

Guidelines for Non-FTE (Trainees) for NIH-Related Activities, Outside Activities and Awards

Issued April 24, 2009
Revised May 22, 2009

Purpose:

The supplemental regulations in 5 CFR subpart 5501 apply only to FTE employees at the NIH and supplement the government-wide Standards of Ethical Conduct for Employees of the Executive Branch, contained in 5CFR part 2635.

The policies that follow are meant to define expected conduct of a specific group of individuals at the NIH, Non-FTE trainees, to whom the HHS-specific and government-wide ethics regulations do not apply.

Definition

Non-FTE -Trainee: is not a full-time-equivalent employee (FTE) of the federal government. They are supported by stipends through the Intramural Research Trainee Award (IRTA) or Cancer Research Training Award (CRTA) program, or as a Visiting Fellow (VF), or have their funding provided by outside sources through research awards or other monies that are not NIH funds. Other than health insurance, trainees do not receive the benefits accorded to regular FTEs, or accrue annual or sick leave.

Type of Non-FTE Trainee

1. *Pre-doctoral trainees*

- a. Summer Interns: includes high school, undergraduate and medical/graduate students, 8-10 week duration
- b. Pre-Doctoral IRTA, CRTA or VF students holding a MS or enrolled in PhD, MD, DDS and DVM programs
- c. Special Volunteer trainees with external support
- d. Post-baccalaureate program
 - i. Graduates of US colleges or universities who plan to apply for graduate or medical school
 - ii. Students who have been accepted in graduate or medical school programs who have approval for delayed entrance of one year.
- e. Technical IRTA: individuals who have graduated from a US college or university with bachelors or master's degrees, and are interested in advanced training for technical positions.

2. *Postdoctoral fellows*

- a. IRTA or CRTA (US citizens and permanent residents)
- b. Visiting Fellow (Foreign nationals)
- c. Special Volunteer trainees with external support

Summary Guidance

The lists below and the attached table illustrate a variety of activities in which NIH Non-FTE Trainees are often engaged, to identify those which are appropriate and those which are not permitted. These guidelines are designed to initiate conversations between the non-FTE trainee and his/her supervisor before the activity is initiated.

NIH-Related Activities Appropriate for Non-FTE Trainees

1. Writing
 - a. Papers for journal submission in collaboration with their scientific advisor describing current scientific work
 - b. Review articles in collaboration with their scientific advisor describing areas of specific scientific interest
 - c. A reference letter for a colleague with whom they have worked while at the NIH
2. Engaging in research collaborations with NIH or outside investigators in association with their scientific advisor (Note: VFs must consult with DIS/ORS)
3. Participating in a Professional Organization [Society] as
 - a. A member or chair of a committee
 - a. An attendee of its annual meeting
 - b. A speaker or panel participant at the annual meeting
 - c. Presenter of a poster for annual meeting
4. Serving as Associate Investigator or Lead Associate Investigator on clinical protocols
5. Presenting a seminar or participating in a panel discussion

NIH-Related Activities Not Permitted

1. Signing CRADA or other agreements with industry
2. Signing MCRADA agreements with industry
3. Serving as the Principal Investigator (PI) on clinical protocols (the PI must be an NIH FTE)
4. Accepting sponsored travel via 348 travel mechanism. However, the non-FTE trainee may accept in-kind reimbursement and travel on a no-expense to the government travel order.

Review/Documentation Required for Permitted Activities

1. Review form signed by supervisor
2. All travel requires an approved travel order
3. See your Lab/Branch administrator for guidance

Personal Capacity Activities Appropriate for Non-FTE Trainees

A. Compensated Activities*

1. Teaching
 - a. FAES class
 - b. A course or a class within a course that is part of the established curriculum of an institution of higher learning
 - c. Grand Rounds
 - d. A CME-accredited course
2. Providing personal care, treatment or other health-related services, for those non-FTE trainees with appropriate credentials
3. Speaking at an outside activity approved by their advisor
4. Fellowship application review for non-governmental organization (May be compensated or uncompensated)

Personal Capacity Activities Appropriate for Non-FTE Trainees, Continued

5. Writing

- a. An invited paper that may involve royalties
- b. A journal article that is not specifically related to the non-FTE trainee's NIH research (i.e., based on his/her previous experience or education)
- c. A textbook

5. Serving on a data and safety monitoring board under limited circumstances

6. Serving as a grant reviewer in limited circumstances

7. Serving as a expert witness in limited circumstances

*Foreign trainees (VF) with J-1 visas are not permitted compensation for work outside the NIH without consultation with DIS and an exemption from the DDIR. If other visa type is held, please verify conditions and discuss with DIS.

Personal Capacity Activities Appropriate for Non-FTE Trainees, Continued

B. Uncompensated Activities

1. Preparation of grant applications; NIH equipment such as computers may not be used
2. Speaking associated with job interviews, no travel orders
 - a. Absence approved by supervisor
 - b. Travel reimbursed in kind
 - c. Honoraria not permitted

Review/Documentation Required for Personal Capacity Activities

Signed Review Form with

1. Details of activity
2. Hours involved
3. If compensation to be received, provide amount

Approval: by Lab/Branch Chief and copy to
IC DEC when appropriate

Awards for Trainees

NOTE: The *de minimus* for regular awards is \$2,500; if amount is greater than *de minimus*, consult with NIH Ethics Office Senior Scientific Advisor (NEO SSA)

1. Scientific Meeting Awards (regularly offered)

- a. Award affiliated with a professional society or non-governmental organization
- b. Award is offered regularly and number of awards is constant from year to year; (# may be used to defray costs of expenses while attending society meeting)
- c. Criteria for award based upon generally accepted standards for a scientific abstract submitted for meeting presentation
- d. Amount of award is fixed and provided by the society, usually \$500-\$1,500

#See additional guidelines regarding process for travel reimbursement

Awards for Trainees, continued

2. Scientific Meeting Awards (on the spot)

- a. Awards offered during the course of a scientific meeting by organizers
- b. Irregularly available
- c. Criteria based upon the quality of the poster and trainee's presentation of the information displayed.
- d. Amount of award may be based upon
 - i. The remainder of funds that supported the meeting or
 - ii. Contributions from meeting supporters of a specified amount of money for these awards
 - iii. Amounts usually less than \$1000

Number of awards will vary, depending upon the pool of money available and decision of judges

Awards for Trainees, continued

3. Professional Society Awards

- a. Awards affiliated with a professional society or non-governmental organization
- b. Presentation may be irregular or annual
- c. Criteria related to the overall quality of career research achievements; some may require short essay or statement
- d. Amount of award is fixed and supported by the society, may be greater than \$2,500 de minimus
- e. Number of awards presented is limited

NOTE: Awards where the funds come from DHHS sources are not permitted for NIH trainees

Review/Documentation Required for Awards

1. Review Form signed by supervisor
2. Review by Lab/Branch Chief
3. Notification to SD for tracking purpose
4. If greater than \$2500, approval by NEO SSA; copies to be provided to IC DEC
5. Any documentation from awarding society must be provided to NEO SSA for review, including award criteria

NOTE: Recipients of all cash awards are subject to IRS regulations