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Office of General Counsel

# Sponsored Research

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MINNESOTA STATE



# Part One: Sponsored Program Legal Issues





# Federal and State Grants

- Financial assistance from federal or state government
- No deliverable outcomes, but reporting requirements
- Limited control by awarding agency
- State grants are governed by grant agreements

# Federal Cooperative Agreements

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

# Contracts

## Federal Contracts

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

## State Contracts

- Inter-agency agreements and joint powers agreements

# Private Grants and Contracts

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



# Secondary Funding Vehicles

Subawards and Subcontracts



# Subawards

- Subawards: Agency – Prime Awardee – Subawardee
  - Example: MSU-Mankato receives a \$1M grant from the NSF. MSU-Mankato “sub-awards” \$100K to St. Cloud State University and \$100K to the University of Minnesota to conduct parts of the research.
  - MSU-Mankato would enter into a “intra-agency” agreement with St. Cloud State. This is not technically a contract,8 (o)o0.624 ( 7rt1c)8 (a)-sm ity 7rt1ct





# Teaming Agreements

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

# Sub-Contracts

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

# Regulations

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



# Direct and Indirect Costs

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

# Human Subject Research

- Governed by the “Federal Common Rule” at 42 CFR 46.
- Establishes the system of Institutional Review Boards (IRBs)





# Animal Subject Research

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

# Conflicts of Interest & Certifications



# Research Misconduct

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

# Export Controls

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

# Invention Reporting

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

# Part Two: Sponsored Programs Business Issues



# Some common abbreviations.....

PI/PD –



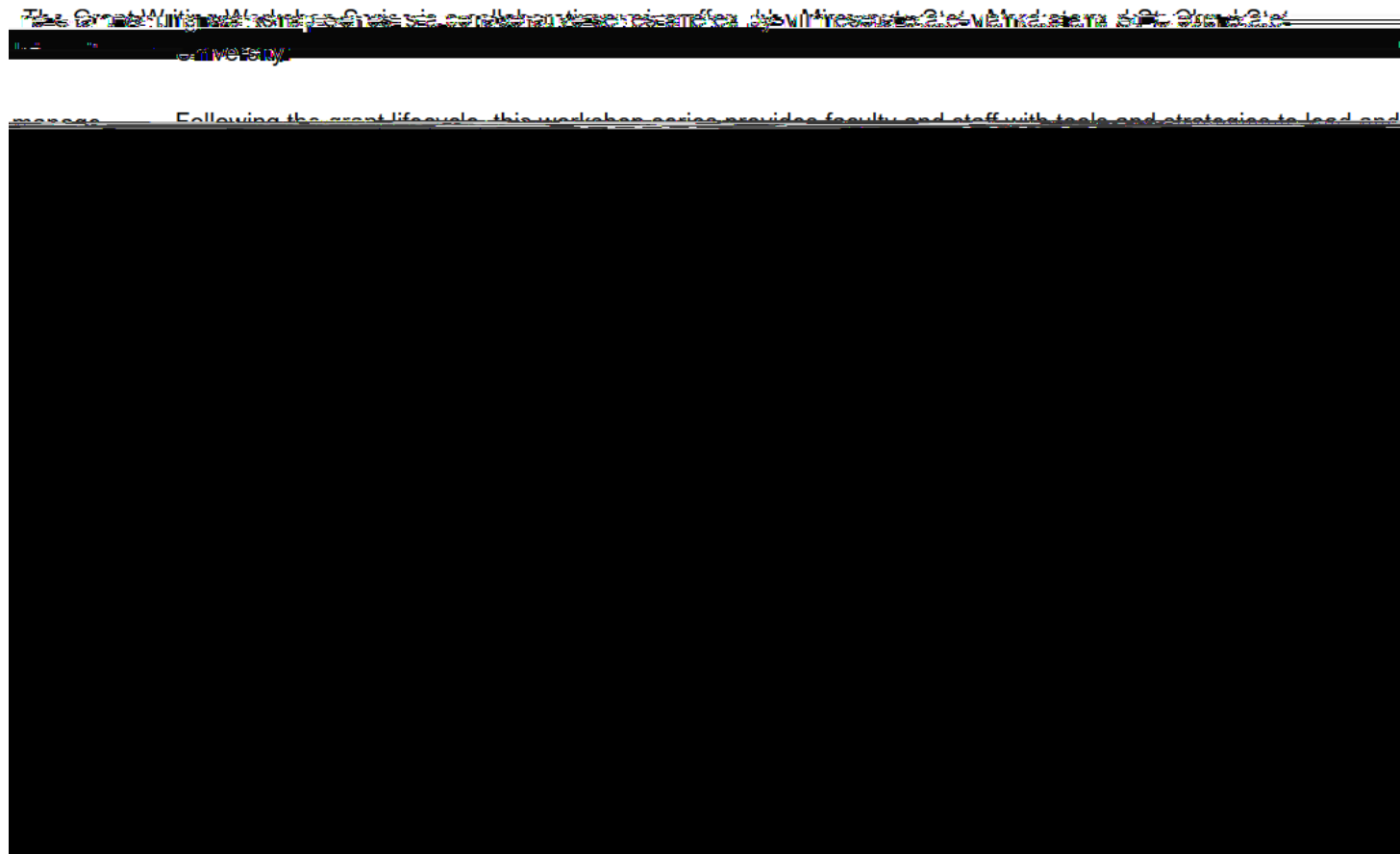






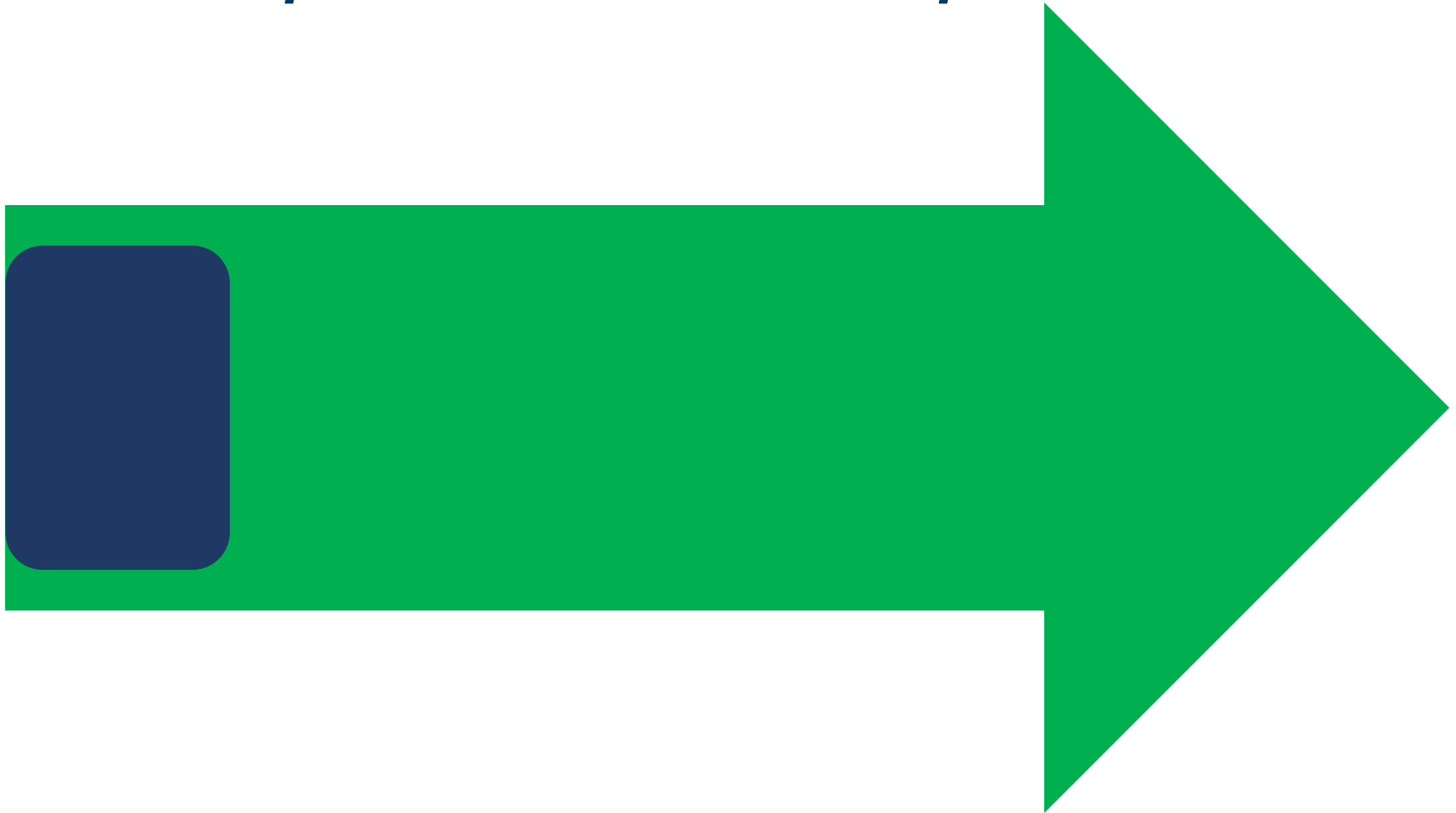
# Providing Support to Principal Investigators

## [Grant Writing Workshop Series \(2019 – 2020\)](#)

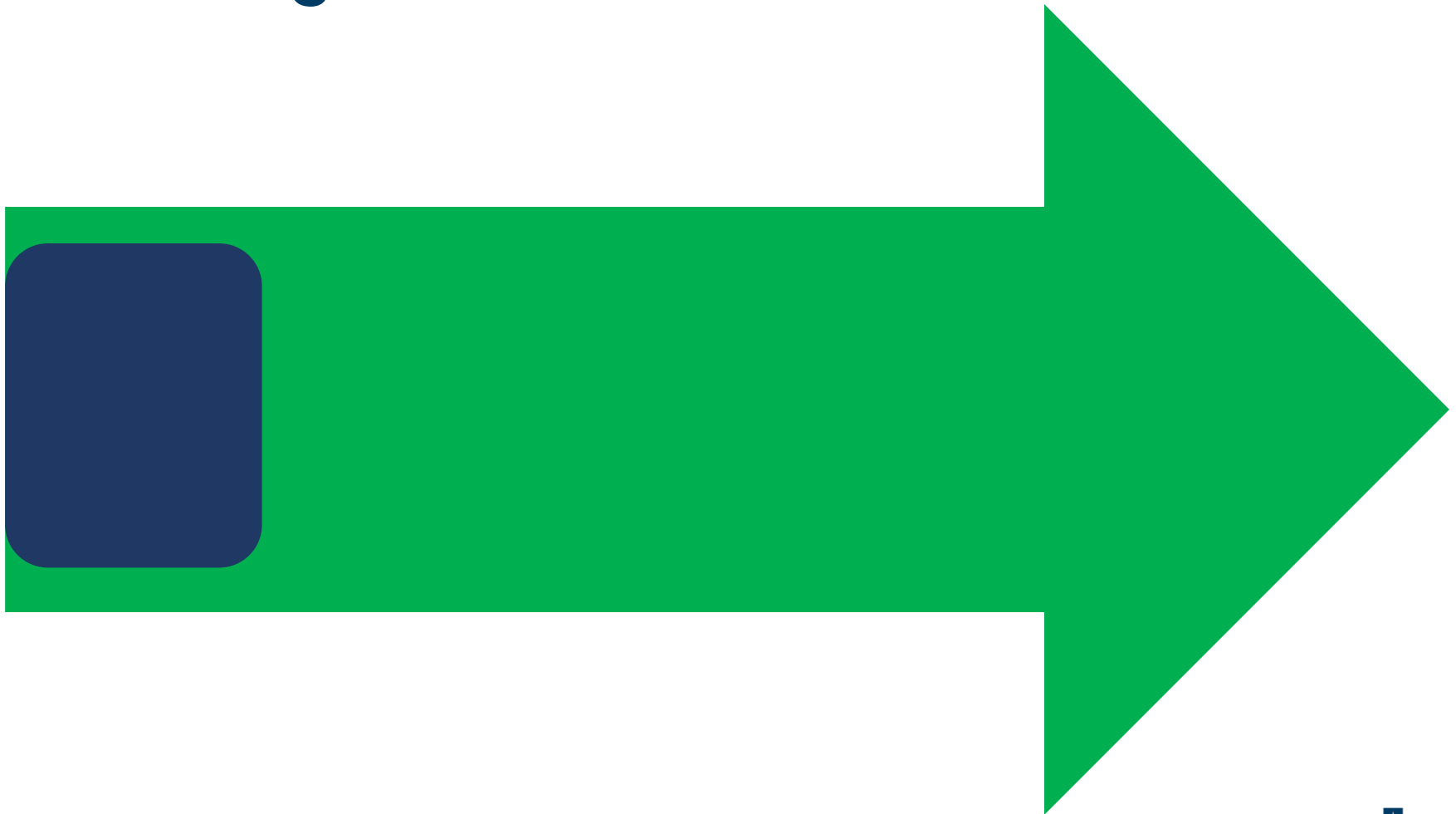


# Receiving and Managing Awards

## *PI and Sponsored Office Responsibilities*



# Providing Support to Principal Investigators – Post Award





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