Guidance for Terms and Conditions to be included in Internal Grant Programs

Date: March 2, 2018

Purpose for this Guidance

This Guidance has been established to provide Internal Grant Program\(^1\) directors and administrators at CUNY with standard elements and language to include within the Terms and Conditions documents that accompany each CUNY Internal Grant Award. The aim of this Guidance is to ensure consistency of Award Terms and Conditions as well as consistent treatment of costs across CUNY’s Internal Grant Programs. Ensuring consistency allows for the appropriate level of compliance oversight and monitoring. Internal grant programs are subject to equivalent compliance with applicable federal regulations, state law and ethical standards.

Applicability

Program directors and administrators managing internal grants programs must do so in accordance with any applicable federal, state and local laws, as well as, abide by the terms and conditions specified by the donor or sponsor for their particular program. For that reason, some of the following standard elements and language may not be applicable to every Internal Grant program.

Request for Proposals (“RFP”)

All CUNY Internal Programs should mention in the RFP that there are Terms and Conditions that will apply to the grant funding in the event of an award.

Inclusion of Terms & Conditions in the Internal Grants

When a decision has been made to fund a research proposal, the following award details, and Terms and Conditions should be documented in writing, and accepted by the grantee by signature:

Award Details to be included within each Internal Grant Award document, as applicable:

- Principal Investigator (“PI”) Name, Department and Contact Information.

\(^1\) Internal Grant Programs are programs with a specific aim and/or activity for which CUNY administers a competitive selection process and issues an award letter to the selected candidate/s.
Period of Performance: The Agreement commences on the Start Date and continues until the End Date.

Budget Plan: The budget plan is the financial expression of the project as approved during the award process. The direct costs included in the budget should be readily identified with the project, (e.g., % effort and corresponding salaries for the faculty and staff who conduct the research or the cost of equipment and supplies used in the research) must be considered reasonable, allocable and allowable to be incorporated into a proposal budget. The budget detail should reflect the PI’s best estimate of the actual cost of conducting the scope of the work outlined in the proposal.

Dollar Amount Awarded: A fund account will be opened in the grant amount specified.

Project Description and Purpose: The Award is being made to carry out the project described in the proposal narrative.

Terms & Conditions to be incorporated into the Internal Grant Award document by the Director/Administrator, as applicable:

1. Financial Management:

   Use of Funds: Funds provided under the Agreement may not be used for any purpose other than the Project. These funds may not be used to reimburse any expenses incurred prior to the Start Date.

   Re-budgeting: During the conduct of the project, the PI may decide that budget changes are needed in order to meet the requirements of the project. Flexibility in the budget is permitted in order to meet project requirements. The PI must request prior approval in writing from the CUNY Internal Program for any significant re-budgeting, including:

   o Reduction in Effort devoted to the project by the PI or key person(s) specified in the award notice by 25% or more;
   o Any budget cost category change of more than 25%.

   Return of Funds: Any Grant funds that have not been used for, or committed to, the Project by the End Date will be returned to the Program and applied to another funded project (current or under consideration).
If the CUNY Internal Program is funded by an external entity, i.e. an external sponsor, the Program director and/or administrator should refer to any other guidance provided by the sponsor that may treat unspent funds otherwise, where applicable. It is important to include a detailed description as to how unspent funds will be treated once the work is completed and the grant is ready for close-out.

2. **Financial Oversight and Reporting:**

- **Monitoring:** PI must ensure the project's expenses are as budgeted, complying with requirements regarding reduction in effort and change in status, and seeking prior approval for any significant re-budgeting of committed effort. PI is also responsible for ensuring that the selection of personnel and purchase of equipment and supplies is in accordance with the award budget.

- **Reporting:** At the end of the period of performance, any of the following type of reports may be requested by CUNY Internal Program:
  
  - **Financial Report:** PI is ultimately responsible for the management of the fund and, as such, must ensure all expenses charged are accurate and allowable under the Terms of the Award;
  - **Technical Report:** PI must prepare and submit a final technical report;
  - **Report on Inventions:** PI must adhere to the University’s policies regarding the disclosure of inventions
  - **Final inventory of equipment:** PI must produce a final inventory of equipment purchased, fabricated or furnished using grant funds.

3. **Regulatory & Federal Policy Oversight:**

- Compliance with Federal Regulations and institutional policies: In carrying out the Project, the PI is required to comply with all applicable federal and institutional policies including the use of human subjects, the care and use of animals in research, conflict of interest, export controls and responsible conduct of research.

- **Termination:** CUNY Internal Program may modify, suspend, or discontinue any payment of Funds or terminate this Agreement if: a) CUNY Internal Program is not reasonably satisfied with the progress on the Project; b) there are significant changes to the scope of work or specific aims as described in the proposal narrative; or c) PI fails to comply with this Agreement.
4. Records Retention:

- Record Keeping: PI will maintain adequate accounting and other records related to the project. PI will make the records available to CUNY to conduct an internal monitoring and evaluation on how the Grant Funds have been used.

- Records Retention: PI will ensure that s/he is familiar with the maintenance of important records that document decisions, policies, financial activities and internal controls. Under CUNY’s Records Retention Policy, faculty research records and files maintained separately from faculty personnel records, and which are not the personal property of the researchers, are to be retained by CUNY for 3 years after the research is concluded or otherwise terminated, regardless of whether the research is sponsored by government agencies or other sponsors or is unfunded.

See: Records Retention Policy, ACADEMIC AFFAIRS > 7 [Faculty and faculty-student research records.

5. CUNY Policies:

- CUNY IP Policy: PI will note that, under CUNY’s Intellectual Property Policy, in general, CUNY owns all Intellectual Property, except Copyrightable Works, created or developed by faculty as a direct result of their CUNY duties or related to grants administered by the RF. Intellectual Property includes Tangible Research Property like databases, research notes, and laboratory notebooks. See Articles II, IIIA. and XIII of the IP Policy.

- CUNY Acceptable Use of Computer Resources Policy: PI will note that CUNY’s computer resources are dedicated to the support of the University’s mission of education, research and public service. Researchers are required to comply with Confidential Research Information requirements set forth in section 12 of this policy.

See: Computer Use Policy