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Research Gifts Routing

1 message

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May 20, 2022

Dear University of Maryland Campus Community:

The University of Maryland's reputation as a premier research institution depends upon our efforts to meet the highest standards for integrity in all research endeavors. To that end, the University provides our research community with the support, education, and resources necessary to ensure a culture of research integrity. Below is an update on the University's research related gift acceptance process, which has been redesigned to address the increasing federal scrutiny of conflicts of interest (COI) and conflicts of commitment (COC) related to the research enterprise. Contracts and grants are already subject to similar processes and procedures as outlined below.

To meet the required Federal and State standards, including National Security Presidential Memorandum-33 (NSTP-33), the University will be moving forward with enhanced gift acceptance processes and procedures that will be fully implemented starting July 1, 2022. First, all research-related gifts provided directly to a campus unit and not through the University of Maryland College Park Foundation (UMCPF) must be routed by the unit through the college using Kuali Build's "Research Gifts Routing" module (access available 7/1/22). Second, before the University can accept a researchrelated gift and release the funds for use, the researchers supported by the gift must disclose the gift via the Kuali Conflict of Interest module (KCOI) and the University COI Committee must complete a COI review. Third, depending on the type of gift received, other processes may be required. These processes are required for each research-related gift received by the University and/or the University of Maryland College Park Foundation. The University's COI website has an FAQ section that provides an example of the information required to be disclosed prior to gift acceptance.

Because University employees are also State employees, they are also subject to State Ethics Laws which, among other things, generally restricts the interests and relationships that a University employee may have with any external entity that does or seeks to do business with the University. State Ethics Law provides a limited exemption (the "research carve-out") to the prohibition on these relationships if, and only if, they (1) relate to research and development and (2) are fully and accurately disclosed and managed pursuant to the University's COI/COC policies and procedures, which are approved by the State Ethics Commission. COIs and/or COCs that arise due to relationships between University employees and external entities that are not related to research and development cannot currently be managed and mitigated through the standard KCOI process and may need to be handled directly with the State Ethics Commission.

State Ethics Law also contains other provisions that apply to all University employees regardless of the research carve-out. These provisions limit or prohibit State employees from participating in matters in which they (or certain family members or business entities) have an interest; soliciting and/or accepting gifts, including payment of travel and lodging expenses; using the prestige of their office or their institution's resources, including confidential information, for private gain (their own or that of another); and representing external parties in State matters for contingent compensation. Please contact the University's Office of General Counsel with questions about State Ethics Law.

We appreciate your efforts to bring in gifts and other funding to support the University's research enterprise while also remaining compliant with Federal and State laws, regulations, and procedures. We are most grateful to all our faculty and staff who support and advance the University's research mission.

Gregory F. Ball

Vice President for Research

Brodie Remington

Vice President for University Relations

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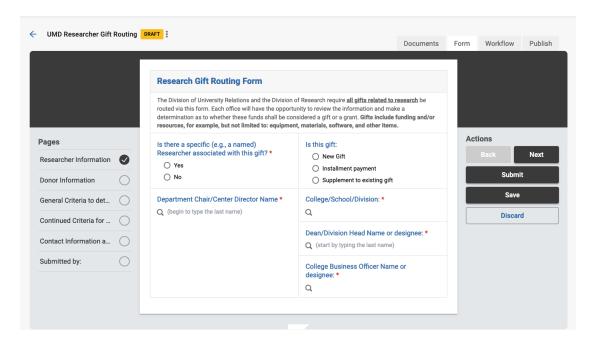
The University of Maryland, College Park (UMD) receives funding from a variety of sources, including government agencies, corporations, and private individuals and organizations. This chart will help to guide the review of non-federal external funding receives the proper compliance review, administrative oversight, and monitoring, UMD must categorize each award as a gift, a grant or a contract. The following is intended to clarify the differences between the types of funding. If you have any questions on how a specific situation should be characterized, contact University Relations Office of University Development and the Office of Research Administration.

CHARACTERISTICS OF A GIFT, GRANT, AND CONTRACT				
	Gift	Grant	Contract	
Primary Intent	Transfer of funds from a donor to the institution with the intent of assisting the institution in reaching its institutional goals and public purpose. Charitable intent, no expectation of economic benefit to the donor or quid pro quo.	Transfer anything of value from the sponsor to the institution to carry out a public purpose authorized by a law of the United States. Grantors requirement does not negate philanthropic intent.	Mechanism to engage University to perform research with specific deliverables. Contract includes obligations for both the sponsor and the University. Creates a quid pro quo relationship.	
Benefit	To UMD, by furthering university's own purposes or programs.	To UMD, by furthering university's own purposes or programs.	Primarily to the sponsor, who anticipates an economic benefit or other deliverable as result of activity but also to the University by furthering research.	
Туре	Philanthropy	Award of financial assistance	Contract with specific requirements imposed on both parties. University could have to return funds if University's responsibilities are not met.	
Purpose	General. May be restricted to a particular purpose such as endowment, capital projects, or student financial aid.	Semi -directed with broad, programmatic objectives to support the research of one or more specified faculty members or research programs.	Specific purpose, service or objective e.g. specified protocol, experiments, testing of hypotheses, and particular line(s) of inquiry.	
Who defines activities	Administering department	Principal Investigator initiates request via application kit or guidelines	Typically solicited by request for proposal (RFP), or request for bid/quote	
Terms	No defined deliverables	Technical and financial reports	Specific deliverables, reports and/or milestones	
	Can be restricted or unrestricted; donor may define the purpose or a specific area of research for the gift.	Semi-restricted	Restricted to activities specified in agreement	
	Irrevocable	Revocable	Revocable	
	No specific period of performance	Specific period of performance	Specific period of performance	

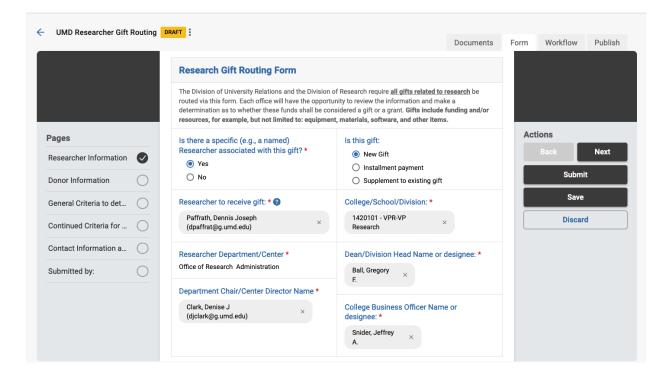


Intellectual	May include specific	Award may contain detailed terms or	Award may contain detailed terms or
Property (IP)	conditions about disposition of IP (including open source software or public dedication or a requirement to put in the public domain)	conditions	conditions
Publications	No restrictions on use of data or publications	Data use and/or publications typically not restricted	Data use and/or publications may require review and/or approval by sponsor
Financial/Budget	Generally no budgetary restrictions	Specific financial accountability	Specific financial accountability
Budget Deviations	No formal restrictions	Sponsor approval may be required	Usually requires sponsor approval
Unexpended Funds	Unexpended funds not required to be returned	Typically must return unexpended funds	Depends upon nature of contract
Mechanism of Award	Gift Agreement	Notice of Grant Award	Contract, Purchase Order, Sponsored Research Agreement, Sponsored Services Agreement
Payment Method	Donation	Payments may be contingent on progress	Payments are contingent on progress
Reporting/ Deliverables	Generally not required	Required	Required
Financial Reports	No formal accounting requirements other than customary stewardship	Regular financial and progress reports required	Regular financial and progress reports required
Administered By	The University of Maryland College Park Foundation (UMCPF) Contact UMCPF for Common Trust, USM, and UMD Gifts/Agreements	Office of Research Administration (ORA) / Sponsored Programs Accounting & Compliance (SPAC)	Office of Research Administration (ORA) / Sponsored Programs Accounting & Compliance (SPAC)

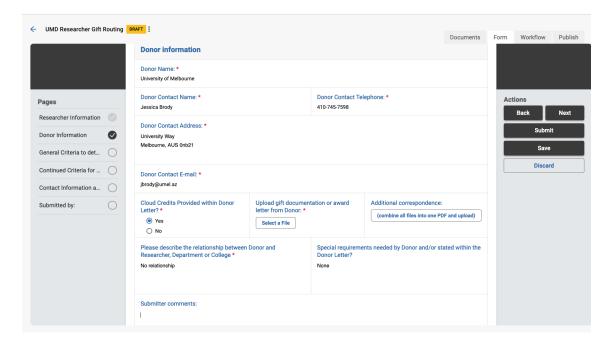
1. When you enter the form entitled, "UMD Researcher Gift Routing", this is the initial screen page. Notice on the left-hand side, you have radio buttons that will move you from page to page. You may click the radio button and it will move you to that page. Or on the right-hand side, you can select "Next", which will take you to the next page. This navigation will be visible on all pages. Every field that has a red asterisk, you will need to enter in or answer a question throughout the form.



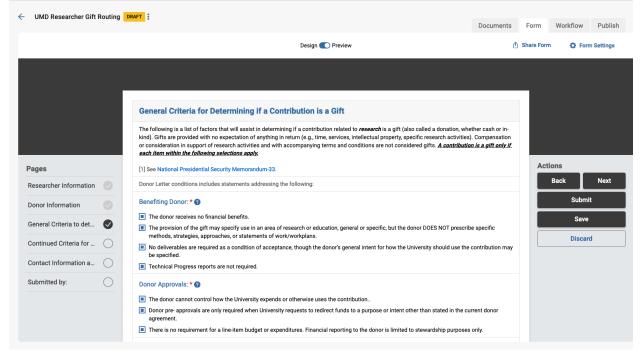
2. Enter in the appropriate information: If you select a specific Researcher, the Researcher name and their associated department/center questions will come up. If you select no, then you will not need to enter a Researcher name or their department. Only the Department Chair and Dean will be required.



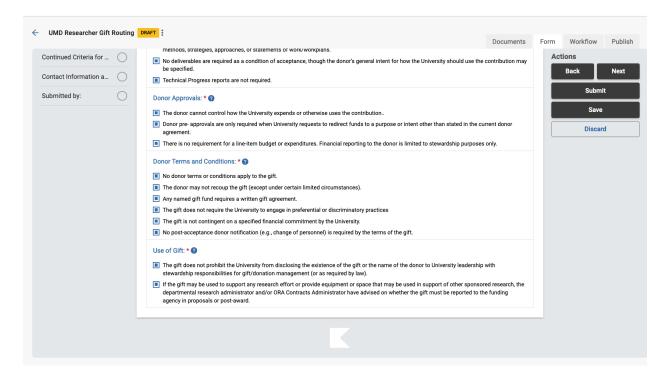
3. Insert the following: Name of Donor, Contact, Telephone, Address and Email. You will need to state whether the gift provides cloud credits. Sometimes, software companies (Adobe, Google) will give a set amount of Cloud space to upload data and it will be included in the gift letter. You will need to "Select a File" to upload the documentation from the donor spelling out the gift. We also ask that you provide any additional correspondence and what the relationship is between the Researcher, Department or College and the Donor.



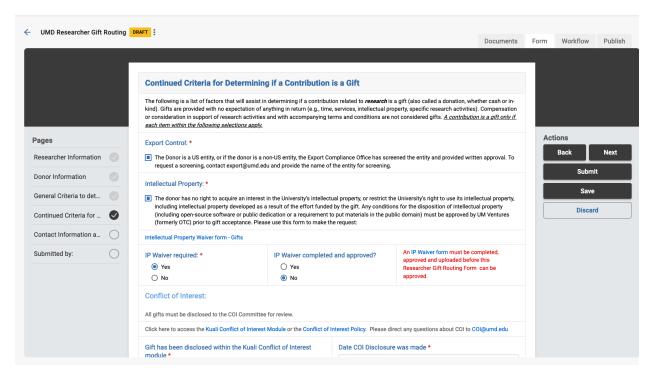
4. We are now on page 3 of the form. You must review each of the criteria items and mark if appropriate and leave blank if not. There are 4 areas on this page: Benefiting Donor, Donor Approvals, Donor Terms and Conditions and Use of Gift. All are required.



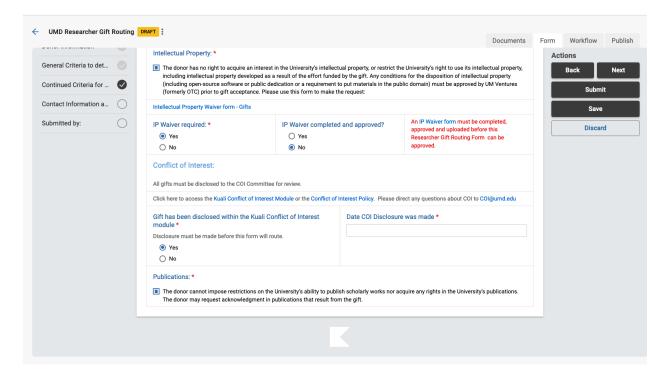
Continuation of Page 3.



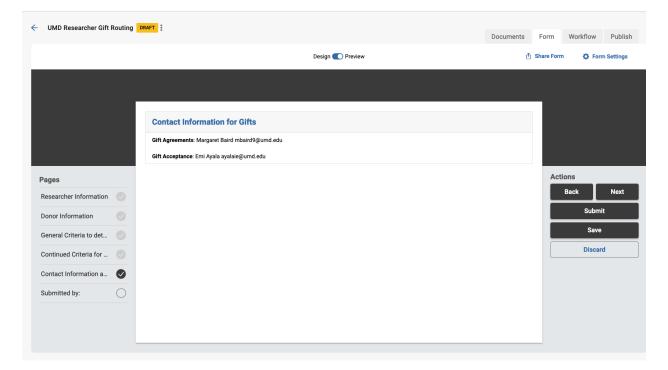
5. Page 4 continues with more criteria: Export Controls, Intellectual Property (which includes the IP Waiver Required question. If you mark yes, then you will need to document whether the Waiver is completed and approved. If approved, the approval letter must be uploaded, by clicking the "upload file" button.

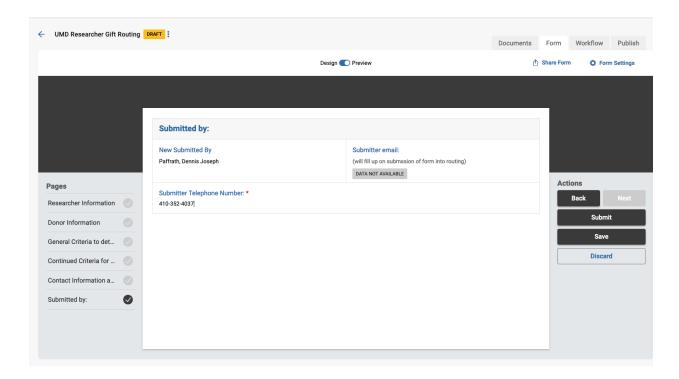


Continuation of page 4: This includes the Conflict of Interest section. The Researcher must disclose this gift in the Kuali Conflict of Interest module. We ask if it has been disclosed and if yes, the date of the disclosure. Finally we ask about publications.



6. The next two pages are to provide you information: Page 5 provides you the names and email address of the contacts in University relations. Page 6 provides information on the submitter.





Once all the information has been entered and the correct files uploaded, you would click on Submit. But if you are in the middle of the form or need additional information before you can submit the form, click on SAVE (right-hand side of form). This will save the form and you can then go back into the form and enter any missing information or upload any missing documents.

If the form is complete, click "Submit". This will then set the form into the workflow. The Researcher will receive an email to go into the form, review it and approve it. (If the PI submitted the original form, this step will be skipped). The Department Chair and Dean will then receive an email to approve, and the College Business Official will receive a notification that this form has been submitted. Once all approvals are in place, the Office of Research Administration will determine if this is a gift or a grant. If a gift, ORA will approve and University Relations will receive an email, to begin their process.