

1411 GD.01

Memorandum of Understanding Requirements: Faculty with Both a Veterans Administration Medical Center and Yale University Joint Appointment

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Scope

This document applies to all individuals at the University who participate in sponsored research awards and hold a joint appointment with Yale University and the West Haven Veterans Administration Medical Center (herein referred to as VA).

Purpose of Guide

To provide guidance on the completion of a required Memorandum of Understanding between the VA and Yale University. This Guide is provided in support of the requirements of the National Institutes of Health's requirements as stated in the *Grants Policy Statement* dated 10/15:

“Investigators with joint appointments at a VAMC (VA hospital) and an affiliated university must have a valid MOU that specifies (at both the university and the VAMC) the title of the investigator's appointment, distribution of compensation, the responsibilities of the proposed investigator, and the percentage of effort available for research at each insitution. The MOU must be signed by the appropriate officials of the recipient and the VAMC, and must be updated with each significant change of the investigator's responsibilities or distribution of effort and, without a significant change, not less than annually. The joint VA/university appointment of the investigator constitutes 100 percent of his or her total professional responsibilities. However, NIH will recognize such a joint appointment only when a university and an affiliated VA hospital are the parties involved.

A grant application from a university may request the university's share of an investigator's salary in proportion to the effort devoted to the research project. The institutional base salary as contained in the individual's university appointment determines the base for computing that request.

The signature of the AOR of the submitting university on an application to NIH that includes such an arrangement certifies that:

- The individual whose salary is included in the application serves under a joint appointment documented in a formal MOU between the university and the VA, and
- There is no possibility of dual compensation for the same work or of an actual or apparent conflict of interest.”

1. Who must complete a Memorandum of Understanding (MOU)?

A MOU must be completed by any individual who:

- Holds a joint Yale/VA appointment; and

- Has committed effort and/or salary charged to an externally funded sponsored research project (including Federal and non-Federal grants, contracts, cooperative agreements, clinical trials, etc.) that was awarded to the University.

2. When should a MOU be updated?

A MOU **must** be updated not less than annually, even if there is no significant change in the individual's responsibilities or distribution of effort.

In addition, MOUs must be updated whenever there is a significant change (25% or greater) in the individual's responsibilities or distribution of effort as reported on the MOU. In other words, the MOU must be updated whenever there is a 25% or greater change in any research percent reported on the MOU or the total University or VA percent.

Note: A Yale Effort Report form will not reflect the % effort indicated for research on the MOU. Contributing factors include timing of the MOU to the effort reporting period, research effort may not be entirely supported by a sponsored project, and the Effort Report does not reflect research effort but rather categorizes effort as Sponsored and Non-sponsored effort.

3. How should the percentages on a MOU be determined?

The VA portion of the MOU must be based on tour of duty (TOD) hours. Because the VA will not authorize overtime hours, the MOU must be based on the hours for which the faculty member is paid. The VA assumes a 40 hour work week. Therefore, a 3/8 VA appointment, for example, is equivalent to a 15 hour work week.

The Yale portion of the MOU must be based on an estimate of actual hours devoted to Yale activities.

The VA TOD hours plus the actual Yale hours equals the total professional effort that is covered by the MOU.

Example:

		<u>MOU</u>
Yale estimated effort in hours	25	Yale 56%
VA TOD hours		VA <u>44%</u>
	<u>20</u>	
Total	45	100%

4. The MOU requires effort to be categorized as either “research” or “other.” This must be done for both the Yale effort and the VA effort. What types of activities are included in these categories?

When completing a MOU, the researcher must first determine which activities are Yale activities and which are part of the VA appointment. The second step is to categorize each of these activities as either “research” or “other,” based on the policies of the applicable institution.

Below are examples of how Yale generally views faculty members' activities (see also Policy 1315, *Effort Reporting: Certifying Effort on Sponsored Projects*, definition of University effort). Refer to this table for assistance in determining whether a Yale activity is considered “research.” (Do not use this table to determine whether an activity is Yale or VA. Many of the listed activities may be performed for either Yale or the VA.)

Note: Categorization of VA activities as “research” and “other” may differ from the University's categorization and should be determined by the faculty member in consultation with the VA.

Categorization of Yale Activities

<p>Research</p>	<ul style="list-style-type: none"> ➤ Externally sponsored research, including grants, contracts, cooperative agreements, clinical trials, etc. ➤ Conducting presentations related to sponsored projects ➤ Attending meetings/seminars/conferences related to the research ➤ Writing reports and articles, etc. based on research results ➤ Department/University supported research (this effort cannot be charged to a sponsored project) ➤ Mentoring (if specifically part of a sponsored project)
<p>Other (Administration, Clinical & Teaching)</p>	<ul style="list-style-type: none"> ➤ University committees (e.g., HIC, faculty advisory boards, etc.) ➤ Promotion reviews ➤ Research administration ➤ Proposal preparation for sponsored projects ➤ Department Chair or Program Director activities ➤ Professional organizations and societies related to one's work (uncompensated) ➤ Institutional community service ➤ Clinical care of patients (non-VA) ➤ Clinical supervision of staff ➤ Clinical supervision of residents ➤ Mentoring (if not specifically part of a sponsored project) ➤ Training medical students, residents, other students ➤ Didactic teaching (i.e., classroom, lectures) ➤ Peer review of manuscripts ➤ Study section participation

5. Can effort paid for by the VA be counted toward a Yale grant?

Yes, in general, if the box on the MOU is checked and there is no possibility of dual compensation. VA-compensated effort cannot be funded under a Yale grant, because it has already been paid for by the VA and therefore the salary associated with the effort is not a cost to Yale.

NIH does not allow VA-compensated effort to be counted toward the fulfillment of the effort commitment on a career development award (usually 75% of total professional effort). Only Yale-compensated effort may be counted for this purpose.

6. What is dual compensation?

Dual compensation is defined as payment by both the VA and the University (using either University funds or funding from a federal sponsor) to an employee for the same effort.

Receiving dual compensation is not permissible. When Yale's Authorized Organizational Official signs an NIH proposal s/he is certifying that there is no possibility of dual compensation for the same work or of an actual or apparent conflict of interest.

7. If a faculty member is preparing a MOU just prior to the submission of a sponsored project application, should the MOU effort percentages be based on the assumption that the grant will be awarded?

No, an MOU should be prepared based on current activities, not prospective or anticipated activities (such as proposed sponsored projects that have not yet been awarded).

8. How should the NIH salary rate cap be applied to faculty members with joint appointments?

The salary for a faculty member's Yale appointment is the individual's Yale Institutional Base Salary (IBS). The NIH salary rate cap should only be applied to the salary paid by Yale. Any VA salary paid to the individual is excluded from IBS and from the rate cap calculation.

9. Where should signed MOUs be maintained?

It is the responsibility of the Department Business Office to ensure that:

- A current MOU exists when submitting a proposal to Office of Sponsored Projects (OSP). (The DBO must send OSP any revised or new MOUs for OSP's signature); and
- The TranSum/Regulatory Form is accurately completed indicating all Yale/VA joint appointees in the proposal.

OSP maintains all current completed MOUs supplied by the DBO. OSP is the final signatory on the MOU.

10. How does OSP ensure any required MOUs are on file before an application is submitted to a sponsor?

- OSP reviews the application for indications that any faculty member who plans to participate on the project has a joint appointment with the VA.
- If an individual is identified on the TranSum/Regulatory Form as having a joint Yale/VA appointment, OSP checks its MOU repository for a current MOU (i.e., the covered individual's signature is dated within the last 12 months). The individual and their business office are contacted by OSP if a current MOU is not on file with OSP.
- OSP will not approve a proposal application to the NIH or any other sponsor requiring the existence of a current MOU unless the MOU is on file in OSP.

11. If a researcher is permitted by the VA to perform certain Yale activities during his/her VA TOD (as indicated in the MOU by the check box), should this be noted on the researcher's Yale effort report?

If Yale grant writing, teaching, lectures, tenured faculty meetings, promotion reviews, or other non-sponsored project effort is expended on the VA TOD, a statement on the Yale effort report disclosing this effort is unnecessary.

If the VA permits the researcher to commit effort to a Yale sponsored project during the VA TOD, this **must** be certified on the effort report.

- If an effort report is generated automatically for the individual, it will reflect 100% of the effort for which the faculty member was compensated by Yale. The committed effort on the Yale award that was compensated by the VA must be disclosed in a note on the form, for example, "10% of the effort paid for by the VA was devoted to [project#, award#, sponsor ref. number, etc.]." In the Effort Reporting System, this statement can be inserted in the Notes box.
- If an effort report is not automatically generated (for example, if 100% of the individual's salary is paid by the VA), a paper effort report must be completed. If this is the individual's only committed effort, the award information and percent effort needs to be reported under the Sponsored Activities section of the form and a notation should be made on the form that the VA paid for the effort.

Uncommitted effort performed for a Yale sponsored project during the VA TOD is not required to be certified on the effort report, but may be disclosed if the researcher so desires.

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