



# University Corporation at California State University Monterey Bay Sponsored Programs Policy

## 502-000-A: Sponsored Programs Administration Policy

This policy supplements California State University systemwide policy: [Sponsored Programs General Policy Requirements and Standards](#) (ICSUAM 11002.01).

### I. Purpose

California State University, Monterey Bay (“CSUMB” or “University”) and its auxiliary, the University Corporation at Monterey Bay (“University Corporation”) recognize that grants and contracts are an important means for campus personnel to pursue scholastic, research, and creative/educational activities that will enable them to:

- Remain current in their disciplines,
- Enrich their teaching or further their professional development,
- Contribute knowledge to their fields, and
- Obtain resources for the University or the local community.

### II. Authorization

- A. CSUMB and the University Corporation encourage and support the pursuit of grants and contracts to fund these activities. This policy provides the framework for the process of pursuing grants and contracts while ensuring the University Corporation’s and CSUMB’s compliance with state and federal law, California State University (“CSU”) systemwide policies (including all policies governing Sponsored Programs Administration, ICSUAM Section 11000), collective bargaining agreements, granting agency requirements, and other applicable University Corporation and CSUMB policies. In collaboration with the CSUMB Sponsored Programs Office (SPO), University Corporation Procedures in Section 502 shall be maintained to demonstrate compliance with this Policy, implement CSU systemwide Sponsored Programs Administration Policy (ICSUAM Section 11000) and government regulations, as appropriate.
- B. All exceptions to this policy will require approval from the University’s Chief Financial Officer/Vice President for Finance and Administration or the Provost/Vice President for Academic Affairs or their designees.

### III. Roles and Responsibilities

- A. *University Corporation at Monterey Bay:* The University Corporation shall act as the authorized campus sponsored programs administrator for externally sponsored grants and contracts. The University Corporation will be the legal applicant and recipient of awards and amendments and have responsibility for award compliance and financial administration. The University Corporation shall comply with all federal, state, CSU, Auxiliary and sponsor regulations and/or policies governing the administration of externally funded sponsored programs.

The University Corporation is legally responsible and accountable to the Funding Agency for the use of the funds provided and the performance of the grant or contract. In order to meet these obligations, the Director of Sponsored Programs Office is authorized by the University Corporation Board of Directors to act on behalf of the University Corporation to accept sponsored grants and contracts awarded by private agencies and federal, state, and local government agencies.

The University Corporation is the contracting agency subject to audit and review by these granting agencies and is therefore responsible for the proper expenditure of funds and submission of timely and accurate financial reports.

Federally Funded Patentable Inventions: For inventions first conceived or reduced to practice under a project funded in whole or in part with federal funds, University Corporation will comply with the requirements of the Bayh-Dole Act unless otherwise negotiated in the federally funded agreement.

- B. *Sponsored Programs Office*: The Sponsored Programs Office (“SPO”) office is delegated responsibility for pre-award activities by the President under the authority of ICSUAM policy Section 11000 and the University Corporation. Responsibilities include but are not limited to:
1. Approve the submission of proposals or requests for funding of research or other special educational projects to sponsoring federal or state agencies, local public entities, public or private corporations, and private Foundations on behalf of the University Corporation after the required review and approvals via the internal proposal routing process.
  2. Assist the Project Director/PI in complying with applicable CSU, University Corporation, and CSUMB policies and regulations prior to the proposal being submitted to the funding agency.
  3. Assurance that proposals have been routed for internal administrative review prior to submission.
  4. Advise the CSUMB academic community of sponsored grant and contract opportunities. Assist faculty in the development of sponsored contract and grant proposals including editing of the proposal narrative, preparing the budget, completing required agency forms, and fulfilling the prospective sponsor’s requirements. SPO will assist with budget preparation on proposals for both private and public sponsors.
  5. Consult with other appropriate departments as needed for specific issues related to the proposal (e.g. Risk Management, health and safety, IRB, IACUC, International Programs).
  6. Serve in the capacity of CSUMB’s Authorizing Official (Authorized Organizational Representative or AOR) for providing contracting and granting agencies assurances such as drug-free workplace, lobbying, vendor debarment, equal opportunity, and other related documents required by contracting and granting agencies.
  7. In conjunction with the Provost’s office and the College Deans, provide oversight of sponsor requirements related to the responsible conduct of research if applicable.
- C. *Project Director (“PD”)/Principal Investigator (“PI”)*: The designated tenured or tenure-track faculty, MPP or designated employee of the University or University Corporation who is responsible for a funded project. Faculty on FERP may apply for or serve as sole Project Directors/PI on grants in accordance with the provisions of the collective bargaining agreement covering faculty. In addition, the CSUMB Adjunct Research Faculty policy allows other persons, including faculty emeritus, to be designated as a PI/PD.
1. The Project Director/PI is responsible for the development of proposals in compliance with CSU, CSUMB, University Corporation and funding agency policies, procedures and requirements. The PD/PI is required to follow the University Corporation and University’s policies and procedures related to sponsored grants and contracts and research compliance (FCOI, research misconduct, animal welfare, human subjects, etc.) and agrees to all assurances as outlined in internal proposal routing prior to proposal submission.
  2. PDs/PIs proposing multi-institutional projects shall ensure receipt of authorization from proposed sub-recipients/partners prior to their inclusion in the proposal submission.
  3. Assurance that the department’s Chair/Director and Dean/AVP have reviewed the proposal and that the internal Proposal Routing is fully approved by the time the proposal must be submitted.
  4. PD/PI will notify SPO of any notice of funding award or decline notice.
  5. In the case of the incumbent PD/PI’s resignation, incapacitation, or failure or refusal to perform the duties adequately, the Dean or appropriate administrator shall reassign the PD/PI’s responsibilities and SPO shall notify the sponsor.
  6. The PD/PI is responsible for meeting the program and financial goals and objectives of the grant as well as the technical reporting requirements of the grant or contract.
  7. In compliance with ICSUAM Policy 11002.01, Sections 500 and 501, when agreements have requirements related to intellectual property conceived or reduced to practice under the agreement, the inventor or author will be required to assign rights to such intellectual property to the University Corporation to facilitate

compliance with agreement requirements.

- D. *Chair/Director*: Understands and approves of the proposal's academic, financial, compliance and facilities impact on the department/office. Assurance that the Dean/Appropriate Administrator has been informed of the proposal's academic, financial, compliance and facilities impact on the department/office.
- E. *Dean/Appropriate Administrator*:
1. Assurance that the Dean/Appropriate Administrator has identified resources, including space and utilities, required to meet project deliverables and assumes all obligations for providing identified resources.
  2. Approval on behalf of the Dean/Appropriate Administrator for faculty and staff time commitments detailed in the proposal.
  3. Assurance that the proposal, including narrative, budget and cost share commitment(s), where applicable, are consistent with the University's mission and goals, and funding agency's requirements.
  4. Assurance that potential conflicts with other colleges and departments have been identified and mitigated or eliminated.
  5. In the case of the incumbent PD/PI's resignation, incapacitation, or failure or refusal to perform the duties adequately, the Dean/Appropriate Administrator shall reassign the PD/PI's responsibilities or make alternate arrangements in consultation with SPO.
  6. In conjunction with the Provost's office, University Corporation and SPO, provide oversight of sponsor requirements related to research compliance including the responsible conduct of research if applicable.
- F. *University Development*:
1. Coordinate private, corporate and Foundation grants.
  2. Assurance that the proposal meets all requirements related to the private sponsor.
  3. Assurance that private, corporate and Foundation grant proposals have been routed for internal administrative review prior to submission.
  4. Advise the CSUMB academic community of private grant opportunities.
  5. Assist faculty in the development of private grant proposals including editing of the proposal narrative, completing required agency forms, and fulfilling the prospective sponsor's requirements.
  6. Coordination with SPO and other applicable departments on research compliance requirements, including, but not limited to Financial Conflict of Interest, human subject research and animal welfare.
- G. *Chief Information Officer*
1. Assurance that the CIO, or designee, has assessed the impact of the proposal on campus technology and infrastructure if applicable.
- H. *President or Designee (Provost/Vice President for Academic Affairs)*: Responsible for the educational effectiveness, academic excellence, and general welfare of the campus. Assures that the University and University Corporation operate in conformity with applicable law and policies of the CSU and the University when proposing and administering Sponsored Programs. Approval of the overall campus academic, compliance and fiscal aspects of the proposal.
1. Review and approve Indirect Cost Rate waivers in consultation with the Dean/Appropriate Administrator, SPO and CFO.
- I. *Chief Financial Officer/Division of Administration and Finance*: Responsibilities include but are not limited to:
1. Review and approval of the overall campus fiscal, human resource, logistical and facility maintenance aspects of a grant or contract proposal.
  2. Delegated responsibility for post-award accounting, purchasing, facilities, risk management, health and safety, and UCorp Human Resources activities under the authority of ICSUAM policies.
  3. Provide contractual, procurement, and fiscal services including disbursement, billing and reporting.

#### IV. Administration of Sponsored Programs

In addition to those policies/procedures governing sponsored program administration identified at the end of this policy, the following procedures are also required in compliance with ICSUAM Policy 11002.01, Sponsored Programs General Policy Standards and Requirements.

##### A. *Federal Awards*

1. Federally Funded Patentable Inventions: The Bayh-Dole Act (US Patent Law, [37 CFR 401](#)) requires nonprofit organizations (including universities and research foundations) to take control of inventions by their faculty/staff funded in whole or in part by the Federal government. For compliance with US Patent law, certain steps must be taken when a proposal is submitted that will be federally funded directly or passed through another entity to the university as a subrecipient – to ensure compliance prior to proposal submission and after the award is received. A statement on the proposal approval form must be included that is signed by the PI that indicates they are aware of the regulations governing inventions/patents and they assign their rights to the university to any subject inventions in order to comply with the Bayh-Dole Act requirements.

##### B. *State Awards:*

1. Awards for research, training or services from California state agencies shall use the California Model Agreement (CMA), the pre-negotiated University Terms and Conditions (UTC) and any other provisions negotiated on behalf of the CSU by the CSU Chancellor's Office (CSUCO) for use in state agency agreements. Requests for an exemption from using the CMA for a particular project may be submitted to the CSUCO, Director of Sponsored Programs (State agencies may submit requests to California Department of General Services, Office of Legal Services). See Award Acceptance/Negotiations Procedure 502-004-A.
2. State Agency Funded Intellectual Property: If a patent rights provision is required in an agreement from a State agency, the pre-negotiated patent rights provision incorporated into the CMA Memorandum of Understanding as [Attachment 4](#) that provides patent rights to the University shall be used. "University" is defined in the MOU as the University or an Auxiliary organization (in this case, the University Corporation). Exceptions shall be approved by the CSUCO.

##### C. *Awards for Projects in Tax-Exempt Bond-Funded Facilities (TEBFF):*

1. University Corporation procedures shall demonstrate compliance with ICSUAM Policy 11002.01 Section 502, Externally Funded Projects in Tax-Exempt Bond-Funded Facilities (and Internal Revenue Code 141(b)). See Award Acceptance/Negotiations Procedure 502-004-A.
2. Ownership of Intellectual Property (IP): In order to protect the tax-exempt status of a TEBFF where research or other sponsored activities may take place, the University/University Corporation must maintain ownership of all IP funded by non-state funding (including federal, private and industry sponsors). University Corporation procedures will identify steps to be taken to provide CSUMB Facilities Management with the information they need to adequately manage activities performed in TEBFF.

##### D. *Misconduct in Research:*

1. Misconduct in research is the fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research. Included is retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. It does not include honest error or honest difference in interpretations or judgments of data.
2. The University Corporation shall follow the policy and procedures of the University regarding research misconduct (<https://csumb.edu/policy/research-misconduct-policy>).

##### E. *Ownership, Custody and Retention of Sponsored Programs Office Records:*

1. **Ownership:** Unless the contract or grant specifies to the contrary, the University Corporation shall own the records relating to the sponsored program. To the extent possible, contracts or grants that provide for

ownership by or license to any person or entity other than the University Corporation/CSUMB shall provide the University Corporation/CSUMB the right to access and use those records for purposes consistent with the educational mission of the University Corporation/CSUMB.

2. Pre-Award Custody and Retention: The SPO office shall retain custody of the following records for the periods of time noted:
  - a. Original copies of Internal proposal routing documents submitted proposals and related documentation shall be retained until such time as a funding decision is made when it shall be retained in the award file. If the proposal is not funded, the original shall be retained by SPO for three years.

F. *Recovery of Unallowed/Disallowed Costs*

Any funds expended by the University Corporation for the payment of unallowed/disallowed grant or contract costs may be recovered by deducting from the incentive funds of the appropriate principal investigator(s), the institute(s), center(s) or College(s), or any combination thereof. In addition, the University Corporation may recover any monies expended for the payment of unallowed or disallowed grant or contract costs by requiring repayment from any legally acceptable source of funds held by the appropriate principal investigator(s), institute(s), center(s), or division(s)/entity(ies). Any legally acceptable source of funds shall not include the personal assets of principal investigators(s).

G. *Lobbying & Use of Appropriated Funds*

No individual or groups of individuals employed by the University or the University Corporation or acting on their behalf shall accept or expend Federal appropriated funds for the purpose of lobbying or attempting to influence an officer or employee of any governmental agency, Member of Congress, officer or employee of Congress, or any employee of a Member of Congress in connection with the making of any Federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

H. *One-Up Authorization & Approvals*

Principal Investigators (PI) may not authorize or approve reimbursement of:

- Their own expenditures;
- Expenditures by or for a superior; and
- Expenditures made by a relative or spouse, whether they are an investigator, grant or contract employee, or external consultant. Such situations require appropriate disclosures, approvals at the time of proposal and, if accepted, a next level approver.

Delegations of authority must be designated on the Chartfield Request Form during project setup.

**V. Adoption and Review**

- A. The University Corporation's Board of Directors has adopted this Management of Sponsored Programs Policy, dated XXXX.
- B. This policy shall be evaluated ten years from its adoption date to determine its effectiveness and appropriateness. The policy may be evaluated before that time as necessary to reflect substantial organizational, financial, or physical change(s) at the University Corporation or any change required by law or by other governing policy.

Any proposed amendments or variations of this policy require a majority approval by the University Corporation Board of Directors. New procedures or revisions to procedures identified below in Section VI. Related Documents necessary to demonstrate compliance with existing or new CSU policies or government regulations may occur at any time and do not require University Corporation Board approval.

**VI. Related Documents**

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- A. [CSU Systemwide Policies](#) for the Administration of [Sponsored Programs](#) (ICSUAM Section 11000)
  - 1. This policy specifically complies with the [Sponsored Programs General Standards and Requirements Policy](#) (ICSUAM #11002.01).
- B. [Uniform Guidance – 2 CFR 200](#) (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)
- C. 502-001-A: Management of Sponsored Programs Procedure
- D. 502-003-A: Pre-Award Proposal Review and Approval Procedure
- E. 502-004-A: Award Acceptance/Negotiations Procedure
- F. 502-005-A: SP Management Procedure
- G. 502-006-A: Subrecipient Monitoring Procedure
- H. 502-007-A: Grant & Contract Reporting
- I. 503-003-A: Facilities and Administrative Costs Policy (or Procedure?)
- J. 503-004-A: Direct and F&A Costing Policy
- K. 503-005-A: Allowable Costs: Direct & Indirect/F&A
- L. 503-005-B: Cost Transfer Procedure
- M. 503-006-A: Compensated Effort Procedure
- N. 503-007-A: Cost Share Procedure
- O. 503-011-A: Project Closeout Procedure
- P. 503-013-A: Externally Funded Equipment Management Procedure
- Q. 510-000-A: Conflict of Interest Policy
- R. 510-002-A: Non-Government COI Procedure
- S. 510-002-B: Government FCOI Procedure
- T. Human Subjects in Research Policy (CSUMB Policy)
- U. Animal Subjects in Research (CSUMB Policy)

**VII. Guidelines**

Throughout the policies and procedures listed above that govern the administration of sponsored programs for CSUMB and the University Corporation at CSUMB, the following shall apply:

<u>Where it says:</u>	<u>Shall mean:</u>
CSUMB	California State University Monterey Bay
University	CSU Monterey Bay
University Corporation	University Corporation at CSU Monterey Bay
Corporation	University Corporation at CSU Monterey Bay Post-Award Administration/Accounting*
SPO	Sponsored Programs Office

As stated in CSU systemwide policy for the administration of sponsored programs:

<u>Where it says:</u>	<u>Shall mean:</u>
University	California State University Monterey Bay
Auxiliary	Any CSUMB Auxiliary (including the University Corporation)
Campus	University AND Auxiliary/University Corporation

\* *The default for “Corporation” shall be the Corporation Post-Award Accounting department. When referring to another department in the Corporation, the department name shall follow (i.e. Corporation HR is Corporation Human Resources).*