

**Baldwin Wallace University**  
**Post-Award Policies**  
**for Government Grants**

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## Table of Contents

Purpose.....	5
Definitions.....	5
The Role of the Principal Investigator .....	6
The Role of the Pre-Award Grant Administrator .....	6
The Role of the Post-Award Grant Administrator .....	6
Compliance.....	6
Financial Administration .....	7
Policy on Allowable Costs on Federal Projects .....	8
Purpose .....	8
Definitions.....	8
Policy.....	8
Non-Compliance.....	10
Policy on Closeout of Government Awards .....	10
Purpose .....	10
Definitions.....	10
Policy.....	11
Non-Compliance.....	12
Policy on Cost Transfers for Federally Sponsored Programs .....	12
Purpose .....	12
Definitions.....	12
Policy.....	12
Non-Compliance.....	13
Policy on Effort Reporting of Federal Grants and Subawards .....	13
Purpose .....	13
Definitions.....	13
Policy.....	14
Change in Effort.....	14
Non-Compliance.....	14
Policy on FFATA Reporting.....	18
Purpose .....	18
Definitions.....	18
Policy.....	18

Non-Compliance.....	19
Policy on Financial Management of Federal Projects .....	19
Purpose .....	19
Definitions.....	19
Policy.....	19
Non-Compliance.....	20
Policy on Institutional Base Salary.....	20
Purpose .....	20
Definitions.....	20
Policy.....	21
Non-Compliance.....	21
Policy on Management of Government Awards.....	21
Purpose .....	21
Definitions.....	22
Policy.....	22
Non-Compliance.....	22
Policy on Computing Personnel Benefits Rates .....	23
Purpose .....	23
Definitions.....	23
Policy.....	23
Policy on Property Purchased by Government Sponsored Programs .....	25
Purpose .....	25
Definitions.....	25
Policy.....	25
Non-Compliance.....	26
Policy on Purchasing for Government Sponsored Programs.....	26
Purpose .....	26
Definitions.....	26
Policy.....	26
Non-Compliance.....	27
Policy on Record Retention for Government Sponsored Programs.....	27
Purpose .....	27
Definitions.....	28

Policy.....	28
Access to and Transfer of Records .....	28
Personally Identifiable Information.....	28
Collaborative Projects.....	28
Public Access to Records.....	29
Non-Compliance.....	29
Policy on Research Misconduct.....	29
Non-Compliance.....	41
Policy on Sexual Misconduct.....	42
Purpose .....	42
Definitions.....	42
Policy.....	42
Consequences .....	42
Non-Compliance.....	42
Federal Remedies for Noncompliance .....	42

## Purpose

It is critically important that grant-funded projects and programs be managed well, legally, and ethically in order to ensure the quality and integrity of the project or program. These policies and procedures will help ensure that Baldwin Wallace University makes the best use of its resources while maintaining compliance with government funder requirements.

Principal Investigators (PI) and program/project managers of federally funded programs (including those where the funds pass through state agencies) should refer to the Code of Federal Regulations, 2CFR Chapter 200 (<https://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/content-detail.html>), which regulates all federal grant awards. The policies & procedures herein have been written and are updated in accordance with the federal government's requirement for internal controls in compliance with 2CFR §200. It is also necessary to be familiar with and adhere to the requirements of the funding agency, including award contracts and letters.

*From the Code of Federal Regulations*

*(b) The non-Federal entity is responsible for complying with all requirements of the Federal award. For all Federal awards, this includes the provisions of FFATA, which includes requirements on executive compensation, and also requirements implementing the Act for the non-Federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR part 170 Reporting Subaward and Executive Compensation Information. See also statutory requirements for whistleblower protections at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. 4304 and 4310. § 200.301 Performance measurement.*

## Definitions

**Cooperative Agreement:** financial assistance that is used to enter into the same kind of relationship as a grant; but is different in that it provides for substantial involvement between the federal agency and the recipient in carrying out the activity contemplated by the award.

**Grant:** A financial gift to enable the enactment of a certain project, program or activity that has social or scientific benefit. Does not need to be repaid.

**Pass-Through Entity:** Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

**Post Award Grant Administrator (PAGA):** Housed in the Finance Department, the PAGA assists the PI with maintaining compliance with federal and state regulations during the course of the grant award, and attends to financial matters such as keeping a “real time” budget, keeping the PI apprised of the state of their budget, pre-approving expenditures, preparing annual and final financial reports, and helping assess the performance of subawardees. The PAGA is trained in Office of Management & Budget and federal awarding agencies' regulations.

**Primary Recipient:** The organization which receives the award from the funder, and is responsible for the conduct of and reporting on the sponsored program.

**Principal Investigator (PI):** The faculty or staff member who is responsible for carrying out the sponsored program. This is usually, but not necessarily, the person who submitted the grant proposal.

**Sponsored Program** refers to projects or programs that have received financial support from outside sources. For our purposes, it refers specifically to projects and programs that have been funded, fully or partially, by a government entity. This includes instances where the federal government provides a grant to a state, county, or municipality which then uses that money to provide a grant to BW.

**Subaward:** An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient:** A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

## The Role of the Principal Investigator

The Principal Investigator (PI), also known as the grant manager, is the person who is responsible for the conduct of the sponsored program and all persons working on the sponsored activity. It is also their responsibility to ensure compliance with BW policies and funder requirements, staying within budget, completing administrative tasks correctly, and the timely filing of reports. The PI can and should contact the PAGA whenever they have questions or concerns, and prior to making substantial changes in the project/program, so the PAGA can provide assistance and advice for staying in compliance.

## The Role of the Pre-Award Grant Administrator

The Pre-Award Grant Administrator is responsible for forwarding the original Request for Proposals, the grant proposal, final negotiated budget and scope of work, Notice of Award, contracts, subaward information, and contact information for the awarding agency to the Post-Award Grant Administrator. The Pre-Award Administrator is also responsible for transferring other pertinent information to the Post-Award Administrator.

The Pre-Award Administrator is responsible for being knowledgeable about and implementing policies that affect Post-Award Administration.

## The Role of the Post-Award Grant Administrator

The Post-Award Grant Administrator (PAGA) is housed in the Department of Finance and has two primary responsibilities: 1) help the PI to maintain compliance with funder requirements, and 2) maintain the financial records of the sponsored project. The PAGA acts as a resource and support to the PI and University Administration in what is meant to be a collaborative, collegial relationship.

## Compliance

The PAGA is familiar with BW's policies & procedures and federal regulations, and acts as the PI's guide through the post-award process. Upon receipt of the Letter of Award and final budget, the PAGA will meet with the PI to establish a working relationship, review the sponsored project, review this guide, and discuss potential compliance issues.

The PAGA may supply the PI with checklists, forms, reminders, or other communication to help them keep accurate and timely records. The PAGA will assist the PI in preparing and filing interim and final reports.

#### Financial Administration

The PAGA will assist the PI by pre-approving purchases and maintaining a “real time” budget spreadsheet. The PAGA will provide the PI with budget updates to ensure that the project is within its budget and is in compliance with policies and regulations. . The PAGA will assist the PI in preparing and filing interim and final financial reports. Financial reports must be signed by the Controller prior to submission.

## Policy on Allowable Costs on Federal Projects

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200). Misreporting or misappropriations can lead to severe penalties for both the University and individuals.

Individual federal agencies may have additional restrictions on Allowable Costs, so PIs should always refer to agencies grant policy guides and the Letter of Award, and work closely with the Post-Award Grant Administrator.

**Commented [LM1]:** Pretty much boilerplate in every policy

### Definitions

*Direct costs:* expenses incurred during the conduct of a federally sponsored project (grant or contract) that are a direct result of the project. Direct costs include personnel salary & benefits; project-related travel, equipment, supplies, and publication costs; contractors and subawards; recruitment, retention, and incentive costs of research subjects.

*Indirect Costs:* The expenses of administering a federal award that are minimal or shared among departments. Examples are the PI's supervisor and department administrator; rent and utilities; copying, office supplies, postage. The University has a negotiated Indirect Cost Rate (commonly called IDC) that must be used in all federal project applications unless the sponsoring agency restricts the IDC rate. As of May 2018, our IDC rate is 31.4% on campus, 13.6% off campus.

### Policy

The charging of costs to federally sponsored programs at Baldwin Wallace University will follow the federal Office of Budget and Management regulations set forth in the Code of Federal Regulations 2CFR, chapter 200 (<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200.xml>), Uniform Administrative Requirements, Cost Principles, and Audit Requirements. BW will also follow all guidelines set forth by individual funding agencies.

The Finance Department shall create an individual fund account for every sponsored project, adhering to Generally Accepted Accounting Principles, upon receipt of the official Notice of Award or contract, and negotiated budget.

PIs with federal or state awards should submit an email request for purchases **prior** to purchasing them, so the PAGA can ensure that they meet federal regulations. The PAGA may disallow purchases that are not reasonable, allowable or allocable. Reimbursement will not be made for purchases that are not approved by the PAGA.

#### *Allowable*

Direct costs shall be charged to the sponsored project fund account for items listed in the negotiated budget, including personnel salary and benefits, personnel travel, equipment in excess of \$5,000 (including supplies needed to build or repair equipment), project supplies, publication costs, contractor fees, and subawards. Indirect costs will be charged for all of the above.



Participant support costs will be charged to the sponsored project account but indirect costs will not be charged against them. Participant support costs, as indicated on the grant proposal budget, include stipends, subsistence, travel, incentives, and other needs directly attributable to participants.

Expenses that would usually be classified as indirect costs but can be directly attributable to the project must have documentation to be charged against the sponsored project fund. An example would be binders, dividers, & copying/printing to make guides for participants. The need for these supplies should have been included in the proposal's Budget Justification, and a note should accompany the Purchase Order or receipt.

#### *Unallowable*

Office supplies, IT support and maintenance, rent, utilities, and administrative support for the normal administration of the program are included in indirect costs and cannot be charged separately against the grant account unless they constitute a documentable major cost and have been pre-approved by the funding agency.

The federal government does not allow the charging of liquor, project marketing expenses including garments and freebies (however they can be charged when they are participant support costs and included in the grant budget & justification), the cost of advisory councils or alumni activities, conferences, legal expenses, entertainment, insurance, pre-award costs, and others. See 2CFR 200.42 (<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200.xml#seqnum200.420>).

Baldwin Wallace University does not normally allow the charging of equipment or supplies to sponsored project budgets within 3 months prior to or after the termination of the project period. Exceptions must be requested in writing by the PI and approved by the PAGA in writing.

#### *Reasonable*

The federal government allows only costs that do "not exceed that which would be incurred by a prudent person....," which includes ordinary and necessary expenses, market prices, and is consistent with the institution's practices. The reasonable definition also applies to the timing of purchases, eg: you would not purchase research lab supplies during the last few months of the sponsored project period.

#### *Allocable*

The PI must be able to prove that personnel time, travel, and purchases be allocable to the sponsored project. Time & Effort documentation (see Time & Effort Policies and Procedures) is sufficient to prove allocability. The amount of supplies purchased should be commensurate with the project's need. For example, when purchasing lab supplies which may be used for a variety of projects, only the amount that will be used by the sponsored project may be charged against the sponsored project.

Costs charged to one sponsored project may not be charged against any other sponsored or non-sponsored project.

#### *Prior Approval*

**Commented [LM2]:** We need a policy, but the 3 month limit is mine so it can be changed.

**Commented [LM3R2]:**

The University will assist a PI in obtaining prior written approval from the funding agency for major expenses such as real property, equipment, marketing expenses, etc., following 45 CFR §75.407 ([https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75#se45.1.75\\_1381](https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75#se45.1.75_1381)).

#### *Subawards*

The PI is responsible for ensuring that every subrecipient charge only allowable, allocable, and reasonable charges to their subaward. The PI is also responsible for ensuring that all documentation is provided to the PAGA in a timely manner. Failure to do so may result in the delay or denial of reimbursement.

#### *Travel and Meals*

BW's policy regarding reimbursement for University-related travel and meals will be used in all instances of travel paid by a sponsored program. The University policy is at:

<https://my.bw.edu/Employees/Finance/Forms/Travel%20and%20Expense%20Form%20Instructions%202018.pdf#search=travel%20reimbursement>.

### Non-Compliance

Failure to comply with federal regulations for federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow effort reporting policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures for the period
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

**Commented [LM4]:** Boilerplate in every policy. We can make it more specific to reflect our non-compliance procedure if you like.

## Policy on Closeout of Government Awards

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal and state regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200, <https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/xml/CFR-2017-title2-vol1-part200.xml>).

Individual agencies may have additional instruction and regulation of award management, so PIs should always refer to agencies grant policy guides and the Letter of Award, and work closely with the Post-Award Grant Administrator (PAGA).

### Definitions

**Closeout:** The process by which the Federal awarding agency or pass-through entity determines that all applicable administrative actions and all required work of the Federal award have been completed and takes actions as described in § 200.343 (<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200.xml#seqnum200.343>).

## Policy

The Post-Award Grant Administrator (PAGA) and Principal Investigator (PI) will meet to review the project budget 90 days prior to the close date of the sponsored program. This meeting will serve as preparation for closing out the award and preparing final program and financial reports. The PI is responsible for preparing final program and narrative reports required by the funder.

All purchase orders, purchasing card statements, invoices, and requests for reimbursement must be submitted to the PAGA no later than 30 days after the close date of the project. The University will not issue reimbursements or payment after this date.

**Commented [LM5]:** Again, my call,

Generally, the federal government requires all final reports to be submitted within 90 days after the close of the grant period; however grantors may have other reporting requirements which supersede the 90 day deadline that may impact the time frame for preparing and submitting reports. BW will submit all final reports prior to the deadline. See 2CFR §200.343, <https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200.xml#seqnum200.343>.

The PAGA will prepare an initial budget report for review by the PI within 60 days (or sooner if the grantor deadline date is less than 90 days) of the program close date. The PI will approve or make corrections within 7 days, and work with the PAGA until the final report is approved. The PAGA will enter the approved final budget report into the agency's reporting portal. The financial report must be electronically signed by the Controller prior to submission.

### *Subawards*

Subrecipients must submit final invoices with corroborating documentation to BW within 45 days of the close of the program period. The PAGA will review the final invoice and check for compliance, and work with the subrecipient until the invoice is approved by the PI. Invoices will be paid within 90 days of the project close.

The PI is responsible for obtaining and forwarding to the PAGA subrecipients' final financial reports within 45 days of the close date of the sponsored project. The PAGA will review subrecipients' final financial reports for completeness and compliance and work with the PI and subrecipient if changes need to be made.

In the instance that BW is the subrecipient of an award, the final invoice with documentation will be submitted to the primary within 45 days of the close of the program. The PAGA and PI will work collaboratively on the final financial report, which will be submitted to the primary within 45 days of the close of the program.

### *Final Disposition*

The Final Financial Report will be certified by the Controller and may be submitted by the PI or PAGA.

BW will invoice the program sponsor for only the amount that it has expended, consistent with the Final Financial Report. In the instance that the award was pre-paid, BW will make reimbursement for unspent funds within a timely manner.

BW will follow the funder's guidelines and appeals process, should there be any disagreement regarding the amount owed to BW. BW will repay the funder in a timely manner, once a final decision has been

reached, per 2CFR §200.345, <https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200.xml#seqnum200.345>).

## Non-Compliance

Failure to comply with federal regulations for federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow effort reporting policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures for the period
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Cost Transfers for Federally Sponsored Programs

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200, <https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+2&granuleId=CFR-2017-title2-vol1-part200&packageId=CFR-2017-title2-vol1&oldPath=Title+2%2FSubtitle+A%2FChapter+II%2FSubchap%2FPart+200&fromPageDetails=true&collapse=false&ycord=200>).

PIs should always refer to agencies grant policy guides and the Letter of Award, and work closely with the Post-Award Grant Administrator (PAGA).

### Definitions

*Cost Transfer:* A cost transfer occurs when an expenditure charged to one account is moved to another account.

### Policy

The charging of costs to federally sponsored programs at Baldwin Wallace University will follow the federal Office of Budget and Management regulations set forth in the Code of Federal Regulations 2CFR, chapter 200 (<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200.xml>), Uniform Administrative Requirements, Cost Principles, and Audit Requirements. BW will also follow all guidelines set forth by individual funding agencies.

The PI is responsible for ensuring that expenses incurred by a sponsored program are "reasonable, allowable, and allocable," and are charged to the correct financial account.

Should an expense be charged to a BW account (prefix 1-) that should have been charged to the sponsored program account (prefix 2-), the PI will initiate a request for cost transfer within 90 days of the discovery. The cost transfer request must include a full explanation and details that include:

- When the error was discovered
- What the charge was for
- How the error occurred
- A copy of the original receipt or PO.
- A certification of the correctness of the cost transfer by the Controller

A statement that the transfer is "to correct an error" or "to transfer to the correct project" is insufficient.

Cost transfers in order to shift expenses, "spend down" an account, or to make up for shortfalls in other accounts are not allowed.

### Non-Compliance

Failure to comply with federal regulations for federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures for the period
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Effort Reporting of Federal Grants and Subawards

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200). Misreporting or misappropriations can lead to severe penalties for both the University and individuals.

Monthly effort reporting ensures that personnel are contributing the committed amount of time to the project over the course of the project year.

### Definitions

*Effort:* When a PI submits a federal grant application, they make a commitment to dedicate a certain percentage of their time, and the time of others, to the project, should it be funded (and may be negotiated at the time of the award). We are responsible for tracking and reporting the percentage of effort, not actual hours. For personnel who work solely on the federally funded project, their time, no matter how many hours they work, will be 100%.

*Cost Share:* Cost Share is the goods, services, or actual cash, used in the conduct of the project that is not paid by federal funds. It is also commonly called In-kind contribution.

*Committed Cost Share:* Cost share that was included in the original application is called committed cost share. PI need only report on committed cost share on Effort Reporting forms.

*Subaward:* Organizations that will contribute meaningfully to the project may be included in the grant proposal as a subaward. Funding comes to BW, who then pays the subawardee per official agreement or contract. BW is responsible for ensuring the subawardee is in compliance with all federal regulations, thus we must receive documentation of their effort on the project.

## Policy

The percentage of effort expended by every person who is paid or is contributing committed cost share work on a federally sponsored project (grant or contract) must be recorded, certified, and reported to the Post-Award Grant Administrator (PAGA) monthly, within 10 working days of the end of the month. The University provides an approved form that meets federal requirements (see appendix A). These documents are official, legal records and will be retained by the PAGA.

Using the approved form, the Principal Investigator will record the name of the Grant Award, the University's fund (budget) number, the dates which the report covers, and the name of each person who contributed to the federally sponsored project. Next to their name will be recorded the percentage of their working time dedicated to the project and if the time should be credited to committed cost share, the percentage of time spent on other federally sponsored projects, the percentage of time dedicated to non-sponsored projects. The total effort must equal 100%. The percentage of time that was taken as official vacation time shall be recorded also.

The Principal Investigator will sign the form within 5 working days of the end of the month as verification that all personnel contributed the time stated. Their supervisor (Department Chair or Dean) will verify by signature the time the PI spent on the project. The form will then be forwarded within 5 working days to the PAGA, who will sign the form indicating receipt, and then place the form in the University's official file.

### **Subawards**

It is the responsibility of the PI to obtain and certify in a timely manner the Effort Reports of each subawardee. Use of their internal forms and processes is allowed. Once certified by the PI, they are to be forwarded to the PAGA to ensure compliance and for inclusion in the University's official records.

It is the PI's responsibility to ensure that subawardees are dedicating the amount of time and effort that they committed to in our contract with them.

### **Overload**

No faculty who has course release time to work on federally sponsored projects shall teach overload.

## Change in Effort

If the PI anticipates that any Investigator or Senior Personnel working on a federally sponsored project will need to reduce their effort by more than 25% over the course of a year, that change must be approved in advance by the federal sponsor. The PI should contact and work with the PAGA as soon as they anticipate this change to ensure approval in a timely manner.

## Non-Compliance

Failure to record and certify effort on federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and

imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow effort reporting policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures for the period not certified
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

BALDWIN WALLACE UNIVERSITY						
Sponsored Program Time & Effort Report						
This record must be completed and forwarded to the Post-Award Administrator on a monthly basis.						
Sponsored Project Name						
Sponsored Project Fund Number						
Time Period						
NAME	% OF TIME ON PROJECT	CREDIT TO COST-SHARE?	% OF TIME ON OTHER SPONSORED PROJECTS	% OF TIME ON NON-SPONSORED PROJECTS	TOTAL EFFORT (must total 100%)	% OF THIS TIME AS VACATION
To the best of my knowledge, the above statement reflects the true effort of each named employee.						
Principal Investigator					date	
Dept. Chair/Dean					date	
Post-Award Grant Administrator					date	



#### How to use this form

Federal regulations require us to record the effort (percentage of time) of persons working on federally sponsored projects. In an effort to keep this task as simple as possible, we ask you to use these forms every month to report time and effort.

This report must be completed and verified by the PI within 5 working days of the end of every month during the project period, and forwarded to the Department Chair or Dean (whoever supervises the PI). The Dept Chair/Dean must verify and forward to the Post-Award Grant Administrator, Finance Dept, Bonds, within 5 working days of receipt.

Please enter the name of your project, the BW fund numbers of your sponsored project, and the time period the report covers. Then list every employee, the percentage of their time they worked on your sponsored project and if it is committed cost share, the % of time they worked on other sponsored projects, and the % of time spent on non-sponsored work. Add the percentages together and enter: every person should have worked 100%. Please also indicate the % of time that was vacation time, if applicable.

Committed cost-share must be accounted for along with time paid from grant funds. Check the box to indicate that this person's time should be credited to committed cost-sharing. Definition: Committed cost-sharing is the value of time, services, or goods that the University committed to in the negotiated award. Cost-sharing should have been approved by Dean prior to the submission of your proposal. Do not include voluntary cost-share in your report.

You may refer to our Policy on Effort Reporting of Federal Grants and Subawards for further information and clarification.

Please contact Linda Mihalik with questions; ext. 5946 or [lmihalik@bw.edu](mailto:lmihalik@bw.edu)

*Thank you for your cooperation!*

## Policy on FFATA Reporting

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200). Misreporting or misappropriations can lead to severe penalties for both the University and individuals.

### Definitions

**FFATA:** Federal Funding Accountability and Transparency Act requires prime recipients of federal grants to report the executive compensation of subawardees who receive in excess of \$25,000.

**FSRS:** the FFATA Subaward Reporting System is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements.

**Prime Recipient:** The entity which receives the award from the funder.

**Subawardee:** The entity that receives a grant from a prime recipient.

### Policy

BW will comply with the reporting requirements of FFATA whether it is the prime recipient or sub recipient.

BW will provide the following information:

- a. Name of entity receiving award
- b. Amount of award
- c. Funding agency
- d. NAICS code for contracts / CFDA program number for grants
- e. Program source
- f. Award title descriptive of the purpose of the funding action
- g. Location of the entity (including congressional district)
- h. Place of performance (including congressional district)
- i. Unique identifier of the entity and its parent; and
- j. Total compensation and names of top five executives (same thresholds as for primes)

#### 2. The Total Compensation and Names of the top five executives if:

- k. More than 80% of annual gross revenues from the Federal government, and those revenues are greater than \$25M annually and
- l. Compensation information is not already available through reporting to the SEC.

Classified information is exempt from the prime and sub-award reporting requirement as are contracts with individuals.

## Non-Compliance

Failure to record and certify effort on federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow effort reporting policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures for the period not certified
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Financial Management of Federal Projects

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200.302-.305, <https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/xml/CFR-2014-title2-vol1-part200-subpartD.xml>).

Individual federal agencies may have additional standards, so PIs should always refer to agencies grant policy guides and the Notice of Award, and work closely with the Post-Award Grant Administrator (PAGA).

### Definitions

*Direct costs:* expenses incurred during the conduct of a federally sponsored project (grant or contract) that are a direct result of the project. Direct costs include personnel salary & benefits; project-related travel, equipment, supplies, and publication costs; contractors and subawards; recruitment, retention, and incentive costs of research subjects.

*Indirect Costs:* The expenses of administering a federal award that are minimal or shared among departments. Examples are the PI's supervisor and department administrator; rent and utilities; copying, office supplies, postage. The University has a negotiated Indirect Cost Rate (commonly called IDC) that must be used in all federal project applications unless the sponsoring agency restricts the IDC rate.

### Policy

BW will invoice the federal government for sponsored program expenses after-the-fact. The finance department will examine expenditures for allowability, allocability, and reasonableness in compliance with federal and agency regulations.

BW will maintain the financial records of sponsored programs according to Generally Accepted Accounting Principles. In addition, the GL record for every sponsored program will contain the federal award number and year, CFDA number & title, name of the federal agency and pass-through entity, authorizations, obligations, unobligated balances, assets, expenditures, income & interest, support

documentation, comparison of expenditures with budgeted amounts, and documentation of committed cost-share.

General Ledger accounts are the official records of the university and are the only source for financial reports to the funder.

#### *Subawards*

The PI is responsible for ensuring that every subawardee maintain financial records that comply to §200.302-.305.

### Non-Compliance

Failure to comply with federal regulations for federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow effort reporting policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures for the period
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Institutional Base Salary

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200, <https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75>). Misreporting or misappropriations can lead to severe penalties for both the University and individuals.

### Definitions

Institutional Base Salary (IBS) is the annual compensation paid by the University for an employee's appointment (9, 10, 11, or 12 months) whether that individual's time is spent on research, teaching, administration, or other activities.

IBS includes regular salary and compensation related to a second assignment (e.g., Appointment as dean, chair, and/or center director) if the second assignment is one year or longer in duration. IBS is based on the full work load for which the individual is compensated by the University regardless of the source of funding or the number of hours expended. The IBS does not include bonuses, one-time payments or incentive pay, or salary paid directly by another organization. Therefore, IBS is determined by the individual's annual appointment letter.

IBS does not include:

- Bonuses, honoraria, and incentive compensation;

- Summer supplemental pay for faculty with 9-months appointments;
- Supplemental pay that may be issued temporarily (not longer than one year) for performing duties that fall outside of duties and responsibilities associated with the current appointment;
- Fringe benefit payments;
- Reimbursed expenses;
- Any income that an individual earns outside of duties performed for the University (e.g. consulting).

## Policy

Institutional Base Salary must be used as the base salary on all sponsored program proposals unless there is a statutory limit on compensation, such as the NIH salary cap.

When requesting salary support from a sponsor or providing effort on a sponsored project in the form of committed cost sharing, the anticipated effort calculated in the form of person months or percent of effort must be based on the individual's IBS. The portion of effort multiplied by the IBS will determine the appropriate dollars to request from the sponsor, or approved by the University if in the form of cost sharing.

Some sponsors may have a salary rate cap. Depending on the type of proposal submission the salary rate cap may or may not apply when preparing the proposal, but the salary rate cap will apply once an award is made.

## Non-Compliance

Failure to comply with federal regulations can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow policies and procedures including, but not limited to:

- Notification of the PI's supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Management of Government Awards

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal and state regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200, <https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/xml/CFR-2017-title2-vol1-part200.xml>).

Individual agencies may have additional instruction and regulation of award management, so PIs should always refer to agencies grant policy guides and the Letter of Award, and work closely with the Post-Award Grant Administrator (PAGA).

## Definitions

### Policy

Baldwin Wallace University will maintain compliance with all current and applicable government laws, policies, and regulations that govern sponsored projects and awards.

The day-to-day and fiscal management of government awards is the responsibility of the PI. The PI shall ensure that the sponsored project is being carried out in accordance with the Letter of Award and the grant proposal. The PI must consult with the Post Award Grant Administrator (PAGA) prior to making any change in personnel (including their percentage of effort) or the scope of the work, as they may require prior approval from or notification of the sponsoring agency.

The PI is responsible for the expenditure of grant funds, ensuring that funds are spent wisely, are in accordance with the proposal budget, and are in compliance with government regulations. To facilitate compliance, all expenditures must be approved by the PAGA prior to purchase. It is the PIs responsibility to monitor spending to ensure the project stays on budget.

#### *Sub-awards*

The PI will conduct a compliance check on potential subawardees. The University will not make subawards to any entity that is not in compliance with federal or state standards, or is currently debarred or suspended from receiving federal awards (see 2CFR part 180, <https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/xml/CFR-2017-title2-vol1-part200.xml> ).

The PI is responsible for monitoring sub-recipients for performance and compliance with federal regulations. Monitoring should be continual and will be recorded in annual performance and financial reports to the government. The PI may request the assistance of the PAGA in monitoring and reporting.

Should the subrecipient's performance not meet the standards of the subcontract, the PI will document this and develop a written plan for remediation in consultation with the subrecipient or void the contract at their discretion.

If the subrecipient is not in compliance with federal grant management standards, the PI and PAGA will document this and develop a written plan for remediation in consultation with the subrecipient or void the contract at their discretion.

Whenever a contract with a subrecipient is voided, the PI will inform the awarding agency. The PI will request prior approval from the awarding agency if the subcontract is to be awarded to a different subawardee.

### Non-Compliance

Failure to comply with federal regulations for federally sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow effort reporting policies and procedures including, but not limited to:

- Notification of the PI's immediate supervisor and up-line administrators
- Suspending submission of new proposals

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- Reversing payroll expenditures for the period
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Personnel Benefits Rates

### Purpose

The purpose of this policy is to ensure that the University, University personnel, and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200.333- 200.337, [https://www.ecfr.gov/cgi-bin/text-idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)). Non-compliance can lead to severe penalties for both the University and individuals.

### Definitions

*Personnel Benefits:* Includes costs that the University pays on behalf of employees in addition to their salary.

### Policy

BW Benefit Cost Calculations for Faculty, Staff and Student Employees

The following formulas are currently used to determine the benefits contribution made by Baldwin Wallace University to regular and grant-funded positions (faculty, staff and students). Specific benefits are assigned based on a position's status such as full-time or part-time, student or staff, academic year or summer.

When someone is hired or transferred into a new position, Payroll will enter personal and payroll information into Colleague and ADP. Payroll is notified about these personnel actions via a Report of Hire, Change of Status or Student Requisition form. When a position is identified as being paid by grant funds, the prefix "2" is used with the budget number for the position so that the appropriate accounts are charged. The benefit amounts are also credited based on the payroll cycle, monthly or biweekly.

#### **FULL-TIME FACULTY, ADMINISTRATIVE AND BIWEEKLY STAFF**

BW uses 42% to calculate fringe rates for these employees based on the following:

Social Security and Medicare: 7.65% for all earnings up to Social Security Base (adjusted annually if government increases limit); no limit on Medicare 1.45%

403(b) Retirement: 7% of base pay for retirement contributions for eligible employees; additional 3% for eligible employees over SS Base

Life & Accidental Death & Dismemberment (Memo Code D): \$.1530 per thousand dollars of base salary – life, \$.0190 per thousand dollars of base salary – AD & D

Long term disability (Memo Code B): \$.2560 per thousand dollars – employees with retirement plan, \$.2070 per thousand dollars – employees without retirement plan

Workers Compensation: 1% of base pay based on position classification and salary

Health: Use 25% of salary- varies on actual coverage selected, premium level and individual salary

#### **PART-TIME FACULTY AND STAFF**

BW uses 16% to calculate fringe rates for these employees based on the following:

Social Security and Medicare: 7.65% for all earnings up to Social Security Base (adjusted annually if government increases limit); no limit on Medicare); no limit on Medicare 1.45%

Retirement Contributions: 7% of base

Workers Compensation: 1% of base pay for Workers Compensation based on classification and salary

#### **STUDENT EMPLOYEES**

During Academic Year

Workers Compensation: 1% of base pay for Workers Compensation based on classification and salary

During Summer (total 10%)

Social Security and Medicare: 7.65% for all earnings up to Social Security Base (adjusted annually if government increases limit); no limit on Medicare 1.45%

Workers Compensation: 1% of base pay for Workers Compensation based on classification and salary

#### **PROCEDURES FOR MAKING ADJUSTMENTS TO BENEFIT CALCULATION AMOUNTS**

Benefit calculations are adjusted on an as needed basis. Once Payroll is notified of a change in a benefit calculation, Payroll takes the necessary steps in-house and/or with vendors to make the applicable changes by the effective date. The Social Security base, which is currently \$128,400, can change annually by the federal government, and when it is changed, it is changed by Payroll through ADP.

Life, AD&D and long-term disability are subject to change whenever a renewal occurs with a carrier and rates are changed. The Prudential is the current provider of these benefits.

Workers' compensation costs are adjusted based on changes made to rates by the state government. Workers compensation costs are also driven to some extent by utilization since BW is self-insured.

Since BW is a reimbursable employer for unemployment compensation, the amount paid, similar to workers compensation is tied to utilization which for all intents and purposes is a de minimis amount.



## Policy on Property Purchased by Government Sponsored Programs

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200 [https://www.ecfr.gov/cgi-bin/text-idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)). Non-compliance can lead to severe penalties for both the University and individuals.

### Definitions

*Supplies* are defined as items valued at less than \$3,000 with a usable life of less than one year. They should be included in the Supplies category of the grant or contract proposal.

*Equipment* is defined as items purchased or created with a value greater than \$3,000 and a useful lifetime exceeding one year.

### Policy

This policy is in effect for all government sponsored programs. Please also refer to *BW Policy on Purchasing for Government Sponsored Programs*. All purchases must be pre-approved by the Post-Award Administrator.

Equipment and real property purchased with government funds shall be owned and insured by the University, unless the government has negotiated ownership. Equipment shall be used throughout the life of the sponsored project, whether or not the project continues to be funded by the government.

### Usage

During the project period, when practical, equipment purchased with federal funds should be made available to other federally sponsored projects. Use for non-federally funded programs is permissible and user fees are appropriate.

When no longer needed for the sponsored project the equipment may be used in the following order:

1. For activities which have been funded by the same awarding agency
2. For activities funded by other federal awarding agencies
3. For non-sponsored activities. User fees are considered appropriate.

When user fees are charged during the project period, they must not be less than that of private companies.

### Management

All purchased and created supplies and equipment in excess of \$3,000 shall be labeled and inventoried annually by IT. It is the PI's responsibility to notify IT of the purchase. Property records will be maintained with the following information:

1. Description of the property
2. Serial number of ID tag number
3. Source of funding for the property

4. Who holds title
5. Acquisition date and cost
6. Location, use, and condition of the property
7. Percentage of federal participation in the program for which the equipment was purchased
8. Information about the final disposition of the property

## Non-Compliance

Failure to comply with federal regulations can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow policies and procedures including, but not limited to:

- Notification of the PI's supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Purchasing for Government Sponsored Programs

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200 [https://www.ecfr.gov/cgi-bin/text-idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)). Misreporting or misappropriations can lead to severe penalties for both the University and individuals.

### Definitions

*Micro-purchases* are for items that cost less than \$10,000 in aggregate (eg: parts to manufacture an instrument). They do not require competitive bids.

*Small purchases* are for services or supplies that cost less than the federal Simplified Acquisition Threshold, currently \$250,000.

*Simplified Acquisition Threshold* means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. All purchases exceeding the threshold (currently \$250,000) must use competitive bidding (see below).

### Policy

This policy is in effect for all government sponsored projects.

Goods and services necessary for the conduct of the sponsored project should have been included in the proposal budget and detailed in the budget narrative. Deviation from these costs may require prior approval by the funding agency, so the PI should contact the Post-Award Grant Administrator (PAGA) if they wish to purchase goods or services not included in the proposal. The PAGA will assist in obtaining prior approval from the agency.

All purchases of goods and services, including micro-purchases, must be approved in writing by the PAGA prior to purchase. This will help ensure that the PI remains in compliance with regulations and restrictions.

All Small Purchases require documentation that price or rate quotations were obtained from at least three sources. The Investigator must conduct a cost or price analysis. When the PI has selected a vendor, that information should be forwarded to the Purchasing Department, which will then negotiate the best price from the vendor. The price that the University paid the vendor is the price that will be charged against the sponsored program's budget.

Goods or services, including construction costs, in excess of the Simplified Acquisition Threshold require the public solicitation of sealed bids in conformance with the procedures set forth in 2CFR §200.320 ([https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75#se45.1.75\\_1327](https://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75#se45.1.75_1327)).

All purchased or constructed equipment or supplies purchased with government funds that cost in excess of \$1,000 shall be tagged by IT, and inventoried by them annually. It is the PI's responsibility to notify IT of the purchase and location of equipment.

#### **Conflict of Interest**

No employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. University employees, students, or volunteers may neither solicit nor accept gratuities, favors, or anything of more than nominal value from contractors or parties to subcontracts.

#### **Non-Compliance**

Failure to comply with federal regulations can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow policies and procedures including, but not limited to:

- Notification of the PI's supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## **Policy on Record Retention for Government Sponsored Programs**

### **Purpose**

The purpose of this policy is to ensure that the University, University personnel, and subawardees remain in compliance with federal regulations, specifically Office of Management and Budget (OMB) Code of Federal Regulations (2CFR §200.333- 200.337, <https://www.ecfr.gov/cgi-bin/text->

[idx?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfrbrowse/Title02/2cfr200_main_02.tpl?SID=e83304938ff244330f090dc5cb4d088d&mc=true&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

Non-compliance can lead to severe penalties for both the University and individuals.

## Definitions

*Government Sponsored Programs* include any and all programs, projects, and research that receives all or part of its funding from a governmental entity, including federal, state, county, and local.

*Records* include all official correspondence including, but not limited to, grant proposals; award letters; award contracts; sub-award and sub-contract documents; compliance documentation; personnel and payroll records; purchasing records; research notes and findings; publications resulting from the program, project or research; participant information; financial transactions and budgets; and anything determined germane to the management of the program, project, or research.

## Policy

This policy is in effect for all government sponsored programs.

Digital records will be in open and machine readable formats. Digital record-keeping is preferable to paper format.

All records related to government sponsored programs will be retained in the University's official digital and physical record management system for a minimum of three years after the close of the program. Should an audit or litigation be initiated within the three year retention limit, the records will be retained until the matter is resolved.

Physical records may be scanned or transferred to the University's digital information management system provided there is no loss of information. Physical documents will be destroyed by shredding.

## Access to and Transfer of Records

In the case of federally sponsored programs, the federal government has the right to access all documents and records which are pertinent to the federal award. BW will make available to federal authorities any personnel who have information related to the documents.

BW will comply with federal government requests for the transfer of records related to a sponsored program

## Personally Identifiable Information

Records that include Personally Identifiable Information (PII), including that obtained during research, shall be kept secure in locked cabinets or password protected digital files, according to the University's established policy.

Any breach of PII in a government sponsored program shall be reported to the sponsor immediately.

## Collaborative Projects

Sponsored projects that are conducted collaboratively with another educational institution, business or non-profit organization may use collaborative electronic platforms for the development of documents that apply to collaborating entities. At the close of the project those documents will be transferred to BW's electronic information management system for storage.

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## Public Access to Records

The public has the right to access records of government sponsored projects. They will be made available upon written request and all Personally Identifiable Information will be redacted prior to providing the records.

## Non-Compliance

Failure to comply with federal regulations can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment. Therefore the University reserves the right to implement increasing sanctions on PIs who do not follow policies and procedures including, but not limited to:

- Notification of the PI's supervisor and up-line administrators
- Suspending submission of new proposals
- Reversing payroll expenditures
- Suspending the PI's spending authority
- Removing the PI from the project and appointing a new PI

## Policy on Research Misconduct

Baldwin Wallace's Research Misconduct Policy covers all employees, students, volunteers, and contractors. It is included in the Faculty Handbook and follows here.

### **POLICY FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT**

*Approved by Faculty Senate April 2015*

*Updated August 2018*

#### **1. Introduction**

##### **A. General Policy**

Baldwin Wallace University's missions in teaching, learning and scholarship require honesty. Incumbent on its Faculty, staff, and students are integrity in scholarship and the responsibility for good-faith reporting of any research misconduct.

##### **B. Scope**

This policy and its associated procedures apply to all individuals at Baldwin Wallace University engaged in research. This includes research that is not funded and research that is supported by, or for which support is requested from any internal University grant or governmental granting agency. This policy applies to any person paid by, under the control of, or affiliated with the institution, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators. The policy and associated procedures will apply when an institutional official receives an allegation of possible misconduct in research. Particular circumstances in an individual case may dictate variation from normal procedures. Any change from normal procedures also must ensure fair treatment to the subject of the inquiry or investigation. The Research Integrity Officer and Provost should approve any significant variation.

#### **2. Definitions**

A. *Allegation* means any written or oral statement or other indication of possible research misconduct made to an institutional official.

B. *Complainant* means a person who makes an allegation of research misconduct.

C. *Deciding official* means the institutional official who makes final determinations on allegations of research misconduct and recommendations for responsive institutional actions. The deciding official at Baldwin Wallace University is the Provost.

D. *Employee* means, for the purpose of these instructions only, any person paid by, under the control of, or affiliated with the institution, including but not limited to scientists, trainees, students, fellows, technicians, support staff, and guest researchers.

E. *Good faith allegation* means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

F. *Inquiry* means information-gathering and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.

G. *Institutional counsel* means legal counsel who represents the institution during the research misconduct inquiry and investigation and who is responsible for advising the research integrity officer, the inquiry investigation committee, and the deciding official on relevant legal issues. The institutional counsel does not represent the respondent, the complainant, or any other person participating during the inquiry, investigation, or any follow-up action, except the institutional officials responsible for managing or conducting the institutional research misconduct process as part of their official duties.

H. *Investigation* means the formal examination and evaluation of all relevant facts to determine if research misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.

I. *Federal granting agency support* means grants, contracts, or cooperative agreements, or applications thereof.

J. *Research integrity officer* means the institutional official responsible for assessing allegations of research misconduct and determining when such allegations warrant inquiries and for overseeing any inquiries and investigations. Baldwin Wallace University's current research integrity officer is an appointed faculty member who serves on the Institutional Review Board.

K. *Research record* means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of research misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and

other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; and consent forms.

L. *Respondent* means the person against whom an allegation of research misconduct is directed or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

M. *Retaliation* means any action that adversely affects the employment or other status of an individual that is taken by an institution or an employee because the individual has, in good faith, made an allegation of research misconduct or of inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation.

N. *Research misconduct or misconduct in research* means fabrication, falsification, plagiarism, or other dishonest practices. It does not include honest error or honest differences in interpretations or judgments of data.

### **3. Rights and Responsibilities**

#### **A. Research Integrity Officer**

An appointed faculty member will serve as the research integrity officer, who will have primary responsibility for implementation of the procedures set forth in this document. The research integrity officer must be sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The research integrity officer will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The research integrity officer will attempt to ensure that confidentiality is maintained.

The research integrity officer will assist inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by federal funding agencies. The research integrity officer is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The research integrity officer will report to the appropriate federal agency as required by regulation and keep it apprised of any developments during the course of the inquiry or investigation that may affect current or potential funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

#### **B. Complainant**

The complainant will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the research integrity officer has determined that the complainant may be able to provide pertinent information on any portions of the draft report, these portions will be given to the complainant for comment.

The Complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

#### C. Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the draft inquiry and investigation reports, and to have the advice of counsel.

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of research misconduct, he/she has the right to receive institutional assistance in restoring his/her reputation.

#### D. Deciding Official

The deciding official, the Provost, will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The deciding official will consult with the research integrity officer and other appropriate officials and committees and will determine whether to conduct an investigation, whether misconduct occurred, whether to recommend sanctions, or whether to take other appropriate administrative actions.

### **4. General Procedures and Principles**

#### A. Responsibility to Report Misconduct

All employees or individuals associated with Baldwin Wallace University should report observed, suspected, or apparent misconduct in research to the research integrity officer. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he/she may call the research integrity officer to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, the research integrity officer will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the research integrity officer and will be counseled about appropriate procedures for reporting allegations.

#### B. Protecting the Complainant



The research integrity officer will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The research integrity officer will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the research integrity officer.

Also the institution will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, the institution will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The complainant will be advised that if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity may no longer be guaranteed. Institutions are required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

#### C. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

Institutional employees accused of research misconduct may consult with legal counsel or a non-lawyer personal adviser (who is not a principal witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case.

#### D. Cooperation with Inquiries and Investigations

Institutional employees will cooperate with the research integrity officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the research integrity officer or other institutional officials on misconduct allegations.

#### E. Preliminary Assessment of Allegations

Upon receiving an allegation of research misconduct, the research integrity officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether federal support or applications for funding are involved, and whether the allegation falls under the definition of research misconduct.

## 5. Conducting the Inquiry

### A. Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the research integrity officer determines that the allegation provides sufficient information to allow specific follow-up and that the allegation falls under the definition of research misconduct, he/she will immediately initiate the inquiry process. In initiating the inquiry, the research integrity officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is NOT to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

#### B. Sequestration of the Research Records

After determining that an allegation falls within the definition of misconduct in research and is subject to inquiry, the research integrity officer must ensure that all original research records and materials relevant to the allegation are immediately secured.

#### C. Appointment of the Inquiry Committee

The Research Integrity Officer, in consultation with other institutional officials as appropriate (including the Provost, Faculty Senate President, and IRB Chairperson), will appoint an inquiry committee and committee chair within 10 days of the initiation of the inquiry. The inquiry committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside Baldwin Wallace University.

The Research Integrity Officer will notify the respondent of the proposed committee membership in 10 days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within 5 days, the Research Integrity Officer will determine whether to replace the challenged member or expert with a qualified substitute.

#### D. Charge to the Committee and the First Meeting

The Research Integrity Officer will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose is not to determine whether research misconduct definitely occurred or who was responsible.

At the committee's first meeting, the Research Integrity Officer will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The Research Integrity Officer and institutional counsel will be present or available throughout the inquiry to advise the committee as needed.

#### E. Inquiry Process

When the institution's review of the allegation identifies non-research misconduct issues, the Research Integrity Officer should refer these matters to the proper institutional or federal office for action.

### 6. The Inquiry Report

#### A. Elements of the Inquiry Report

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the federal support; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted or not; and the committee's determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended. Institutional counsel will review the report for legal sufficiency.

#### B. Comments on the Draft Report by the Respondent and the Complainant

The Research Integrity Officer will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant; if he/she is identifiable, with portions of the draft inquiry report that address the complainant's role and opinions in the investigation.

##### 1. Confidentiality

The Research Integrity Officer may establish reasonable conditions for review to protect the confidentiality of the report.

##### 2. Receipt of Comments

Within 14 calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

#### C. Inquiry Decision and Notification

##### 1. Decision by Deciding Official

The Research Integrity Officer will transmit the final report and any comments to the deciding official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible research misconduct to justify conducting an investigation. The inquiry is completed when the deciding official makes this determination, which will be made within 60 days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file.

##### 2. Notification

The Research Integrity Officer will notify both the respondent and the complainant in writing of the deciding official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The Research Integrity Officer will also notify all appropriate institutional officials of the deciding official's decision.

#### D. Time Limit for Completing the Inquiry Report

The inquiry committee will normally complete the inquiry and submit its report in writing to the Research Integrity Officer no more than 60 calendar days following its first meeting, unless the Research Integrity Officer approves an extension for good cause. If the Research Integrity Officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent will be notified of the extension.

## 7. Conducting the Investigation

#### A. Purpose of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. The findings of the investigation will be set forth in an investigative report.

#### B. Sequestration of the Research Records

The Research Integrity Officer will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

#### C. Appointment of the Investigation Committee

The Research Integrity Officer, in consultation with other institutional officials as appropriate (including the Provost, Faculty Senate President, and IRB Chairperson) will appoint an investigation committee and the committee chair within 10 days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. The investigation committee should consist of the appropriate standing institutional committee supplemented by at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside Baldwin Wallace University. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The Research Integrity Officer will notify the respondent of the proposed committee membership within five days. If the respondent submits a written objection to any member of the investigation committee or expert, the research integrity officer will determine whether to replace the challenged member or expert with a qualified substitute.

#### D. Charge to the Committee and the First Meeting

##### 1. Charge to the Committee

The Research Integrity Officer will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent it occurred, who was responsible, and how serious was the misconduct.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the research integrity officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

##### 2. The First Meeting

The Research Integrity Officer, with the assistance of institutional counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and any appropriate federal regulations, if applicable.

#### E. Investigation Process

##### 1. Elements of the Investigation Report

The final report submitted to the federal agency, if applicable, must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state of the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions imposed and administrative actions taken by the institution.

##### 2. Comments on the Draft Report

###### a. Respondent

The Research Integrity Officer will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 10 days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.

**b. Complainant**

The Research Integrity Officer will provide the complainant, if he/she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report should be modified, as appropriate, based on the complainant's comments.

**c. Institutional Counsel**

The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

**d. Confidentiality**

In distributing the draft report, or portions thereof, to the respondent and complainant, the research integrity officer will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the research integrity officer may request the recipient to sign a confidentiality statement or to come to his/her office to review the report.

**3. Institutional Review and Decision**

The investigation committee's report constitutes the final investigation report for purposes of federal agency review.

When a final decision on the case has been reached, the Research Integrity Officer will notify both the respondent and the complainant in writing. In addition, the deciding official will determine whether law enforcement agencies, professional societies, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The research integrity officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

**4. Appeal of Decision**

If a respondent wishes to appeal the deciding official's final recommendation, these appeals are subject to standard grievance review committee policy found in the faculty handbook.

**F. Transmittal of the Final Investigation Report to the Relevant Federal Agency**

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and complainant's comments, to the deciding official, through the research integrity officer. The deciding official shall submit the report to the relevant federal agency, as appropriate.

#### G. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 120 days of its initiation, with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the deciding official for approval, and submitting the report to the relevant federal agency.

### **8. Requirements for Reporting to Federal Agency – Office of Research Integrity (ORI) – if Public Health Service (PHS) Support or Applications for Support are Involved**

A. An institution's decision to initiate an investigation must be reported in writing to the Director, ORI, on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the PHS definition of research misconduct, and the PHS applications or grant number(s) involved. ORI must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports submitted to ORI.

B. If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulations, the research integrity officer will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.

C. If the institution determines that it will not be able to complete the investigation in 120 days, the research integrity officer will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the research integrity officer will file periodic progress reports as requested by the ORI.

D. When PHS funding or applications for funding are involved and an admission of research misconduct is made, the research integrity officer will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. When the case involves PHS funds, the institution cannot accept an admission of research misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.

E. The research integrity officer will notify ORI at any stage of the inquiry or investigation if any of the following apply:

1. there is an immediate health hazard involved;
2. there is an immediate need to protect Federal funds or equipment;

3. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co- investigators and associates, if any;
4. it is probable that the alleged incident is going to be reported publicly;
5. the allegation involves a public health sensitive issue;
6. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform ORI within 24 hours of obtaining that information.

## 9. Institutional Administrative Actions

Baldwin Wallace University will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated. If the deciding official determines that the alleged misconduct is substantiated by the findings, he/she will recommend the appropriate actions to be taken, after consultation with the research integrity officer. The actions may include:

- a. withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- b. removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
- c. restitution of funds as appropriate.

## 10. Other Considerations

### A. Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his/her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

### B. Restoration of the Respondent's Reputation

If the institution finds no misconduct and the federal agency concurs, after consulting with the respondent, the research integrity officer will undertake reasonable efforts to restore the respondent's reputation. Depending upon the particular circumstances, the research integrity



officer should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, or expunging all reference to the research misconduct

allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the deciding official.

#### C. Protection of the Complainant and Others

Regardless of whether the institution determines that research misconduct occurred, the research integrity officer will undertake reasonable efforts to protect complainants who made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the deciding official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The research integrity officer is responsible for implementing any steps the deciding official approves. The research integrity officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

#### D. Allegations Not Made in Good Faith

If relevant, the deciding official will determine whether the complainant's allegation of research misconduct was made in good faith. If an allegation was not made in good faith, the deciding official will determine whether any administrative action should be taken against the complainant.

#### E. Interim Administrative Actions

Institutional officials will take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

### 11. Record Retention

After completion of a case and all ensuing related actions, the research integrity officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the research integrity officer or committees. The research integrity officer will keep the files for three years after completion of the case to permit later assessment of the case. If the case involved research supported by PHS or for which support from PHS had been requested, ORI or other authorized Department of Health and Human Services personnel will be given access to the records upon request.

### Non-Compliance

Failure to comply with regulations for sponsored projects can have deleterious effects upon the University, PI and other employees, including loss of current and future awards, fines, debarment, and imprisonment.

Any person may report anyone connected with the sponsored program for noncompliance. The report may be made to the PAGA, Dean or Associate Dean, or Provost. Upon receipt of a complaint, the Provost will initiate an investigation of the alleged noncompliance within 14 calendar days. If a finding of

noncompliance is found, the PI, PAGA, and Provost will work together to bring the sponsored program into compliance as quickly as possible, and report the noncompliance to the funding agency if necessary.

Willful noncompliance on the part of anyone involved with the sponsored program may result in sanctions commensurate with the severity of the noncompliance.

## Policy on Sexual Misconduct

### Purpose

The purpose of this policy is to ensure that the University and University personnel and subawardees are aware of policies and procedures regarding sexual misconduct and the serious consequences of sexual misconduct. It also promulgates the requirement to report cases of sexual misconduct to federal funding agencies.

### Definitions

The Baldwin University Sexual Misconduct Policy defines sexual misconduct. See <https://my.bw.edu/Campus-Life/Your-Campus/Diversity/Documents/BW%20Equal%20Opportunity,%20%20Harassment%20and%20Nondiscrimination%20Policy.pdf>.

### Policy

All participants in federally or state-funded grant projects will adhere to the Baldwin Wallace University Sexual Misconduct Policy found at <https://my.bw.edu/Campus-Life/Your-Campus/Diversity/Documents/BW%20Equal%20Opportunity,%20%20Harassment%20and%20Nondiscrimination%20Policy.pdf>.

In addition, the University will report to the funding agency when

- 1) There have been findings of sexual harassment regarding any personnel working under a grant, including faculty, students, and contractors.
- 2) When a PI (Principal Investigator) or co-PI have been placed on administrative leave relating to a harassment finding or investigation.

### Consequences

In addition to actions taken by the University, grant personnel are subject to additional sanctions that may be imposed by the funding agency, including the termination of the grant or requiring the University to remove personnel.

### Non-Compliance

Failure to report sexual harassment in a timely manner will result in the sanctions outlined in the University's Sexual Misconduct Policy. It may also result in the revocation of the grant award and/or preventing the University from applying for future grants.

## Federal Remedies for Noncompliance

From 2CFR §200.338-.339

#### REMEDIES FOR NONCOMPLIANCE § 200.338

If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or passthrough entity.
- (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a passthrough entity, recommend such a proceeding be initiated by a Federal awarding agency).
- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

§ 200.339 Termination. (a) The Federal award may be terminated in whole or in part as follows: (1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award; (2) By the Federal awarding agency or pass-through entity for cause; (3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or (4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or passthrough entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety. (b) When a Federal award is terminated or partially terminated, both the Federal awarding agency or passthrough entity and the non-Federal entity remain responsible for compliance with the requirements in §§200.343 Closeout and 200.344 Post-closeout adjustments and continuing responsibilities.

§ 200.340 Notification of termination requirement. (a) The Federal agency or passthrough entity must provide to the non-Federal entity a notice of termination. (b) If the Federal

award is terminated for the non-Federal entity's failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the notification must state that the termination decision may be considered in evaluating future applications received from the non-Federal entity. (c) Upon termination of a Federal award, the Federal awarding agency must provide the information required under FFATA to the Federal Web site established to fulfill the requirements of FFATA, and update or notify any other relevant government wide systems or entities of any indications of poor performance as required by 41 U.S.C. 417b and 31 U.S.C. 3321 and implementing guidance at 2 CFR part 77. See also the requirements for Suspension and Debarment at 2 CFR part 180. § 200.341

Opportunities to object, hearings and appeals. Upon taking any remedy for noncompliance, the Federal awarding agency must provide the non-Federal entity an opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with written processes and procedures published by the Federal awarding agency. The Federal awarding agency or passthrough entity must comply with any requirements for hearings, appeals or other administrative proceedings which the non-Federal entity is entitled under any statute or regulation applicable to the action involved.

§ 200.342 Effects of suspension and termination. Costs to the non-Federal entity resulting from obligations incurred by the non-Federal entity during a suspension or after termination of a Federal award or subaward are not allowable unless the Federal awarding agency or pass-through entity expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if: (a) The costs result from obligations which were properly incurred by the non-Federal entity before the effective date of suspension or termination, are not in anticipation of it; and (b) The costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.

## Post-Award Grant Process Updated 8/2018

Letter of Award for state or federal grant  
received by Director of Faculty Grants

Send to Post-Award Grant Administrator (PAGA)

- LOA
- RFA
- Final (negotiated) Scope of Work or Proposal
- Final (negotiated) budget

PAGA takes responsibility for financial monitoring and compliance

PAGA sends sub-awardees

- Contract
- Compliance checklist
- Invoice schedule

PI monitors sub-awardees for  
performance

PAGA requests financial  
account be established,  
forwards info to PI

PAGA establishes informal  
budget for monthly monitoring

PAGA meets with PI to

- review policies
- explain T&E reporting
- review purchasing rules
- conduct Conflict of Interest Training

PAGA conducts COI  
training with key  
personnel

PI submits purchase request to  
PAGA **prior** to purchase

Is it allowable,  
allocable,  
reasonable?

Yes

No

PI forwards T&E Reports,  
purchase orders & receipts  
to PAGA monthly

PI completes purchase

PI does not  
purchase or  
allocates to a  
different  
budget



