

## UNIVERSITY CORPORATION AT MONTEREY BAY BOARD POLICY

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### **Policy 501**

Section: 500- Grants and Contracts

Issue Date: 3-25-2021

### **Sponsored Programs Administration Policy**

Last Reviewed: N/A

Previous Versions: N/A

Previous #: N/A

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This policy supplements California State University systemwide policy: [Sponsored Programs General Policy Requirements and Standards](#) (ICSUAM 11002.01/CalState PolicyStat).

#### **1) PURPOSE**

California State University, Monterey Bay (“CSUMB” or “University”) and its auxiliary, the University Corporation at Monterey Bay (“University Corporation”) recognize that grants and contracts are an important means for campus personnel to pursue scholastic, research, and creative/educational activities that will enable them to:

- a) Remain current in their disciplines,
- b) Enrich their teaching or further their professional development,
- c) Contribute knowledge to their fields, and
- d) Obtain resources for the University or the local community.

#### **2) AUTHORIZATION**

- a) CSUMB and the University Corporation encourage and support the pursuit of grants and contracts to fund these activities. This policy provides the framework for the process of pursuing grants and contracts while ensuring the University Corporation’s and CSUMB’s compliance with state and federal law, California State University (“CSU”) systemwide policies (including all policies governing Sponsored Programs Administration, ICSUAM Section 11000/CalState PolicyStat), collective bargaining agreements, granting agency requirements, and other applicable University Corporation and CSUMB policies. In collaboration with the CSUMB Sponsored Programs Office (SPO), University Corporation Procedures in Section 502 shall be maintained to demonstrate compliance with this Policy, implement CSU systemwide Sponsored Programs Administration Policy (ICSUAM Section 11000/CalState PolicyStat) and government regulations, as appropriate.
- b) All exceptions to this policy will require approval from the University’s Chief Financial Officer/Vice President for Finance and Administration or the Provost/Vice President for Academic Affairs or their designees.

#### **3) ROLES AND RESPONSIBILITIES**

University Corporation at Monterey Bay: The University Corporation shall act as the authorized campus sponsored programs administrator for externally sponsored grants and contracts. The University Corporation will be the legal applicant and recipient of awards and amendments and have responsibility for award compliance and financial administration. The University Corporation shall comply with all federal, state, CSU, Auxiliary and sponsor regulations and/or policies governing the administration of externally funded sponsored programs.

The University Corporation is legally responsible and accountable to the Funding Agency for the use of the funds provided and the performance of the grant or contract. In order to meet these obligations, the Director of Sponsored Programs Office is authorized by the University Corporation Board of Directors to act on behalf of the University Corporation to accept sponsored grants and contracts awarded by private agencies and federal, state, and local government agencies.

The University Corporation is the contracting agency subject to audit and review by these granting agencies and is therefore responsible for the proper expenditure of funds and submission of timely and accurate financial reports.

For inventions first conceived or reduced to practice under a project funded in whole or in part with federal funds, University Corporation will comply with the requirements of the Bayh-Dole Act unless otherwise negotiated in the federally funded agreement.

#### **4) ADMINISTRATION OF SPONSORED PROGRAMS**

In addition to those policies/procedures governing sponsored program administration identified at the end of this policy, the following procedures are also required in compliance with ICSUAM Policy 11002.01/CalState PolicyStat, Sponsored Programs General Policy Standards and Requirements.

##### **a) Federal Awards**

- i. Federally Funded Patentable Inventions: The Bayh-Dole Act (US Patent Law, [37 CFR 401](#)) requires nonprofit organizations (including universities and research foundations) to take control of inventions by their faculty/staff funded in whole or in part by the Federal government. For compliance with US Patent law, certain steps must be taken when a proposal is submitted that will be federally funded directly or passed through another entity to the university as a subrecipient – to ensure compliance prior to proposal submission and after the award is received. A statement will be included on the proposal approval form signed by the PI that indicates they are aware of the regulations governing inventions/patents and they understand their obligation to assign rights to any subject inventions to the Corporation if such assignment is necessary for the Corporation to comply with the terms and conditions of the externally funded agreement and US Patent Law.

##### **b) State Awards:**

- i. Awards for research, training or services from California state agencies shall use the California Model Agreement (CMA), the pre-negotiated University Terms and Conditions (UTC) and any other provisions negotiated on behalf of the CSU by the CSU Chancellor's Office (CSUCO) for use in state agency agreements. Requests for an exemption from using the CMA for a particular project may be submitted to the CSUCO, Director of Sponsored Programs (State agencies may submit requests to California Department of General Services, Office of Legal Services). See Award Acceptance/Negotiations Procedure 502-004-A.
- ii. State Agency Funded Intellectual Property: If a patent rights provision is required in an agreement from a State agency, the pre-negotiated patent rights provision incorporated into the CMA Memorandum of Understanding as [Attachment 4](#) that provides patent rights to the University shall be used. "University" is defined in the MOU as the University or an Auxiliary organization (in this case, the University Corporation). Exceptions shall be approved by the CSUCO.

##### **c) Awards for Projects in Tax-Exempt Bond-Funded Facilities (TEBFF):**

- i. University Corporation procedures shall demonstrate compliance with ICSUAM Policy 11002.01 Section 502/CalState PolicyStat, Externally Funded Projects in Tax-Exempt Bond-Funded Facilities (and Internal Revenue Code 141(b)). See Award Acceptance/Negotiations Procedure 502-004-A.

- ii. Ownership of Intellectual Property (IP): In order to protect the tax-exempt status of a TEBFF where research or other sponsored activities may take place, the University/University Corporation must maintain ownership of all IP funded by non-state funding (including federal, private and industry sponsors). University Corporation procedures will identify steps to be taken to provide CSUMB Facilities Management with the information they need to adequately manage activities performed in TEBFF.

## 5) RELATED DOCUMENTS

- a) [CSU Systemwide Policies](#) for the Administration of [Sponsored Programs](#) (ICSUAM Section 11000/CalState PolicyStat)
- b) This policy specifically complies with the [Sponsored Programs General Standards and Requirements Policy](#) (ICSUAM #11002.01/CalState PolicyStat).
- c) [Uniform Guidance – 2 CFR 200](#) (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)
- d) 531-007-A: Direct and F&A Costing Policy
- e) 521-003-A: Financial Conflict of Interest for Government Funding Policy
- f) Policy on Human Subjects in Research (CSUMB Policy)
- g) Humane Care & Use of Animals in Research & Instruction (CSUMB Policy)
- h) Research Misconduct (CSUMB Policy)