



February 13, 2020

Office of General Counsel

Sponsored Research

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MINNESOTA STATE

Next Month's Presentation

March 12, 2020

Clinical Agreements

- Presented by Assistant General Counsel Mary Al Balber
- For a complete listing of the Spring Second Thursday topics, please visit the Office of General Counsel's website at <https://minnstate.edu/system/ogc/index.html>
- For more information call Amanda Bohnhoff, 651-201-1676



Part One: Sponsored Program Legal Issues



Primary Funding Vehicles

Grants, Cooperative Agreements, Contracts



Federal and State Grants

- Financial assistance from federal or state government
- No deliverable outcomes, but reporting requirements
- Limited control by awarding agency
- State grants are governed by grant agreements and the Department of Administration's Office of Grants Management.
- Federal grants are subject to the OMB Uniform Guidance (2 C.F.R. 200 et. seq.).

Federal Cooperative Agreements

- Similar to grants in flexibility, duties, budget changes, application of OMB Uniform Guidance
- Substantial involvement by Awarding Agency in the performance of the duties in the agreement

Contracts

Federal Contracts

- Federal agency procures services
- Deliverables required
- Federal Acquisition Regulation applies

State Contracts

- Inter-agency agreements and joint powers agreements



Private Grants and Contracts

- Private 501(c)(3) organizations sometimes provide grant funds under similar terms as state/federal agencies.
- The terms of a private grant are governed by the contract alone.
- Private “grants” from for-profit firms are often not grants at all, but income contracts with expected deliverables.
- Be aware of private use/bonding requirements when exploring privately sponsored research opportunities.

Secondary Funding Vehicles

Subawards and Subcontracts



Subawards

- Subawards: Agency – Prime Awardee – Subawardee
 - Example: MSU-Mankato receives a \$1M grant from the NSF. MSU-Mankato “sub-awards” \$100K to St. Cloud State University and \$100K to the University of Minnesota to conduct parts of the research.
 - MSU-Mankato would enter into a “intra-agency” agreement with St. Cloud State. This is not technically a contract, but would need to “flow-down” terms from the NSF Grant.
 - MSU-Mankato would enter into an external contract with UMN.

“Flow-Down” Requirements

- Many grants have provisions that must apply to subcontractors or subawardees.
- You must included these “flow-down” provisions in subawards and subcontracts.

Teaming Agreements

- When you apply for a grant, you may be asked to list your subawardees.
- The best practice is to have teaming agreements in place between your campus and the subawardees before you apply for a grant.
- A teaming agreement is a very basic contract evidencing the relationship represented in the grant documents.

Sub-Contracts

- Subcontracts: Not named in grant proposal, performing services to help support a project.
 - Example: DCTC receives a training grant from MN-DOT. The College hires an expert to help conduct the training.
 - The College enters into our standard P/T contract with this expert.

Regulations

Cost Rates, Review Boards, Research Integrity, Export Control,
Intellectual Property



Direct and Indirect Costs

- Direct costs – specifically identified in the award or contract
- Indirect costs – Facilities and Administrative Costs
- Campuses have indirect cost rate agreements with the federal government.



Human Subject Research

- Governed by the “Federal Common Rule” at 42 CFR 46.
- Establishes the system of Institutional Review Boards (IRB).
- IRB must approve and monitor human subject research.

Animal Subject Research

- Governed by the Public Health Service Policy on Humane Care and Use of Laboratory Animals & the Animal Welfare Act.
- Requires review by Institutional Animal Care and Use Committee.
- Applies to use of live, vertebrate animals in research.

Conflicts of Interest & Certifications

- Principal investigators must report potential financial conflicts of interest and propose plans to address them.
- Colleges and Universities typically have to agree to statements prohibiting lobbying
- We cannot do business with entities on the federal or state “debarment” lists.

Research Misconduct

- Includes fabrication, falsification, plagiarism in reporting research results.
- Does not include honest error or difference of opinion.
- Written policies on research misconduct are required (assessment, inquiry, investigation).
- Reporting of final determinations to federal agencies.

Export Controls

- Sponsored programs offices must be aware of export control restrictions (EAR, ITAR, etc.).
- Even interactions with foreign nationals domestically can result in “exporting” under these rules.
- Not just restricted “OFAC” countries list. Export controls depend on the sponsoring agency and the nature of the grant.

Invention Reporting

- The Federal Government has “march-in” rights to inventions developed using Federal dollars per the “Bayh-Dole Act.”
- This is irrespective of either CBA with faculty unions.
- Additionally, inventions must be reported to funding agencies.
 - The NIH has an electronic reporting system called “iedision.”
 - There are often direct reporting requirements at the completion of grants.

Part Two: Sponsored Programs Business Issues



Some common abbreviations.....

PI/PD – Principal Investigator/Project Director

PO – Program Officer

OMB – Office of Management and Budget

**Uniform Guidance – Admin Requirements,
Cost Principles, and Audit Requirements**

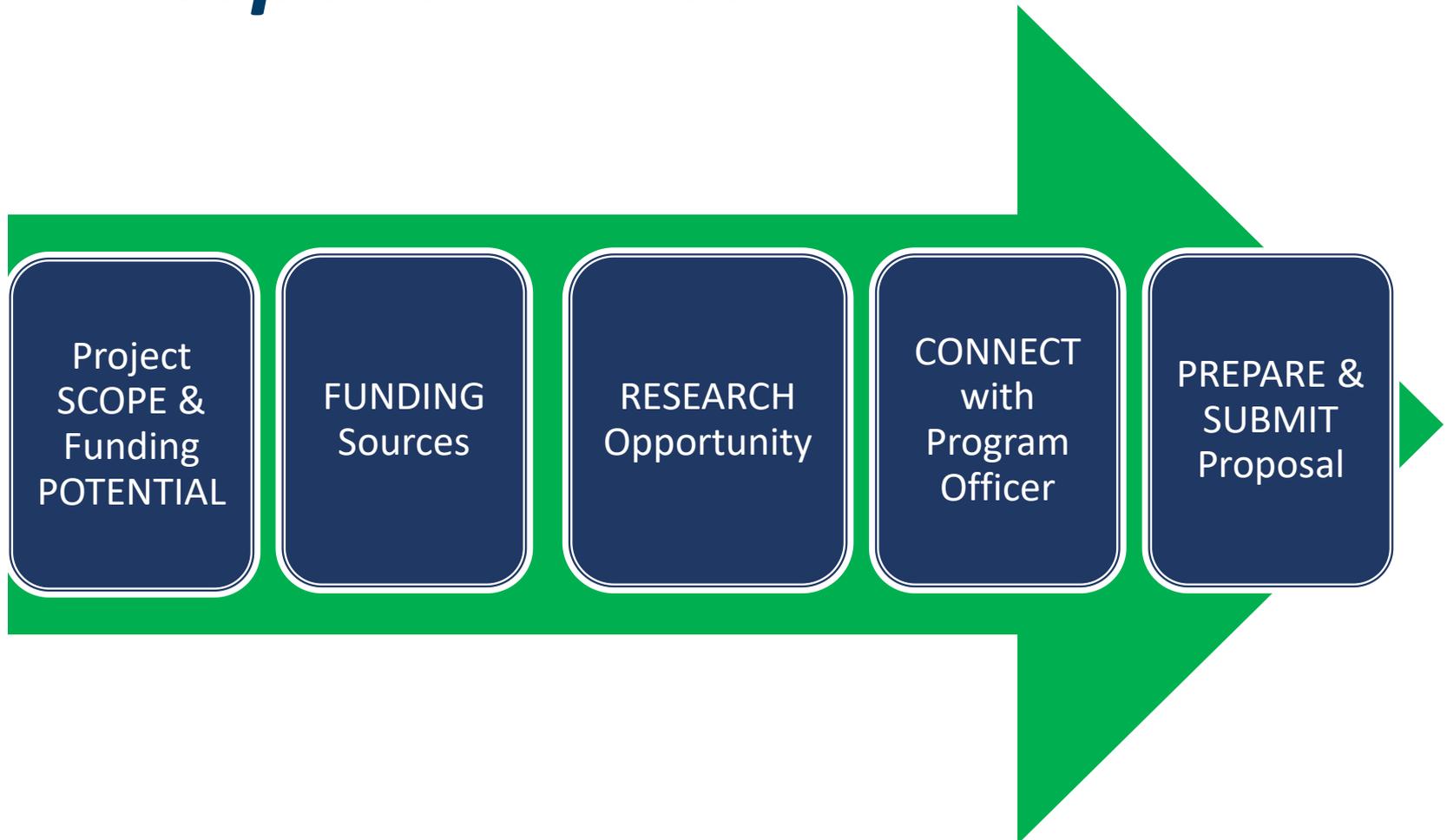
IRB – Institutional Review Board

**IACUC – Institutional Animal Care and USE
Committee**



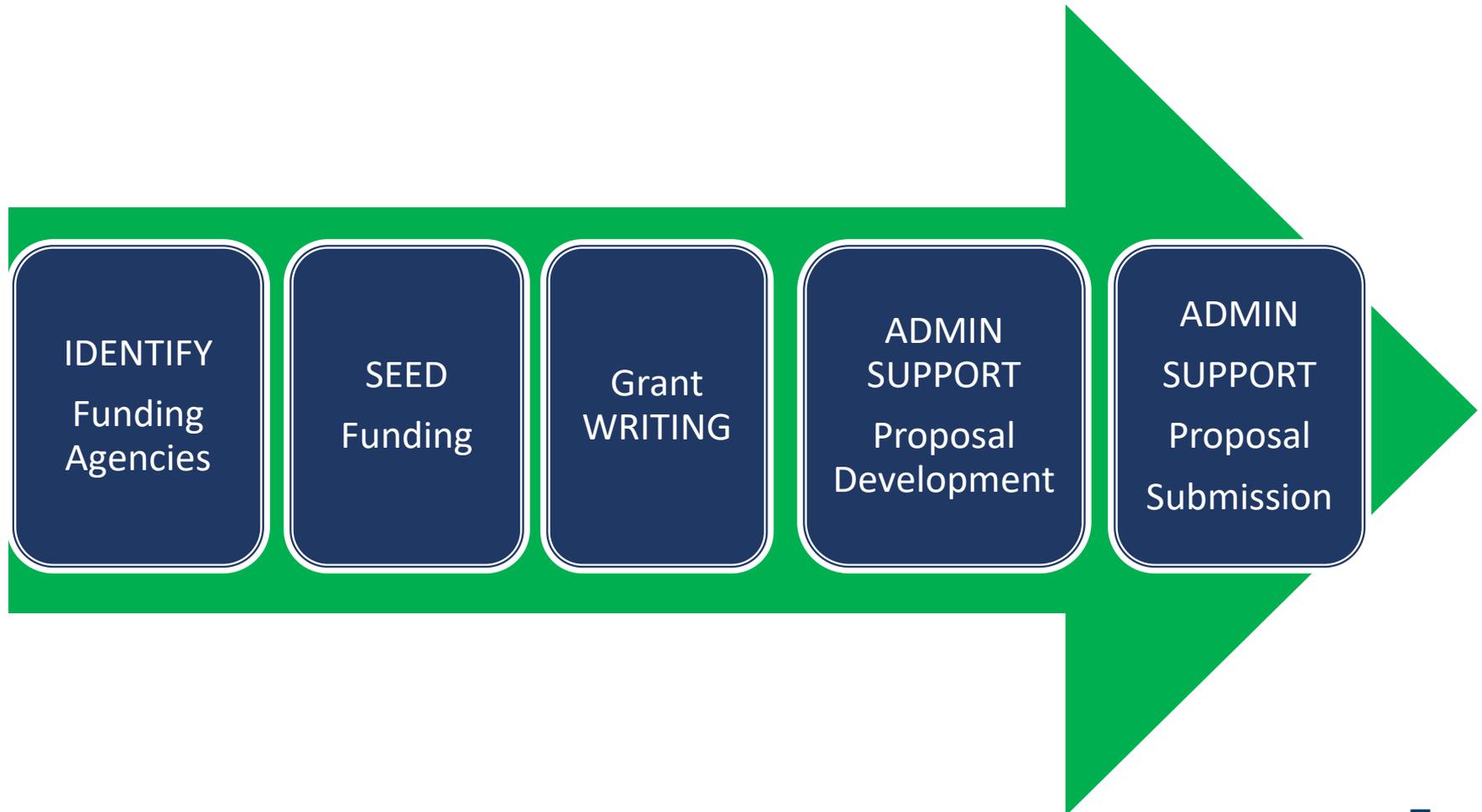
Applying for Grants

PI Responsibilities



Applying for Grants

Sponsored Programs Office Responsibilities



Providing Support to Principal Investigators

Grant Writing Workshop Series (2019 – 2020)

The Grant Writing Workshop Series is a collaborative series offered by Minnesota State Mankato and St. Cloud State University.

Following the grant lifecycle, this workshop series provides faculty and staff with tools and strategies to lead and manage grants at each stage of the lifecycle. Those new or returning to grantsmanship are encouraged to participate in all the sessions consecutively, however, participants are not required to participate in all sessions.

This workshop series is offered by: St. Cloud State University & Minnesota State Mankato. *Workshops will have physical locations on both campuses (Miller Center B18 for SCSU) and will be available via Zoom.*

Participants registering and completing all 4 sessions will be entered into a drawing for \$500 in professional development funds to support their research/scholarly activities.

+ **Session 1: Introduction to Grant Seeking**

+ **Session 2: Creating a Proposal Development Plan**

+ **Session 3: Proposal Budgets 101**

+ **Session 4: Proposal Review, Awards & Resubmissions**

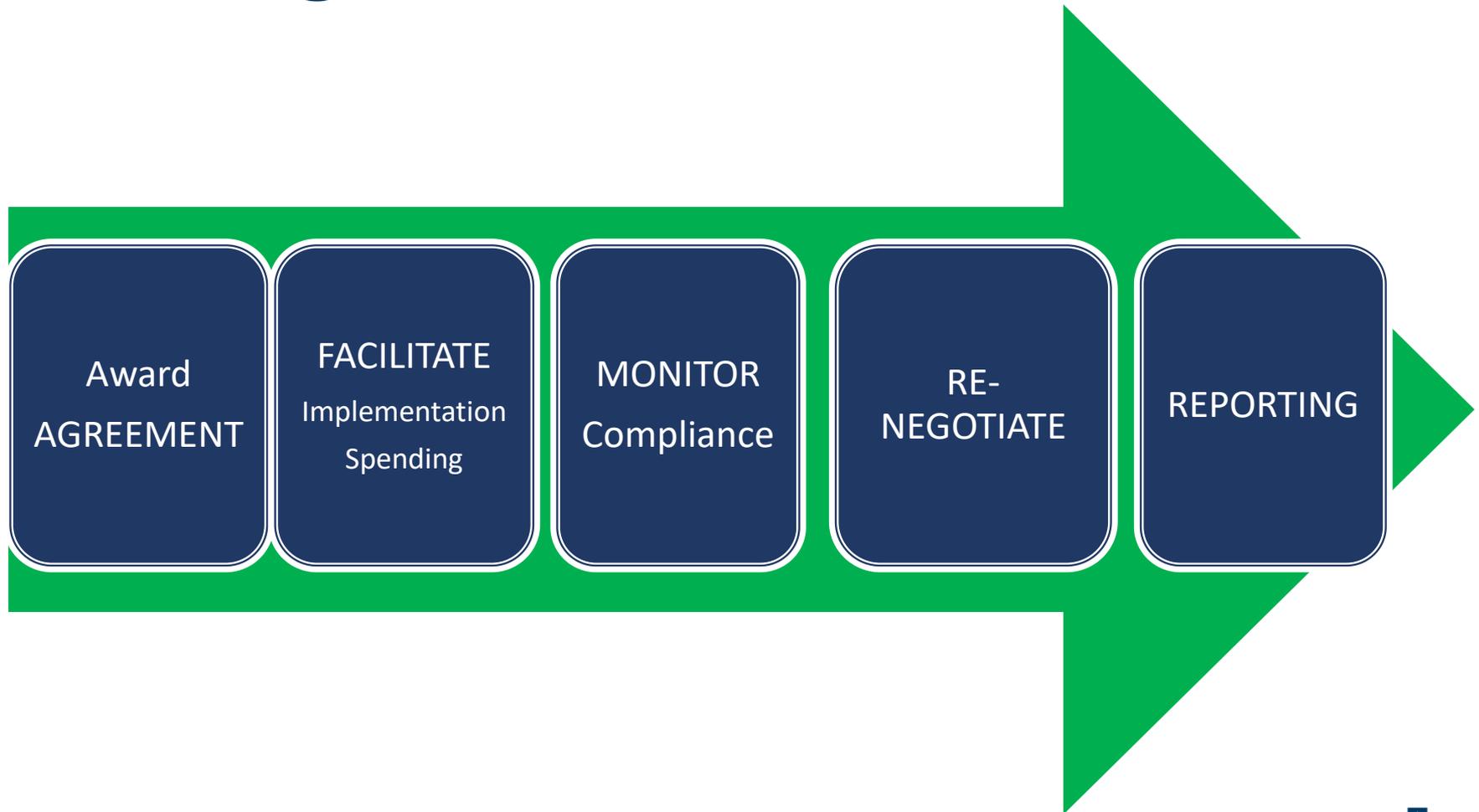


Receiving and Managing Awards

PI and Sponsored Office Responsibilities



Providing Support to Principal Investigators – Post Award





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