

Policy on the Administration of Sponsored Agreements and Gifts

| | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy Title | Policy on the Administration of Sponsored Agreements and Gifts |
| Policy # | 05.104.1 |
| Policy Owner | Vice President for Research and Economic Development |
| Contact Information | Questions regarding this policy should be directed to the AVP of Research Administration at (401) 874-2636 or the President of the University of Rhode Island Foundation and Alumni Engagement at (401) 874-9512 |
| Approved By | Administrative Policy Committee |
| Effective Date | June 6, 2023 |
| Next Review Date | No later than June 30, 2028 |
| Who Needs to Know About this Policy | All faculty, staff, and students who are involved in the conduct or administration of research activities funded or proposed for funding at the University by external sources. |
| Definitions | <p>Sponsored Agreements (Contracts and Grants): Sponsored Agreements are defined as grants, contracts, or other agreements for external funding that comes from a federal funding agency, quasi-federal funding agency, state agency, international agency, foundation, business, corporation, nonprofit organization, or private individual that generally:</p> <ul style="list-style-type: none"> • Requires the delivery of a product or service, or • Requires the delivery of a research or project report that includes but is not limited to results, data, findings, surveys, and/or financial information, or • Requires specific commitments regarding the levels of personnel efforts, or • Involves stipulations regarding data, publications or intellectual property such as inventions, patents, certain copyrights or licenses, or • Involves indirect cost funds. <p>Gifts. Gifts are defined as external funding (and/or donated equipment or goods) that comes from a foundation, business, corporation, nonprofit organization, or private individual that has no required deliverables such as, but not limited to, products or services, and do not require any obligations to the recipient regarding data, publications, or intellectual property such as inventions, patents, certain copyrights, or licenses. Gifts are provided with charitable intent and are a tax deductible donation as defined by the Internal Revenue Service and as reflected by the absence of required deliverables or intellectual property rights. Gifts may require fiscal or program reports and attribution of funding support for accountability purposes.</p> |

| | |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Statutes, Regulations, and Policies Governing or Necessitating This Policy | None |
| Reason for Policy/Purpose | To delineate between Sponsored Agreement and Gifts, establish basic rules and procedures relating to the administration of Sponsored Agreements and Gifts, define responsibilities in this area between the University of Rhode Island Division of Research and Economic Development and the University of Rhode Island Foundation & Alumni Engagement, and to ensure that the University of Rhode Island and the University of Rhode Island Foundation & Alumni Engagement are in compliance with all Internal Revenue Service requirements. |
| Forms Related to this Policy | None |

Policy Statement

The University of Rhode Island (also, University) sees great value in outside activities that advance and communicate knowledge through interaction with government, industry, the community, and the public. The intent of this policy is to establish basic rules and procedures relating to the administration of Sponsored Agreements and Gifts and the agreed upon division of responsibilities in this area between the University of Rhode Island Division of Research and Economic Development and the University of Rhode Island Foundation & Alumni Engagement (URIFAE). The importance of establishing a formal distinction between Sponsored Agreements and Gifts is related to federal/state compliance and auditing issues.

1. General Provisions

Generally speaking, the Office of Sponsored Projects (OSP) within the Division of Research and Economic Development administers Sponsored Agreements, while Gifts are administered by URIFAE.

Please note that there may be grants from charitable foundations that require deliverables and/or that require the grant's submission be coordinated with OSP. In these instances, the grant must also be processed and received by the Division of Research and Economic Development, though URIFAE will receive full Gift credit for them as specified by the Council for Advancement and Support of Education (CASE).

In some cases, the distinction between a Gift and a Sponsored Agreement is ambiguous and requires consideration of several factors. Refer to Appendix A (below) for guidance. In situations where the distinction between a Gift and Sponsored Agreement is unclear, OSP and URIFAE, in collaboration with the University Controller's Office, are responsible for reaching a determination as to whether the external funding is a Gift or a Sponsored Agreement.

2. Proposal Submission and Acceptance

Sponsored Agreements are processed and received by OSP. All Principal Investigators (PI) must submit their grant/contract proposals and requests for external funds through OSP's grant management portal (e.g., InfoEd) where proposals are approved by the appropriate department chair and Dean's Office and reviewed for compliance with federal, sponsor, and University requirements and ultimately submitted to the funding agency by OSP. Upon receipt of the award, OSP in collaboration with the Office of Sponsored and Cost Accounting, will assist the PI in the administration of their Sponsored Agreement.

Gifts and charitable grants to the University are processed and received by URIFAE. Principal Investigators submitting applications through URIFAE do not have to submit their proposals and requests for external funds through the OSP grant management portal (e.g., InfoEd). However, all PIs must coordinate with a member of URIFAE team prior to submitting a grant application to ensure compliance with requirements of the University and the donor (in many cases, URIFAE will submit the grant application on behalf of the PI). Upon receipt of a Gift or grant from a donor, URIFAE will record the donation and send a letter of acknowledgement to the donor. In most cases, administrative fees paid to URIFAE are applied against a Gift or grant from a donor. Applicable administrative fees will be deposited into a URIFAE account.

Where the faculty, staff, or administrator obtains direct funding for a fellowship award (e.g., Fulbright, Nobel, etc.), the researcher is advised to notify the Vice President for Research and Economic Development upon receipt of the fellowship award.

3. Related Compliance Issues

Regardless of whether the external funds are a Sponsored Agreement of a Gift, any project using human subjects, animal subjects, and/or radioactive material must follow applicable University, state and federal regulations. Furthermore, regardless of whether the external funds are a Sponsored Agreement or a Gift, any intellectual property arising from the use of these funds shall be subject to the University's Intellectual Property policy.

Faculty and staff are not authorized to enter into written or unwritten agreement(s) with sponsors and are not authorized to sign contracts that involve the use of any University facilities, space, equipment, and personnel; or involve intellectual property; or create restrictions on publications; or bind the University to an outside party in any way. Only the authorized representatives of the University, designated by the URI Board of Trustees, are empowered to negotiate and sign such agreements or contracts. See the University's policy on *Approval and Execution of Contracts and Other Binding Documents* for additional information and requirements regarding contracts between the University of Rhode Island, or its Board of Trustees, and any outside parties.

4. Exceptions

None

Policy Review and Revisions

(Versions earlier than the first policy number may be paper only)

| Policy # | Effective Date | Reason for Change | Changes to Policy |
|--------------|------------------|---------------------------------|---------------------------------------------|
| [DRED] #00-1 | November 5, 2015 | N/A | N/A |
| 05.104.1 | This policy date | Review and update to new format | 5% Gift fee removed; minor language changes |

Appendix A – Grants vs. Gifts Guidance

Does this proposal/award go to the URI Office of Sponsored Projects?

Please check the box next to any statement that is true for any proposal or award. If you check any of the boxes below, your proposal or award should go through the URI Office of Sponsored Projects.

- The funds are from a federal, state, or quasi-governmental agency.
- The entity providing the funding owns copyrights, trademarks, or trade secrets created under the award.
- The entity requires a deliverable such as a product, service, or data findings, etc. that is not made available to the general public at the conclusion of the award. This does not include any general reporting requirements which ask for a simple report explaining what occurred during the project period and how funds were spent.

If you did not check any of the boxes above, does this proposal/award go to the URI Foundation & Alumni Engagement?

Please check the box next to any statement that is true for any proposal or award. If you check any of the boxes below, your proposal or award should go through the URI Foundation & Alumni Engagement.

- The funds are from a foundation, business, corporation, or private individual.
- The award is free of limitations regarding copyright, trademarks, or trade secrets and the entity does not require a deliverable such as a product, service, data findings, publications, or any intellectual property and/or requires only that data be made available to the general public at the conclusion of the award.
- The funds have been provided with charitable intent and are a tax deductible donation as defined by the Internal Revenue Service.

In cases where it is not clear or there is any doubt whether a proposal and/or external award is A Sponsored Agreement or a Gift, OSP and URIFAE, in collaboration with the University Controller's Office will review the proposal and/or award relative to the definitions listed above with particular attention to deliverables and intellectual property issues.