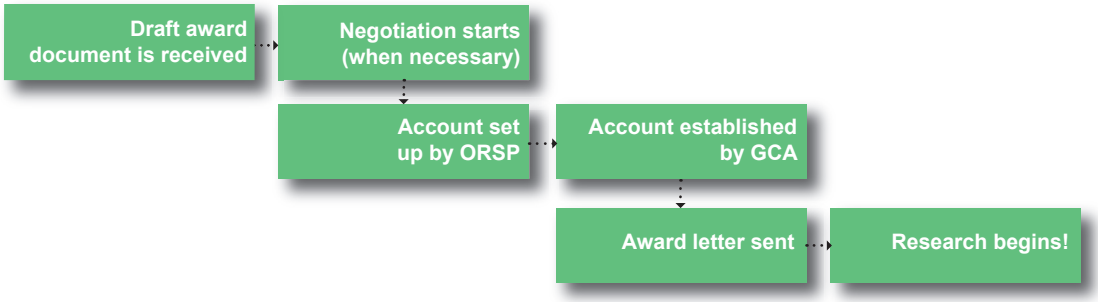
Awards Management Process

At this point in the grants process, you will have learned whether your application to an external sponsor has been successful. For PI/PD's who have had a proposal rejected by a sponsor, please take the time to carefully consider reviewer comments when provided and revise your proposal and resubmit at the appropriate time. It is important to note that very few PI/PD's are successful on their first attempt. Please continue to diligently rework your proposal, as resubmissions often result in an awarded proposal.

The ORSP Post-Award managers provide a collection of services made available to faculty and staff at OHIO. Administration services cover all activities associated with an award from the point of negotiation and acceptance of terms and conditions to the close out of a project. Financial activities during and after a project , such as interim and final financial reporting to the sponsor as well as any cost transfers and payroll transfers are managed by the Vice President for Finance and Administration Grant and Contract Accounting Office (GCA).

In general, the process by which an award is accepted and an account is established is the following:



Should your proposal not be selected for funding, it is important to note that very few PI/PD's are successful on their first attempt. Please continue to diligently rework your proposal, as resubmissions often result in an awarded proposal.

Type of Awards Instruments

Awards for funded projects come in a variety of forms. An award instrument or an award document can consist of a single form or any combination of the following documents. Notify ORSP immediately if you receive any of these documents:

- Letters
- Checks
- Purchase Orders
- Grants
- Contracts
- Subcontracts
- Cooperative Agreements
- Memorandums of Understanding
- Service Provider Agreements
- State Subsidy Funding
- Federal Appropriation Funding
- Other documents
- Federal "Other Transactions"

In order for OHIO to accept any of the previously mentioned award instruments, specific information must be contained within the document(s). Below are four essential bits of information needed, with definition:

***Period of Performance* – This is the period from the authorized start date to the authorized end date of a project.**

***Scope of Work* – this is a narrative description of the work to be completed under the agreement.**

***Award Amount* – this is the dollar value of the award.**

***Sponsor Contact and Billing* – this is the point of contact information needed, including mailing address and telephone number plus any invoicing procedures.**

Gifts Versus Grants

There are sometimes subtle differences between a charitable gift and a grant. A gift is a voluntary and irrevocable transfer of money, services or property from a donor without any expectation of a direct benefit from the recipient. If funds for your support come in this form, please contact the Office of University Advancement at 593.2636. As a general rule of thumb, if any funds that remain at the end of your project must be returned to the sponsor, then the source of funds is a grant, not a gift. If there is a schedule of deliverables attached to the agreement for external funding, then the source is a grant. In some cases, foundations use the term grant, although they mean gift because it is charitable. For further clarification, please consult either the Office of Corporate and Foundation Relations and/or an ORSP manager for assistance in determining where the external support should be managed.

TIP!

If a company desires to make a charitable gift to you in support of your research or programs, then you must contact the Office of University Advancement at 740.593.2636.

Negotiation and Signature Authority

ORSP is the only office that has the authority to negotiate terms and conditions of any agreement, purchase order, contract or other form of award instrument as mentioned above. The office works with all PI/PDs to confirm technical aspects of a funded proposal, but more importantly, the staff is experienced in crafting a document that best protects the interests of the university and the faculty or staff member.

DON'T FORGET

ORSP is the only office that has the authority to negotiate terms and conditions of any agreement, purchase order, contract or other form as mentioned above.

At no point in time should a faculty or staff member attempt to negotiate terms and conditions with a potential sponsor. The ORSP managers will act as an intermediary on your behalf. Most funding agreements arrive with little negotiation of terms being necessary. In some cases, however, negotiations can take a significant amount of time. Below are certain clauses that OHIO cannot accept in any document in support of externally funded research:

- The restriction on the right to publish for faculty or students.
- The approval of a document by the sponsor prior to publication.
- The relinquishing of the right to data generated from work on the grant.
- The acceptance of arbitration.
- The acceptance of being bound by another state's laws.

Most sponsors will allow for modifications of these terms through a basic discussion with their grant or contracting officer. In many cases, the ORSP managers already have established relationships with those contracting officers and are intimate with the process by which that agency or company agrees to accept changes to an agreement or contact. The negotiation process incorporates the needs of the PI and sponsor into a document and statement of work.

All awards are made to Ohio University, not any individual. It is important to remember that, although you may be the one completing the work, you are completing it as an employee of OHIO. When any of the types of award instruments arrive at the University needing an official endorsement, the Vice President for Research or his/her designee are the only university sanctioned individuals that may sign off on an award instrument indicating the University's acceptance.

TIP!

All awards are made in the name of OHIO. Only the Vice President for Research or his/her designee are charged with committing OHIO to a binding contract for research services.

Whether it is the action of the University cashing a check or signing a contract, the acceptance of externally funded agreements constitute a legally binding agreement to complete the work that is being supported. It is highly important that the negotiation and signature process be completed by the ORSP staff to ensure that OHIO can enter into a legally binding agreement with terms that are mutually agreed upon.

***Partially executed agreement*: an agreement that is signed by only one party. Once both parties have endorsed the agreement, it becomes *fully executed*.**

In most cases, an award instrument will need to be signed by both parties to the agreement. Sometimes an instrument arrives at the University with no signatures. Once the terms are acceptable to OHIO, the ORSP Director will sign the award instrument and return it to the sponsor or full execution. At this point, you must wait until ORSP attains a fully executed document before a restricted account can be established for your project. Other times, an award instrument comes to the university partially executed, meaning that the sponsor authorized signatory has already signed. At the point in which the terms of the agreement are acceptable, the ORSP Director will countersign, fully executing the document and an account can begin to be established.

Using Animals or Human Subjects

Should your proposed body of work include the use of animal or human subjects, ORSP requires approval in writing from the Office of Research Compliance before an account can be established. If you do not have an Institutional Animal Care and Use Committee (IACUC) protocol or an Institutional Review Board (IRB) protocol on file for that specific project, an account will not be established and spending is prohibited until the point in which documentation is received by the ORSP. For more information in obtaining Compliance approval, please consult the *University Compliance* section of this handbook.

TIP!

Most agencies do not require IRB or IACUC approvals at the time of proposal submission. You should submit your IRB or IACUC application for review and approval as soon after your proposal is submitted to a sponsor. Should you neglect to receive approval during this time, your award activation will be delayed until ORSP receives notification that you have been approved to commence your research.

Restricted Account Establishment

In order to establish an account for your newly approved grant, the ORSP must have in possession, at a minimum:

- a transmittal form (see *Grant Submission* section)
- a budget approved by an ORSP manager
- an award document (see page XX) or pre-award form

Once all of the above documents are received, an ORSP post-award manager will evaluate your grant award and determine the best way to translate it into ORACLE Financial Management System language to set up an account.

An important note is that cash does not need to be in the University's hands before research can commence. As long as OHIO have an officially signed agreement with the sponsor identifying the required information in an award document, the University will "front" your awarded budget. In many cases, OHIO will recover the value of your costs on a monthly or quarterly basis as we must bill for actual costs incurred as the project moves along. Charges will accumulate, based upon the sponsor's approved budget and the GCA staff will collect those costs on the university's behalf.

TIP!

OHIO supports your research by establishing an account for your full award before payment from the sponsor is received. This "fronting" of money allows you to jump right into your research without worrying about money being received first. The Grant and Contract Accounting Office will then work with the sponsor to collect the funding that is due.

In April 2003, Ohio University moved to a new financial management system (FMS) developed by ORACLE. Each proposal that is funded through externally sponsored funds is assigned a unique account number, which separates and tracks the funds designated for that account in the financial management system.

The ORSP manager will look at a number of criteria when deciding to establish an account structure, such as:

- Annual reporting
- Overhead rates
- Subcontracting
- Fiscal tracking
- Reporting schedule
- Overhead details
- On campus / off campus

Information such as the start and end date, budget amounts, source of funds, title and department or center affiliation is transferred by the ORSP managers to the GCA office for entry into the university financial management system.

OHIO Electronic Award Notification

Once ORSP receives notice that the account has been activated in the FMS, an electronic award letter is generated and distributed. You will receive an electronic mail notification prompting you, any co-investigators, your chair and dean to log onto ORSP's LEO system and view your congratulatory letter. This letter will contain your account information, including your account number, a link to your award document from the sponsor, budget, proposal and the details of the indirect costs distribution.

***Research Incentive Account:* If you have a funded proposal that included indirect costs, this is an account that is established for you to collect a portion of those costs recovered to assist you in current and future research endeavors.**

Another important account number that is associated with the award letter is your Research Incentive Account number (please refer to the Research Incentive subsection in the Awards Management section). If this is your first funded proposal, ORSP will assign an account number to you that collects the PI/PD portion of OHIO's recovered indirect costs. If you have an account number already, the award letter will indicate the indirect costs recovery distribution. In addition to electronically notifying your college administrators, this information is sent on your behalf to OHIO's Outlook newsletter, which posts grant activity for all faculty and staff to the general public. Each project can differ in distribution based on collaborations or specific waivers granted to the PI/PD or college. As you develop a catalog of funded projects, you may query the ORSP database to retrieve all projects associated with you.

TIP!

The LEO system is ORSP's proposal and awards management system that provides award letters and related documents to PI/PD's and any co-PI/PD's and related adminstrators upon account establishment.

PI/PD Responsibilities

Now that you've received notice of your grant account via the electronic award letter system, you are ready to begin work on your funded project. Before you begin, however, it is important to note that both your sponsoring agency and OHIO have a number of PI/PD responsibilities throughout the duration of the grant. The following are the primary PI/PD requirements:

Project Management – the awarded PI/PD has the responsibility to make significant progress toward the completion of their proposed goals and objectives as outlined in their proposal. Some funding agencies may want quarterly or annual progress reports indicating where you are in terms of your project timeline. **It is the PI/PD's duty to provide the sponsor and ORSP, in a timely manner, with all technical reports as requested.**

Expenditure Management – the awarded PI/PD is the chief fiscal steward on each of their successfully funded projects. This means that **you must spend your funds in accordance with your approved budget and monitor your spending to ensure that no over expenditures occur**. If cost transfers are needed from grant to grant, the PI/PD must complete these within 60 days of the day that the expense occurred on the grant.

Subcontract Management – the PI/PD is charged with monitoring the technical progress of all subcontractors as well as approving all invoices from that subcontractor for work completed.

Employee Management – should students or other contract employees be compensated through grant funds, **the PI/PD is responsible for the creation or modification of personnel or student contracts** for each of those persons. In addition, the PI/PD is tasked with the technical performance and oversight of those persons.

Reporting – any technical or progress reports required of the sponsor are the PI/PD's responsibility. The filing of patents or protection of intellectual property shall be initiated by the PI/PD by contacting the Technology Transfer Office (see the Technology Transfer section of this handbook). Financial reporting is completed on your behalf by Grant and Contract Accounting. **A financial report completed by the PI/PD is not an official university report of expenditures.** Property reporting is completed by the Plant Accounting Equipment Inventory department. For more information, visit the Financial Management section of this handbook.

Subcontracting

Subcontracting TO Ohio University:

If you are the lead PI/PD on a grant in which OHIO is a subcontactor, your subcontract award will be treated as any other externally funded project. In order for your project account to be established, you will need to have the minimum documentation as set forth in policy 19.045 and the award management process illustrated at the beginning of this section will be followed.

Subcontracting BY Ohio University:

If you plan on using another entity (business or another institution of higher education) to complete some portion of your proposed scope of work, you will need to utilize a subcontract. In most cases, you will have identified the need for this in your proposal, with the help of your pre-award manager at ORSP (see the *Grant Submission Process* section of this handbook). If you have not received approval from your sponsor to enter into a subcontract to complete a portion of work, your ORSP post-award manager will assist you in obtaining approval from the appropriate sponsor official. Identifying a subcontractor at the proposal stage is important for the purpose of meeting exemption criteria for OHIO's bid policy. The designation of a specific subcontractor in a proposal that is subsequently funded constitutes the use of that entity as a condition of the award. This automatically exempts you from going through the bid process.

Subcontract Generation

Now that you've received approval from both the sponsor and OHIO to enter into a subcontract, the time has come to create the legally binding document. A subcontract is a document that legally transfers responsibility to complete a portion of the proposed scope of work and money to another entity for the purpose of meeting the goals of your proposed project. This document is generated by your ORSP post award manager.

***Subcontract/Subagreement:* This is a legally binding document that transfers responsibility and money to another entity for the purpose of completing a portion of your proposed and awarded project.**

If you have an identified subcontractor in your funded proposal, ORSP will automatically create a subcontract and issue the document on your behalf. A subcontract is not binding until the authorized official of the subcontracting entity and the ORSP director have both endorsed the document. Some subcontracts require significant negotiation of terms with a potential entity and may be subject to some time delays. If you have not identified a subcontractor in your proposal, but will need one, you must receive approval from your sponsor before a document will be generated by ORSP.

Encumbrance of Subcontractor Funds

Once a fully executed (both parties signatures have been obtained) subcontract has been received into the ORSP office, the ORSP grants specialist will request a purchase order be generated from the Procurement Office in the Vice President for Finance and Administration Division. This act will encumber the funds from your restricted account to pay your subcontractor not more than quarterly. Procurement will notify ORSP of the newly established purchase order and an ORSP staff member will contact you with all pertinent information regarding the purchase order, including instruction on how to manage it. The Procurement Office will send a purchase order to your subcontractor on your behalf. The subcontract generated by ORSP will instruct the subcontractor to include a university FMS account number and a purchase order number on all invoices.If for some reason all of the encumbered funds are not needed, ORSP will work with GCA and Procurement to deobligate the funds and allow you to rebudget those funds with sponsor approval.

PI/PD Responsibilites

As mentioned earlier, the PI/PD on the grant is responsible for managing a subcontract, programmatically and fiscally. Each original invoice that you receive from your subcontractor must be approved by endorsing it with your signature then forwarding that original to GCA for payment. It is important to note that only the PI/PD (not support staff) should be approving payment to subcontractors as the PI/PD is liable should payment be made without work being completed to satisfaction. If for some reason your subcontractor is not performing as promised, you must request your ORSP post-award manager issue a stop work order from OHIO. This order will cease your professional relationship with this subcontractor specifically for this project. As necessary, ORSP will also assist you in obtaining approval from your sponsor to engage in another subcontracting relationship.

Each original invoice that you receive from your subcontractor must be approved by endorsing it with your signature then forwarding that original to Grant and Contract Accounting for payment.

Consulting and Service Providing

Consulting

A consultant is an independent contractor and not an employee of OHIO. If you are seeking the expertise of an individual that cannot be located within the OHIO population and that expertise or advice is extremely short term, you will want to employ a consultant. ORSP will create a consulting agreement identifying a scope of work, time period and dollar amount for the consulting service.

A consultant should be an expert in a field who cannot be found at OHIO. They should have an established rate and cannot be an employee of OHIO.

A consultant should be someone who has previously consulted in the area in which he/she will be contracted. Consultants should have an established hourly or daily rate, not to exceed the sponsor's guidelines for consultants. Some federal agencies have a daily maximum rate for consultants that cannot be exceeded. In the case where the estimation of the consultant is not in compliance with sponsor policy, the PI/PD must adjust the scope of work or find another consultant with the same area of expertise.

A consultant agreement may not be executed if the individual is an employee of OHIO in any capacity. Federal and University policy dictate that former OHIO employees with a separation date of two years or less cannot act as a consultant on a university funded project. Should you need the expertise of a former employee that meets the above criteria, that person cannot act as a consultant but may engage in a subcontract with that person's new institution or entity, or a short-term employment contract with OHIO.

Obtaining a Service

If in your proposal you have the need for a service to be provided by an outside agency, which does not contribute to the programmatic content of your research project and is generally an expertise in an area other than the specific subject of the research project itself (such as web design, DNA sequencing, translating or editing), you need to issue a service provider agreement.

A service provider is someone who is an expert in an area other than the specific subject of the research project itself.

This agreement is managed on the PI/PD level without assistance from the ORSP staff. The GCA staff will ask that you have such a document on file before agreeing to reimburse a service provider for services rendered on your behalf.

Please visit the ORSP web page link ***http://www.ohiou.edu/orsp/award/service_provider.html*** for a fillable service provider agreement that you may use to manage these relationships.

Unrelated Business Income Tax

UBIT (Unrelated Business Income Tax) is a tax imposed on the unrelated income generated by tax-exempt organizations. OHIO is an institution with a teaching and research mission, exempt from taxation. However, the university is required to pay Federal Income Tax on net income from generated activities that are not related to teaching and/or research.

Unrelated Business Income consists of income generated by the university from activities that are not related to the exempt mission of the university. Income is considered to be unrelated if all of the conditions listed below are met:

- The activity is conducted as a trade or business;
- The activity is regularly carried out, and;
- The activity is not substantially related to the exempt mission of the university.

Income generated from the following activities is **not** subject to UBIT, even if all three of the above criteria have been met:

- Activities conducted for the convenience of the students, faculty and staff
- Rental Income (applies to real estate only)
    - o Exclusion may be lost if services are provided
    - o Exclusion may be lost if personal property is included
- Capital gains transactions
- Interest and dividends
- Royalty income
- Distribution of low-cost research
- Research activities
    - o Activity must constitute research
    - o If activity is for "routine testing" with no value, exception does not apply

The tax assessed is meant to level the playing field between taxable entities, such as for-profit companies and not-for-profit entities that are untaxed.

OHIO does not accept contracts or agreements with the term "work for hire" as this subjects us to unrelated business income tax. "Work for hire" is not part of the mission of Ohio University and is therefore taxable.

Changes to Funded Grants

Some external sponsors allow for a great deal of flexibility in the management of the grant to the university. This is called expanded authority. Grants that are under expanded authority permit ORSP to approve changes to the budget and certain administrative processes without seeking prior approval from the sponsor. The following are changes that may occur without prior approval for grants under expanded authorities. These changes are also available to grants not under expanded authority, but only with prior written approval:

expanded authority: **flexibility in grant management assigned to the institution such as rebudgeting and no cost extensions.**

Budget Revisions

A grant budget may be modified from its proposed form without prior approval from the sponsor. ORSP uses discretion after speaking with the PI/PD and determines if the requested change is allocable and reasonable. Additional budget categories can be added once written justification is obtained for the university file is provided. Some agencies allow a defined percentage variable, such as a 10% flucuation between approved categories, before needing approval. For agencies that do not allow the rebudgeting of funds without prior approval, the ORSP post-award managers will formally submit a request to that agency on your behalf.

No Cost Extensions

If the anticipated progress of your work has slowed, requiring you to seek additional time without additional funds to complete your goals and objectives, you will need to request a no-cost extension. Certain grants under expanded authority allow for an automatic one-time, one-year no cost extension without prior approval being required. In this instance the ORSP post-award manager will assist you in crafting a notification to your sponsor indicating your desire to exercise your expanded authority right. For sponsors that require prior approval, the ORSP manager will work with you to craft a formal written request on behalf of OHIO. Only when written approval is received from that sponsor, will a grant end date be extended.

Carry Forward of Funds

If you have a multi-year grant that is funded, you may have the option to carry forward the remainder of one year's funds to the next year without prior approval if your grant is subject to expanded authority. If your grant is not subject to that, however, your ORSP post-award manager will work with you to craft a formal written request to carry forward the needed funds to the next year.

There are a number of changes that can occur in a grant period that, regardless of the privilege of expanded authority, require prior written approval from a sponsor. Below are the most common changes that may occur:

Change in the Scope of Work

If you are changing significantly the scope of work that you proposed to the sponsor (either by adding to or subtracting from), you must obtain written approval from your sponsor.

Changing PI/PD and Key Personnel Levels of Effort

If you are the lead PI/PD on a funded project and you are looking to increase your effort and pay accordingly, or significantly decreasing your effort, you must seek written approval from the sponsor. If a significant change will occur with key personnel identified in the grant, you also must seek written approval from the sponsor.

Transfer of Grant to OHIO

If you are a new OHIO faculty member and are seeking to transfer a grant from your old institution to OHIO, you must make sure that approval for the transfer has been granted from your former institution and from the agency. You will also need to confirm that all of your expenditures on the grant have been accounted for by your old institution. The agency will need a final financial status report before they can issue a transfer of the grant to OHIO. Once the ORSP receives the transfer paperwork from the agency, it will establish an account through the process identified in the Restricted Account Establisment subsection.

If you are the lead PI/PD on a funded project and you are looking to increase your effort and pay accordingly, or significantly decreasing your effort, you must seek written approval from the sponsor.

Transfer of Grant from OHIO

If you are a current OHIO faculty member who will soon move to another institution and want to transfer your grant to the new institution, you need to seek permission from the Vice President for Research and your sponsoring agency. In addition, you need to make sure that all of your charges on the grant are reflected and correctly accounted for in the ORACLE FMS system. Once this is confirmed, the GCA office will generate a final financial status report within 90 days and send it to your sponsoring agency. If and when approval for the transfer has been given, the agency will reissue the grant to your new institution.

Change of Principal Investigator/Project Director

If a change in PI/PD is needed for the purpose of retirement, removal or relocation, for example, written approval must be sought from both the Vice President for Research and the sponsoring agency. In most cases, the curriculum vitae of the replacement PI/PD will need to be sent to the ORSP and the agency. Only when the written approval is obtained, will the change in leadership on the grant be given.

Transfer of Equipment

If you have received approval to reassign your grant to another institution and you have equipment purchased related to that grant, you must obtain written approval from the Vice President for Research and/or the sponsor, when applicable, to transfer each piece of equipment to your new institution. In almost all cases, when equipment is purchased using grant funds, the title of the equipment vests with Ohio University, not the PI/PD. For more information, consult OHIO policy #19.055.

If you have received approval to reassign your grant to another institution and you have equipment purchased related to that grant, you must obtain written approval from the Vice President for Research and/or the sponsor, when applicable, to transfer each piece of equipment to your new institution.

Quick Guide to Managing the Project Accounting Module in FMS

The responsibility for the financial management of a project falls squarely on the shoulders of the PI/PD. The use of the project accounting module in the ORACLE financial management system can assist you in this process. Training is required before access can be granted to the system. A quick reference guide to navigating the system can be found in the *Financial Management* section of this handbook.

Indirect Cost Recovery and Research Incentive

If your funded project includes a budget with indirect costs, you may be eligible for a portion of those funds recovered to support your ongoing research. These funds are deposited into a Research Incentive account, specific to the PI/PD and managed by the PI/PD. The use of research incentive funds is restricted to the enhancement of activities related to the funded project and/or to assist in the development of new projects. Funds may be used for but not limited to the costs of writing new proposals, travel associated with the development of proposals for external funding, pilot studies for new projects, equipment, student support and professional development Funds unspent at the end of a fiscal year may be appropriated and be made available the next fiscal year.

Research incentive funds are often used to support PI/PD and student travel, graduate student stipends, equipment and supplies.

Allocation of research incentive funds will be made on a monthly basis and will be based on figures from the University's financial management system. There are two pre-determined distribution formulas based on your affiliation with either a center, institute or a department. Please consult the following link through the ORSP site that explains the distribution of recovered funds: ***http://www.ohiou.edu/orsp/orsp_indcostratedist.htm*** . If you have a pre-approved alteration to the distributions linked above, that distribution formula will be applied in lieu of the standard formula. If you've received approval in the proposal stage for a reduction or complete cost share of indirect costs via an agreement with ORSP to forgo PI/PD, department and/or college portions, this agreement will be reflected in the distribution formula presented in the electronic award letter notification.

If you have a fixed fee contract where funds remain at the project period end, a portion of the funds may be eligible to be transferred to the investigator's research incentive account provided that the sponsor asserts that the deliverable(s) are acceptable. All funds remaining are subject to full recovery of indirect costs at the applicable federally negotiated rate.

If you've received approval in the proposal stage for a reduction or complete cost share of indirect costs via an agreement with ORSP to forgo PI/PD, department and/or college portions, this will be reflected in the distribution formula presented in the electronic award letter notification.

Intellectual Property

As you continue to make progress on your grant you may find that you have discovered a concept or modified a piece of equipment that needs to be protected through a copyright, a patent, or other form of technology transfer protection.

As soon as you discover this, it is imperative that you contact the Technology Transfer office at OHIO. Examples and definitions, along with guidance can be found in the *Technology Transfer* section of this handbook.

Working Internationally

The Federal Government has issued strict regulations regarding the use and transfer of information and materials to Foreign Nationals. These export control regulations are enforced by the Department of Commerce, Export Administration Regulations (EAR) and the Department of State, International Traffic in Arms Regulations (ITAR). Export control restrictions have been in place for many years. Recent events, however, have brought these issues to the forefront.

***Export Administration Regulations (EAR)*: Title 15, sections 730-774 of the Code of Federal Regulations (CFR) are promulgated and implemented by the Department of Commerce. The EAR regulate the export of goods and services identified on the Commodity Control List (CCL).**

Commodity Control List (CCL) can be found at http://www.access.gpo.gov/nara/cfr.

Export control restrictions prohibit, for reasons of national security or protection of trade, the unlicensed export of specific technologies. If OHIO research involves such specified technologies, the EAR and/or ITAR may require that the university obtain prior approval from the State or Commerce departments before allowing foreign nationals to participate in research, partner with a foreign company and for sharing research – verbally or in writing – with persons who are not United States citizens or permanent resident aliens.

***International Traffic in Arms Regulations (ITAR):* 22 CFR, sections 120-130, are promulgated and implemented by the Department of State and regulate defense articles and services and related technical data that are identified on the Munitions Control List (MCL).**

Export control regulations have the potential to undermine publication rights and prohibit international collaboration if the dissemination of university research is not placed in the public domain and does not qualify as fundamental research.

Munitions Control List (MCL) can be found at *http://www.access.gpo.gov/nara/cfr.*

The following definitions are useful and dictate how the export control regulations affect a specific research project.

***export:* in export control regulations there are several meanings which include any of the following: 1) actual shipment of any covered goods or items; 2) the electronic or digital transmission of any covered goods, items or related goods or items; 3) any release or disclosure, including verbal disclosures or visual inspections, or any technology, software or technical data to any foreign national; or 4) actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.**

***deemed export:* an export requiring a license and imposing access restrictions**

In all cases the official definition of export under the EAR and ITAR should be consulted in determining whether your technology is an export. As noted above, export is defined so as to preclude the participation of foreign national students or staff in research that involves covered technology without first obtaining a license from the appropriate government agency.

Export is defined so as to preclude the participation of foreign national students or staff in research that involves covered technology without first obtaining a license from the appropriate government agency.

***fundamental research* – this includes basic research in science and/or engineering at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research which results in information which is restricted for proprietary reasons or pursuant to specific US Government access and dissemination controls.**

University research will not be deemed to qualify as fundamental research if: 1) the University or researcher accepts any restrictions on the publication of the information resulting from the research, other than limited prepublication review by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by the sponsor or to insure that publication will not compromise patent rights of the sponsor; or 2) the research is federally funded and specific access and dissemination controls regarding the resulting information have been accepted by university or researcher.

If you have signed an agreement without the approval of the ORSP director that accepts publication restriction, the fundamental research exclusion is automatically null and void.

***public domain*: this is information that is published and that is generally accessible or available to the public in the following forms: 1) through sales at newsstands and bookstores; 2) through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; 3) through second class mailing privileges granted by the US Government; 4) at libraries open to the public or from which the public can obtain documents; 5) through patents available at any patent office; 6) through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public in the United States; 7) through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant US government department or agency; and 8) through fundamental research.**

Every award – grant, cooperative agreement or contract – is subject to export control regulations whether or not there is an explicit clause within the award document. Although most of the research conducted at OHIO meets the fundamental research exclusion test, it is the PI/PD responsibility to analyze the research and inform the ORSP staff of any technology that will be used that is export controlled.

Every award – grant, cooperative agreement or contract – is subject to export control regulations whether or not there is an explicit clause within the award document.

As a PI/PD receiving research support from an industrial partner, you must be very certain that your ORSP manager reviews the agreement received from the industrial partner, as often, the partner will agree and accept export control restrictions that OHIO cannot. Due to sensitivity issues and the large number of foreign national students, do not negotiate any terms of a contract with a potential sponsor yourself. For more information on OHIO's management plan related to export control and all pertinent forms, please visit: ***http://www.ohiou.edu/orsp/award/export_control.html.***

Reporting

Along with the programmatic component of your funded work comes an administrative responsibility as well. This arrives in the form of reporting. When your grant hits certain milestones as defined by the award document - such as quarterly or annual progress reports, for example - a written report is due. As PI/PD, you are charged with complying with the sponsor's rules and submitting your report, as necessary, in a timely manner. At the grant's period end ORSP will assist you in completing any patent or technology licensing reports. GCA will complete all financial (both interim and final) on your behalf, but you are responsible for the interim and final technical reports. It is highly important that you read the grant guidelines that come with your award package from ORSP, as they may indicate a reporting schedule and format necessary to comply with the sponsor regulations.

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Should ORSP receive notice that you have been delinquent in submitting your final technical report, you will be denied future support through internal sources (such as Research Challenge) until the time ORSP receives your report. Timely reporting not only helps maintain and enhance your professional credibility with your sponsor, but also enhances OHIO's reputation as its research grows to be competitive with the nation's largest research institutions. The next section in the handbook discusses how to financially manage your grant from start to finish at OHIO.

Be timely in the submission of your interim and final technical reports. Late submission could jeopardize your eligibility for internal sources of funding!