

OFFICE OF RESEARCH ADMINISTRATION NEWSLETTER

“Yale has a clear obligation to comply with all regulations pertaining to the administration of federal grants, and we will spare no effort to remedy any deficiencies in our practices.” *President Rick Levin*

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Patent Policy Acknowledgement & Agreement Requirements

Yale's Patent Policy requires all members of the Yale community to assign to the University their rights to any discovery/invention which results from teaching, research, and other intellectual activity performed under University auspices. In addition, federal regulations require that the University have in place a process where the members of the Yale community applying for and receiving federal awards supporting research or who use federal monies in the conduct of their research, sign a written agreement that they will promptly disclose patentable inventions to the University and will execute all instruments necessary to protect the rights of the government and/or the University. In order to comply with Yale policy and the federal regulations, all members of the Yale community are required to sign a Patent Policy Acknowledgement & Agreement (PPAA) form.

For a number of years, the Proposal Summary and Certification form, also known as the ProSum, has required a certification of the Principal Investigator stating, “In accordance with Yale University's Patent Policy, all personnel on this project including post docs, students and visiting scientists, will have signed the University's Patent Acknowledgement & Agreement prior to initiation of this project.” This certification was developed to assist in the fulfillment of the federal regulations and to ensure that the PPAA is signed or will be signed prior to initiation of the project.

The Office of Cooperative Research working collaboratively with the Office of Research Administration has embarked on an effort to streamline the completion of PPAA's. Starting in August, the Training Management System (TMS) will be the system of record for the completion of the PPAA thereby eliminating paper. Individuals who have not yet completed a PPAA will receive an email alerting them of the requirement along with the ability to electronically agree to the PPAA. Individuals who have already completed a hard copy PPAA, and the PPAA is on file in OCR, will be recorded in TMS as having completed the requirement and no further action will be required on their part.

Roll-out of the PPAA Process

The electronic PPAA process being implemented will roll-out in two phases, they are:

- **Phase I:** In August 2009, all individuals paid from sponsored awards will receive an email generated from TMS providing instructions to complete the requirement.
- **Phase II:** Beginning in September and through December 2009, the remainder of the Yale community required to complete the PPAA requirement will receive an email from TMS with instructions. Additional information will be published in future YaleBLU publications.

Questions regarding Yale's Patent Policy can be addressed by contacting OCR at Ext. 6-8096

Contributors/Sources

ORA Staff
National Institutes of Health
National Science Foundation
Council on Governmental Relations

OFFICE OF RESEARCH COMPLIANCE

Vice President for Finance and Administration, Shauna King and the Associate Vice President for Research Administration, Andrew Rudczynski are pleased to announce the establishment of the Office of Research Compliance. Under the direction of the University Research Compliance Officer, Alice Tangredi-Hannon, and reporting directly to both the VP and AVP, the Office of Research Compliance is responsible for the implementation of a research compliance assessment program designed to mitigate risk. The Office is also responsible for providing educational opportunities to the community, and communicating policy and procedure updates impacting Yale's research program.

E-VERIFY TO BE IMPLEMENTED SEPTEMBER 8, 2009

On July 8, Department of Homeland Security (DHS) Secretary Janet Napolitano announced the Administration's support for a regulation that will award **federal contracts** only to employers who use E-Verify to check employee work authorization. At the same time, Secretary Napolitano announced the Department's intention to rescind the Social Security "No-Match" Rule in favor of E-Verify.

According to the announcement, full implementation of the rule will apply to all federal solicitations and contract awards starting on September 8, 2009, including those awarded with ARRA funds.

"E-Verify is a smart, simple and effective tool that reflects our continued commitment to working with employers to maintain a legal workforce," said Secretary Napolitano. "Requiring those who seek federal contracts to use this system will create a more reliable and legal workforce. The rule complements our Department's continued efforts to strengthen immigration law enforcement and protect critical employment opportunities. As Senator Schumer and others have recognized, we need to continue to work to improve E-Verify, and we will."

E-Verify, which compares information from the Employment Eligibility Verification Form (I-9) against federal government databases to verify workers' employment eligibility, is a free web-based system operated by DHS in partnership with the Social Security Administration (SSA). The system facilitates compliance with federal immigration laws

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Did you know that...

On July 1, 2009, an ex-professor from the University of Tennessee, J. Reece Roth was convicted of violating the Arms Export Controls Act and sentenced to serve four years in prison. In sentencing Roth, the judge said that he could have caused "harm to the security of the United States" by allowing the foreign national students to work on the contract to produce the technology to be used on the Air Force drones. The judge noted that the Air Force was forced to scrap the research out of fear it had been compromised, although there was no testimony at Roth's trial last year that any foreign government actually had accessed the information or that Roth ever had tried to sell or give the information to foreign governments. Roth repeatedly has said he did not believe that mere research and the results of that research violated the Arms Export Control Act. However, the judge said testimony showed Roth continued to allow foreign national students access to restricted data and even took various reports to China with him after he was twice warned by UT officials about the law.

According to a recent news article, Professor Roth's attorney "...has argued Roth was guilty, at most, of being ignorant of the law, believing it only applied to the finished product - a plasma actuator to be used on an unmanned Air Force drone - and not research."

It is critical for the Yale community to better understand the requirements of the laws and regulations covering export controls. For information and or assistance in better understanding these laws and regulations and their applicability to activities conducted at Yale including research, contact Don Deyo at ext. 5-3817 or email Don at donald.deyo@yale.edu.

Additional information:

www.knoxnews.com/news/2009/jul/02/prison-for-ex-ut-professor

<http://knoxville.fbi.gov/dojpressrel/pressrelog/kx070109.html>

<http://www.yale.edu/grants/policies/exportcontrols.html>

and helps to deter unauthorized individuals from attempting to work and also helps employers such as Yale avoid employing unauthorized aliens.

The federal contractor rule extends use of the E-Verify system to covered federal contractors and subcontractors, including those who receive American Recovery and Reinvestment Act funds. After a careful review, the Administration will push ahead with full implementation of the rule, which will apply to federal solicitations and contract awards Government-wide starting on September 8, 2009.

For more information on E-Verify, visit www.uscis.gov/everify.

For information regarding the applicability of E-Verify to a federal contract, please contact Don Deyo in the Office of Grant and Contract Administration at ext. 5-3817.

Did you know that...

a new webpage exists to help address issues when conducting Yale business abroad? The Yale and the World – Working and traveling abroad webpage lists a number of FAQs which can assist in conducting research abroad, transferring money to another country, export controls implications

when bringing equipment into another country, or whether traveling to certain countries is permissible to name a few. If traveling abroad click <http://world.yale.edu/business/faq.html#travel> policies for assistance.

CHECKLIST FOR FACULTY LEAVING YALE

Leaving Yale for an opportunity at another university, company, or medical center requires thought as to what actions need to be taken in order to manage the successful transfer of awards, closing of awards and/or human/animal subjects protocols, and the disposing of hazardous materials to name a few. Where does someone get assistance in order to execute an orderly departure and address these issues?

In an effort to assist faculty and their Business Offices in transitioning from Yale to another organization or retirement as seamlessly as possible, the Office of Research Administration, with input from multiple regulatory offices (*i.e.*, EHS, HIC, HIPPA, IACUC, and others), has developed the *Exiting Faculty Checklist*. Though the Checklist may not address all of the faculty member's needs, it does assist with the more frequent concerns when a faculty member is leaving Yale. The Checklist identifies items that may be of relevance to the faculty member's specific situation, the office that can assist, and provides helpful urls. Additionally to assist faculty, EHS has recently developed a Policy on Laboratory Closure and Decommissioning.

In order to access the Checklist, please click **here** or enter the following url:

<http://www.yale.edu/researchadministration/documents/ExitingFacultyChecklist7-8-09.pdf>

Research Administration Training Opportunities

UPCOMING TRAINING EVENTS

- ***Fundamentals of Sponsored Projects Administration 2-day training program***
October 6 & 7, 2009
9:00 AM – 4:30 PM
25 Science Park
Conference Room 125

For details and to register for training events, visit <http://www.yale.edu/training/>, navigate to Grant and Contract Training and click on Courses under GCA and GCFA Training.

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ADDITIONAL TRAINING FOR FACULTY AND ADMINISTRATORS

Grant and Contract Financial Administration (GCFA)

- Allowability of Costs and Cost Transfer Principles
- Effort Reporting Principles
- Effort Reporting System Training
- Subrecipient Basics, Monitoring and Tracking – web based
- What Research Staff Need to Know About Spending Sponsored Project Funds

Grant and Contract Administration (GCA)

- Hands-on Clinic – Grants.gov
- Fundamentals of Export Controls – web based

Office of Research Administration (ORA)

- Sponsored Projects Administration Training for Faculty – web based

To learn more and/or to register for these sessions, visit <http://www.yale.edu/training/>, navigate to Grant and Contract Training, then click on Courses under GCA and GCFA Training.

Did you know that...

Yale may extend the final budget period of a federal grant for a period of up to 12 months beyond the original expiration date of the award (referred to as a No Cost Extension or NCE), if:

- *no additional funds are required to be obligated by the sponsor,*
- *funds remain in the award,*
- *the project's originally approved scope will not change, and*
- *any one of the following applies:*
 - ~ *Additional time beyond the established expiration date is required to ensure adequate completion of the originally approved project.*
 - ~ *Continuity of the grant support is required while a competing continuation application is under review (NIH specific).*
 - ~ *The extension is necessary to permit an orderly phase-out of a project that will not receive continued support.*

The fact that funds remain at the expiration of the grant is not, in itself, sufficient justification for requesting an extension without additional funds.

Yale, through the Office of Grant and Contract Administration (GCA) is required to notify the sponsor in writing (may be electronic depending on the sponsor) of the extension 10 days before the expiration date of the award. Upon notification, the sponsor will revise the project period ending date and provide an acknowledgment to GCA. In extending the final budget period of the project period through this process, Yale agrees to update all required certifications and assurances, including those pertaining to human subjects and animal welfare, in accordance with applicable regulations and policies. Yale does not have the authority to extend project periods previously extended by a sponsor. Any additional project period extension beyond the one-time extension of up to 12 months requires the prior approval of the sponsor.

As a reminder, effort must remain as originally committed unless prior approval from the sponsor to reduce the effort by 25% or more is granted.

OFFICE OF RESEARCH ADMINISTRATION MISSION STATEMENT

To coordinate the activities of the various University offices providing support to faculty, staff and students on sponsored projects, to assure that service provided by those offices is of the highest caliber and professionalism, and to serve as an effective representative for the research enterprise at Yale University and nationally.