID | Nat'l Inst. of Allergy & Infectious Dis. |
| NIDCR | Nat'l Inst. of Dental & Craniofacial Rsch. |
| NINDS | Nat'l Inst. of Neurological Disorders & Stroke |
| NIMHD | Nat'l Inst. on Minority Health & Health Disparities |
| NIAMS | Nat'l Inst. of Arthritis & Musculoskel. & Skin Dis. |
| NINR | Nat'l Inst. of Nursing Research |
| Other Inst. | Nat'l Inst. of Environmental Health Sci.; Nat'l Inst. on Aging; Nat'l Inst. on Deafness & Other Comm. Disorders; Nat'l Eye Inst.; Nat'l Ctr. for Rsch. Resources; Nat'l Library of Med.; Nat'l Inst. of Health; Nat'l Ctr. for Comp. & Alt. Med.; Nat'l Inst. of Biomed. Imaging & Bioeng. |



# VCU Sponsored Program Awards by Source
# FY 2015

FY 2015 Total Awards: $270,336,311




Source of FY 2015 Federal Awards

NIH: $88.4M (56.45%)
Fed., Non-NIH: $68.2M (43.55%)

# Compliance Notice

Research Administration and Compliance
No. 15-006
October 23, 2015

**NOTICE: USE OF RAMS-SPOT**

The Office of the Vice President for Research and Innovation, Office of Sponsored Programs, launched the Research Administration Management System – Sponsored Programs Online Tracking (RAMS-SPOT) system in Spring 2015. RAMS-SPOT will allow for paperless routing of all major project transactions, paperless record storage, in-system budgeting, in-system communications and will reduce the need for forms. Investigators and administrators will be able to readily monitor proposal and project review status.

In all cases, the Principal Investigator is responsible for routing a new pre-proposal, proposal, or task order for school and OSP review. PI access is by EID and password; the routing process is the equivalent of a signature.

RAMS-SPOT will be implemented in phases:

Phase 1 - New Funding Proposals and Agreement Review (including Confidential Disclosure Agreements, Master Agreements, Unilateral and Bilateral Agreements, Materials Transfer and Data Use Agreements)
Phase 2 – Awards and Post Award Activities, Closeout and Reporting (former phases 2 and 3 are now conflated)

Effective May 1, 2015, all research, instruction, and other sponsored proposals must be submitted through the RAMS-SPOT system.

Effective September 2, 2015, all sponsored program agreements for negotiation received from VCU internal sources must be submitted using the Submit Document for Review process in RAMS-SPOT.

Additional information on RAMS-SPOT, including implementation plans, get-started guides, and training tutorials can be found at http://www.research.vcu.edu/osp/rams-spot.htm

This Notice will be updated as each Phase is implemented.

Issued by,

Susan Robb, CRA, CHRC Date
Senior Associate Vice President
for Research Administration and Compliance

# *Draft* Compliance Notice

Research Administration and Compliance
No. 15-007
October 23, 2015

**NOTICE: NON-STANDARD REQUIREMENTS IN SPONSORED AGREEMENTS, MATERIAL TRANSFER AGREEMENTS, DATA USE AGREEMENTS OR CONFIDENTIALITY AGREEMENTS**

NON-STANDARD TERMS

In some circumstances, when the terms of a sponsored agreement, material transfer agreement, data use agreement or confidentiality agreement (hereinafter "agreements") deviate from the accepted policies or practices of the University but do not violate University policies, and the contracting party is unwilling to negotiate preferred changes, OSP will work with the Principal Investigator (PI) of the project to determine the PI's and/or department chair's willingness to accept the terms as written.

Examples of terms that may qualify as Nonstandard are: confidentiality, proprietary information, publication delays, licensing or ownership terms related to intellectual property, special reporting and reperformance.

Once the OSP staff member identifies an area of concern in a contract and concludes that further negotiation will not change the non-standard term(s), he/she will contact the PI, department chair or other stakeholder to get his/her approval to accept the altered terms. The standard practice is for OSP to then send a form letter to the PI (typically by email). The PI prints, signs, and returns the letter to OSP.

If the non-standard term creates a financial risk that may impact the School or College, the memo will also require the signature of the Dean's Office and an acknowledgment of acceptance of the financial risk.

The purpose of the memo is to allow the University to accept the agreement with the full understanding of all parties that the non-standard terms are less favorable to the University and investigators than terms contained in similar agreements and/or the potential financial risk will be covered by the School/Department should it occur. In certain circumstances, requirements will be included that will alleviate or reduce the legal/financial risk.

Examples of issues that require a memo are: The sponsor is granted an exclusive royalty-free license, or is assigned the intellectual property rights in situations where there is a potential for intellectual property. (Please note that OSP now accepts these terms without processing a memo when the contract is for a multi-site, sponsor-initiated clinical trial or service agreement)

- The agreement requires a present tense ("hereby assigns" ) assignment of intellectual property to a clinical trial sponsor.
- The agreement requires the University to absorb all patent costs.
- The agreement grants the sponsor a non-exclusive royalty-free license with the right to sublicense to third parties.
- The agreement requires that all information provided by the Sponsor, regardless of markings or delivery (oral, in writing, etc.), is confidential.
- The agreement contains any publication terms for which an exception to policy must be sought.
- The agreement requires reperformance if sponsor not satisfied with results.
- The sponsor is under a corporate integrity agreement which requires flow down of terms to VCU in the sponsored agreement.

**Non-standard Terms in Material Transfer Agreements**

Material Transfer Agreements often contain unique terms based on existing ownership rights to the materials. Reasonable terms are agreed to after consultation with the investigator(s) and review of the terms contained in any other sponsored research that may be related. Non-standard terms memos are required less frequently.

**Technology Control Plan vs. Non-standard Terms Memo**

Some restrictions on contracts involve constraints on publication or participation of foreign nationals. These terms reach a higher level of concern and may require a Technology Control Plan (TCP). TCPs are prepared by the Director, Export Compliance, in conjunction with the PI and Department. Final approval of a Technology Control Plan rests with the Vice President for Research and Innovation or designee.

Issued by,

_____

Susan Robb, CRA, CHRC Date
Senior Associate Vice President
for Research Administration and Compliance