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# San José State University Research Foundation



## Project Administration Guide

Version 1.2

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## **About This Guide**

The administration of sponsored projects is a partnership between principal investigators (PIs), the administrators and staff of San José State University, and the San José State University Research Foundation. The Research Foundation has developed this *Project Administration Guide* to provide the information necessary to assist principal investigators, project directors, and administrators in successfully meeting programmatic goals and fulfilling important administrative requirements.

This guide presents an overview of Research Foundation services, outlines general responsibilities, and provides PIs and their staff with useful tools and critical information on how to identify, apply for and receive funds, and how to manage funded projects. Guidelines covering the full range of project activities, including recruitment, hiring, time reporting, procurement, travel, consulting services, and other project needs are also provided. Information in this guide is intended to be clear and concise; however, please feel free to contact your assigned Pre-Award manager and Post-Award analyst with any questions. A complete [staff directory](#) can be found on the *SJSU Research Foundation* website.

This version of the ***Project Administration Guide*** supersedes any and all other previous project administration guides distributed by the San José State University Research Foundation. To preserve the ability to meet its needs under changing conditions, the San José State University Research Foundation may modify, augment, delete, or revoke any and all policies at any time. Such changes shall be in writing and effective immediately upon approval by the executive director.

We welcome any comments you might have to help us improve this guide or the distribution of this information.

## **About the San José State University Research Foundation**

San José State University Research Foundation is one of the oldest of the nonprofit corporations in the California State University system. Incorporated in 1932 as “the San José State College Corporation,” the Research Foundation’s name changed in 1961 to “The San José State College Foundation” and, in 1975, to “The San José State University Foundation.” In February 2007 “Research” was added to the name to underscore the important dimension of faculty scholarship, productivity, and contribution to the university’s teaching mission, and to distinguish the Research Foundation from the [Tower Foundation](#), which focuses on philanthropic aspects, including corporate gift funding, private donations, and bequests.

As a San José State University auxiliary, the Research Foundation is dedicated to assisting SJSU faculty and staff in obtaining research and creative activity support from federal, state, and local funding agencies. The Research Foundation has been designated by San José State University as its sponsored program administrator (SPA), except for those awards where the university’s vice president for Finance and Administration or designee, and the executive director of the Research Foundation or designee mutually agree that the university shall be the SPA. Sponsored programs provide significant benefit to the California State University (CSU) and further its educational mission by facilitating research, workshops, conferences, institutes, and other projects that enrich the scholarly endeavors of the faculty and students, and enhance the services provided by the university to California communities.

The SJSU Research Foundation partners with SJSU faculty and PIs to accomplish their research goals. The Research Foundation team supports faculty through each step in the research proposal process including: identifying sources of funding, planning a project, developing a grant proposal, submitting proposals to sponsoring agencies, and managing business operations once the project is funded. In partnership with the [Office of Research](#), the Research Foundation is also responsible for compliance review of the university’s sponsored projects throughout the entire life cycle of the project. Please refer to the [Partnering with SJSU Faculty](#) flyer for a detailed overview of SJSU Research Foundation services and faculty support. At this time, the Research Foundation is organized into three primary functional groups:

- Office of Sponsored Programs
- Finance and Accounting
- Human Resources

### **Our Mission**

As an integral member of the San José State University community, the Research Foundation provides an entrepreneurial framework through which local, state and federal agencies, businesses, and private foundations engage SJSU faculty and students in sponsored research, public service and community projects, consulting and other specialized educational activities in support of the [university's mission](#). Delivering specialized business services to support a diverse range of externally-funded activities, the San José State University Research Foundation fosters the university's quest for excellence by:

### **Supporting Faculty Success**

- Promoting, developing, and managing sponsored programs involving scholarship (including research related to enhancement of teaching), creative activity, public service, education, and training,
- Supporting the full development of intellectual property by acting as the university's exclusive agent for technology commercialization,
- Developing unique strategies to secure support for interdisciplinary programs related to the role of SJSU as a "metropolitan university."

### **Expanding Student Horizons**

- Developing unique opportunities for student engagement in research activities with faculty mentors,
- Seeking student internships in local business, industry, professional organizations, and public agencies, art museums, historical societies, and other appropriate venues.

### **Delivering Specialized Business Services**

- Seeking opportunities to manage sponsored extramural funding for SJSU and affiliated campus auxiliaries and/or public agencies,
- Administering funds for campus programs,
- Maintaining a diversified investment portfolio using targeted investment advisors.

### **Developing Partnerships with the Community**

- Seeking commercialization opportunities with Silicon Valley industry partners.
- Providing the legal and administrative structures for new ventures with business, industry, and community organizations.

## **Office of Sponsored Programs (OSP)**

The Research Foundation acts as the administrator and fiscal liaison for all externally funded grants, contracts, and special projects. As such, the Research Foundation acts as fiscal sponsor for awards and has responsibility for pre and post award financial administration, including determinations regarding overhead and administrative costs within university policy and practice.

Within the Research Foundation, the [Office of Sponsored Programs](#) provides Pre-Award services, Post-Award services, and Self-Support Program Management services for San José State University's sponsored projects. Pre-Award services include information services, pre-award proposal development and submission services, and proposal processing services. Post-Award services include grant and contract management and project administration services. Self-Support Program Management services include oversight of education-related activities that are non-state-funded and are directed by SJSU faculty, administrators, or senior foundation managers.

### **Pre-Award Services**

The three Pre-Award areas within OSP area are [Information Services](#), [Proposal Development and Submission Services](#), and Proposal Processing Services.

#### **Information Services**

The Information Services team is responsible for the overall communication of OSP related information including grant search resources, program guidelines, grant application materials, proposal and awards statistics, sponsoring agency updates, and changing trends in research. The Information Services team:

- Identifies funding sources and opportunities to support faculty in their research endeavors
- Manages the faculty keyword database the funding alert system, and other funding search tools
- Compiles and distributes funding alerts, and other special reports as requested
- Updates and maintains OSP web pages, forms, and other documents
- Coordinates monthly grant-related workshops and periodic webinars
- Develops and distributes the monthly [SJSU Research Foundation OSP Bulletin](#).

#### **Proposal Development and Submission Services**

Following the research consultation with the college dean and department chair, the initial contacts for proposal development are the Pre-Award managers who work with principal investigators and project teams by providing assistance with contract and grant activities such as:

- Interpreting sponsors guidelines
- Providing a quality review of required proposal documents
- Developing and ensuring accurate project budgets according to sponsors guidelines
- Initiating and facilitating on-campus routing for review and approval

- Ensuring that proposals are submitted in accordance with institutional, sponsor, and governmental guidelines
- Negotiating awards and contracts

### **Proposal Processing Services**

The Proposal Processing Team supports the OSP managers and faculty by:

- Facilitating and coordinating proposal routing activities
- Maintaining pending proposal files
- Assisting in the submission of proposals to sponsors via online systems, U.S. Postal Service, courier mail service, or direct delivery.

### **Post-Award—Grants and Contract Management and Project Administration Services**

After principal investigators have been awarded a grant or contract (post-award), they are assigned to sponsored programs analysts who will assist them in [managing the administrative and financial details](#) of their projects. The assignments are made at the beginning of a project or when an account is established. Typically, one analyst will manage all of the funds associated with a particular principal investigator. Should more than one analyst be involved (for example, when the principal investigator has two different types of accounts such as sponsored programs or self supported accounts) both analysts will work closely to ensure the principal investigator has an overall picture of all available financial resources.

#### **Upon receipt of an award, the sponsored programs analyst does the following:**

- Acts as a primary point of administrative contact for the sponsoring agency
- Establishes a project account and monitors those funds
- Informs and instructs the PI of sponsor's regulations and reporting requirements for each award
- Forwards all official correspondence such as progress or technical reports, requests for budget revisions or requests for time extensions to the sponsoring agency
- Monitors expenditures to ensure compliance with sponsor, university, and Research Foundation policies and procedures
- Retains all records (including reports) three years past the final report submission date in accordance with OMB guidelines and the SJSU Research Foundation *Record Retention Policy*

### **Self-Support Program Management Services**

[Self-Support programs](#), formerly referred to as "campus programs," include a broad range of education-related activities that are non-state-funded and are directed by SJSU faculty, administrators or **Research Foundation management**. These programs enhance SJSU's educational mission, and enrich the university's learning environment. The programs are typically underwritten by user and services fees or by the SJSU Research Foundation.

**The Self-Support Programs Team:**

- Provides financial oversight and management of non-state funded activities underwritten by user or service fees or by the SJSU Research Foundation.
- Sets up the appropriate 30 and 50 series accounts.
- Monitors funds and transactions to ensure that the project is in compliance with required policies.
- Advises principal investigators, staff and administrators on policies and procedures.
- Serves as liaison between principal investigator and other departments (such as HR, Payroll, and Accounting) on transactions.
- Closes out accounts.

Contact information for OSP staff is listed on the *SJSU Research Foundation* website under [OSP Contacts](#).

## **Who Can Apply for Funding?**

The principal investigator of a funding application must be a faculty member with a tenure-track appointment who holds the rank of professor, associate professor or assistant professor. As set forth in [SJSU Academic Senate Policy S94-8](#), persons with appointments carrying other instructional titles, including those in a visiting or adjunct grade, may act as co-principal investigators. However, persons with other instructional titles may not serve as the sole principal investigator without the special recommendation of the department chair, college dean, and approval by the associate vice president (AVP) for Research. All prospective principal investigators are advised to check with his or her department and college to ensure that he or she meets specific eligibility requirements.

## **How to Get Started**

As soon as you have a research idea or concept, contact your college dean and department chair to let them know that you intend to seek external funding for your project. Also contact OSP Information Services for assistance with funding search tools and information about grant opportunity resources, as well as your assigned Pre-Award manager for information about the proposal development process and submission requirements. An OSP staff directory can be found on the *SJSU Research Foundation* website under [OSP Contacts](#).

In addition to information about funding search tools, grant opportunities and proposal development and submission services, the [Office of Sponsored Programs](#) section of the *SJSU Research Foundation* website provides information about proposal processing services, grant and contract management and project administration services, and self-support program management services. The various phases of project development, submission, and management along with the associated tasks are outlined in the [Life Cycle of a Sponsored Project](#) document. Grant writing guidelines, helpful tips, forms, policies, and procedures are also accessible from the OSP web page.

### **When to Get Started – Project Deadlines**

Allowing sufficient time in the proposal process is critical. In addition to the funding agency's deadline, which is absolute, all funding applications must go through a number of on-campus institutional reviews before receiving final authorization for submission to the targeted funding agency.

The on-campus institutional review (routing) of the proposal should begin no later than seven days prior to the sponsor's mandated proposal submission deadline. Please note that the colleges may require additional time for review. Remember to check with your college for internal routing requirements. To allow routing to begin on schedule, plan to work with your sponsored programs manager **at least eight to ten (8-10) working days** prior to the sponsor's submission deadline, to finalize your project budget and to submit a completed narrative that addresses all elements of the proposed scope including all attachments and specific details such as cost share or use of required facilities.

The final completed proposal package must be submitted to the Office of Sponsored Programs at least **three working days** before the sponsor's mandated proposal submission deadline. The completed proposal package will be submitted to the sponsor **two working days** before the sponsor's mandated proposal submission deadline.

### **Institutional On-Campus Review and Authorization Required to Submit Proposals**

The Sponsored Programs **Proposal Routing and Approval Form** is used to obtain signatures necessary for final authorization and to certify adherence to compliance. Each proposal for funding must be reviewed and signed by all of the following signatories either by using the Cayuse Routing System or the routing form (if the principal investigator is not yet using Cayuse). For proposals that involved more than one department or college, appropriate signatures from all academic units must be obtained prior to submitting a proposal.

- Principal Investigator(s)
- Department Chair
- College Dean
- OSP Manager, SJSU Research Foundation
- OSP Senior Director, SJSU Research Foundation
- Campus Chief Financial Officer/Vice President of Administration and Finance
- Associate Vice President of Research (president's designee)

The [Proposal Routing and Approval Form \(PRAF\)](#) summarizes important information such as the project abstract, budget, the authorization to use animal or human subjects from the appropriate review boards—[Institutional Animal Care & Use Committee \(IACUC\)](#) or the [Institutional Review Board \(IRB\)](#), and the use of hazardous materials or recombinant DNA. The PRAF is available in Adobe Acrobat portable document format and can be accessed from the **Forms** page on the *SJSU Research Foundation* website. For more information about the use of animal or human subjects or any other research related policies, please refer to the **Academic Senate and SJSU Policies Related to Research** section in this guide.

### **Principal Investigator**

In accordance with CSU Executive Order 890, the principal investigator (“PI”) is the lead scientist or researcher on a project is directly responsible for the day-to-day management of research activities, for meeting established timelines, completing the project, and for providing reports and other deliverables to the sponsor as required. Ultimately the PI is responsible for ensuring compliance with all academic, scientific, financial, technical and administrative aspects of the sponsored program.

When more than one researcher is named on a research project, the lead researcher is the designated principal investigator; other researchers are designated as co-principal investigators. In the eyes of the funding agency, the PI is primarily responsible for the overall conduct of the project. Several agencies use the terms PI and PD (project director) interchangeably. The Research Foundation uses the term “PI,” consistently.

### **Responsibilities of the Principal Investigator**

The principal investigator is responsible for the following:

#### **Pre-Award Phase**

- Understanding and adhering to the Research Foundation submission deadline
- Contacting and engaging the deans and chairs research administrators in their colleges and departments as early in the process as possible
- Contacting the Research Foundation as early in the process as possible
- Understanding the sponsor’s solicitation for the grant of interest, and including the information for all sections of the proposal as defined in the requirements
- Ensuring that all the information in the proposal is presented in a manner that is complete, accurate, and developed according to the practices commonly accepted within the scientific community

#### **Post Award Phase**

- Ensuring that all required university forms and certifications are completed in a timely manner
- Conducting the work on the project according to research protocol or the statement of work that was submitted with the original proposal or as subsequently modified by the sponsor in agreement with the principal investigator and the university
- Ensuring that all work meets the highest ethical standards and is conducted without real or apparent conflicts of interest
- Ensuring that all work performed is conducted in compliance with applicable federal, state, and local laws and with CSU, SJSU, and Research Foundation policies
- Submitting reports on the research in a timely manner and according to the sponsor's requirements
- Abiding by the terms and conditions of the sponsored project award

- Managing project personnel in compliance with federal and state laws and Research Foundation policy
- Ensuring that all expenditures are made in compliance with the approved budget, and ensuring timely submission of expenses for reimbursements, appointment forms, and timesheets, taking into account all restrictions to avoid disallowances or overspending

**Partnering with the Office of Research for Compliance Review**

Compliance with federal assurances is extremely important for PIs, especially regulations relating to the following:

▪ Protection of Human Subjects	▪ Nepotism
▪ Care and Use of Animals	▪ Additional Employment
▪ Conflict Of Interest	▪ Time and Effort Reporting
▪ Scientific Misconduct	▪ General Provisions under Uniform Guidance
▪ Export Control	▪ Other Responsible Conduct of Research Requirements
▪ Intellectual Property	

Please also refer to [CSU, SJSU, and Research Foundation policies](#) related to research on the *Research Foundation* website for more information on compliance.

## Account Definitions

### Sponsored Program Accounts

The following elements determine whether external funding falls within the definition of a sponsored program.

#### **Commitment from an External Sponsor**

A written commitment from the sponsor that follows receipt and acceptance of a proposal must be in place. The commitment may take various forms such as a grant agreement, contract, purchase order, or a letter of award. All federal funds, including funds passing through other sponsors, must be administered as sponsored programs. Funds may also come from state or local government, business and industry, or not-for-profit organizations, including associations, foundations, and other universities.

Under no circumstances may project work proceed without a formal commitment in writing from an external sponsor. Under certain circumstances the project may proceed when a pre-award spending agreement between the SJSU Research Foundation and the academic unit (department and college) have been established.

#### **Project-Specific Activities and Use of Funds**

A sponsored program consists of funded projects covering a range of project-specific activities as defined by the sponsoring agency. The overall indicator that an activity is a sponsored project is that the sponsor provides support for a specific activity, and the activity delivers something back to the sponsor. This indicator along with restrictions on the use of funds awarded by the sponsor will trigger the creation of a sponsored programs account.

#### **Faculty or Staff Leadership**

Each program involves a faculty or staff member qualified to serve as a principal investigator or co-principal investigator who provides leadership in determining, proposing, and completing the activities of the project.

#### **Audits**

The terms and conditions of any award documents must be reviewed before acceptance and must comply with the university and sponsor's policies and regulations, and applicable law. Sponsors have the authority to conduct reviews and audits of programs for fiscal and programmatic compliance. The Research Foundation is also required to undergo the Single Audit (formerly the A-133 audit) annually, and the CSU Chancellor's Office audit every three years.

#### **Work Products - Final Reports, Products or Other Deliverables**

Work products at the conclusion of a sponsored program usually include one or more deliverables. Deliverables may include anything to which both parties have agreed in advance. Some deliverables may be specific, while others may be more general. Deliverables may take the form of tangible products, written progress reports, or financial reports.

The following are examples of required deliverables:

▪ Videos, DVDs	▪ Works of Art
▪ Software	▪ Sample Analysis Data
▪ Material Formulations	▪ DNA Sequences
▪ Curricular Materials	▪ Workshops and Seminars
▪ Reports of Results or Surveys	▪ Documentation of Completed Instructional or Service Commitments
▪ Manuscripts	

Deliverables such as these and other forms of intellectual property may be subject to patent, copyright, or other statutory protection, and are subject to the guidelines defined in the *Intellectual and Creative Property Policy*—SJSU Academic Senate Policy F98-3. For specific details regarding any contract or grant that provides for ownership or license of work product or sponsored program records to any person or entity other than the university, please refer to [SJSU Academic Senate Policy F98-3](#).

### **Period of Performance**

Each program or contract has its own longevity, with specific starting and ending dates. It is critically important to note that work may not proceed prior to a starting date or go beyond an ending date without the specific authority established via a pre-award spending agreement or a no-cost extension. Such authority rests entirely between the SJSU Research Foundation, external sponsor and academic unit (department chair and college dean).

## New Accounts

### Self-Support Accounts

The first step in establishing a new account for a Self-Support project requires a meeting between the principal investigator and the self-support program analyst to discuss the project purpose, goals and the proposed revenue sources and uses. The PI will then complete and submit a [Request/Agreement for Self-Support Project Account](#).

The completed form will be reviewed and approved internally by the senior director of Office of Sponsored Programs and the SJSU AVP of Finance for compliance with CSU, SJSU, and SJSU Research Foundation policies regarding self-support activities.

Upon receipt of the fully signed **Request/Agreement Self-Support Project Account form** the self-support program analyst will initiate opening the account including assignment of an account number and contact the PI with the information. The self-support program analyst will be the point of contact to administer the activities of the account.

### Endowment Accounts, Scholarships, and Donations

Donors who wish to establish endowment accounts or scholarships or make any type of donation to support the university should contact University Advancement, directly. University Advancement and the Tower Foundation are responsible for accepting and processing all such gifts.

### Project Account Structure

All accounts within the Research Foundation contain ten digits (xx-xxxx-xxxx).

- The first two digits represent a specific accounting fund.
- The second set of digits identifies the academic department with which the account is associated.
- The third set of digits is randomly assigned to distinguish one account from another.

The table below shows account prefixes and types. All project account numbers will begin with one of the following fund numbers assigned by the Research Foundation:

Account Prefix	Grantor Type
21	Federal Funds
22	State of California Funds
23	Private Foundation Funds
24	Private Industry Funds
25	Other Government Funds
26	Cost-Share Funds

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<b>Account Prefix</b>	<b>Grantor Type</b>
34	Self-Support Funds – General
35	Self-Support Funds – Sponsored Programs-Related
37	Self-Support Funds – Agency-Related
51	Board-Designated Funds – F&A Deans and Chairs
53	Board-Designated Funds – F&A Principal Investigators
55	Board-Designated Funds – Other Programs

## Project Budgets

### Direct Costs

A direct cost is a cost that can be identified with a specific sponsored project or that can be directly assigned to project activities relatively easily and with a high degree of accuracy. Examples of direct costs include salaries of technical staff, fringe benefits, equipment, travel, participant costs, supplies and services, subcontracts, telecommunications, publication costs, animals, and animal care costs.

### Facilities and Administrative Costs

Facilities and Administrative (“F&A”) costs (also referred to as indirect costs or overhead) constitute reimbursements paid by sponsors to the institution to support general operating expenses and costs incurred by both San José State University and the Research Foundation in support of sponsored programs that are not readily associated with a single project, account, or transaction. F&A rates for educational institutions are reviewed and approved by the U.S. Department of Health and Human Services (DHHS) every four to five years.

#### Examples of F&A costs include:

- Depreciation and interest cost associated with the university’s physical plant
- Operating and maintenance costs such as utility costs, security costs, and custodial costs
- Common administrative functions such as payroll and purchasing

F&A costs include expenses related to campus research and other facilities, equipment depreciation, utilities, or libraries that are reimbursed annually to the university. F&A costs also include general administrative services such as campus and department administration, proposal and contract management, financial accounting, payroll, procurement, human resource administration, legal, and other operating expenses associated with the management of externally-funded sponsored research, training, and education-related projects managed by SJSU faculty or academic units.

For additional information about facilities and administrative costs visit the [Facilities and Administrative Costs FAQs](#) web page on the *SJSU Research Foundation* website.

### Monthly Account Status Reports

After the close of each month, the Research Foundation prepares and provides a financial report to principal investigators for their account(s). The report is processed and printed during the first week of the month and reflects transaction details of the previous month. Principal investigators can expect to receive the report via intercampus or electronic mail during the second week of the month. Principal investigators may also access reports directly through the [Bi-Tech system](#). The report has three sections:

- Cumulative summary of the account,
- Transaction details for the month, and
- Outstanding encumbrances.

The **cumulative summary** of the account provides the budget, current month’s expenses, cumulative expenses, outstanding commitments, and available balance.

The **transaction detail** page provides the transaction dates, references, descriptions, and amounts of all transactions that occurred during the previous month.

The **outstanding encumbrance** page provides detailed information about encumbered purchase orders.

If a principal investigator finds an error, has a question about any transaction or notices that something is missing, he or she can contact the appropriate individual at the Research Foundation, listed below. If the Research Foundation staff is made aware of the needed corrections before the last week of the month, the correction will be made in the current month's report.

- 21-26 accounts                                      Sponsored Programs Analyst(s)
- 34, 35, 37, 51, 53, 55 accounts              Lead Enterprise Programs Analyst

Contact information for OSP analysts is available on the [OSP Contacts](#) web page.

### **Expending Project Budgets**

All project expenditures must adhere to the principles of allowability, allocability, reasonableness, consistency, and availability as prescribed in the Federal Uniform Guidance **2 CFR-200**. To view this information, visit the [Electronic Code of Federal Regulations](#) web page on the *U.S. Government Publishing Office* website:

#### **Allowability**

An **allowable** cost is one that complies with the requirements of the funding agency based on a determination of whether or not costs can be charged to a sponsored project as direct or F&A costs. For example, the federal government will not reimburse a sponsored project for entertainment costs or alcohol; therefore, such costs are unallowable.

#### **Allocability**

A cost is **allocable** to a particular sponsored project, if the goods or services involved are chargeable or assignable in accordance with relative benefits received or other equitable relationship. An allocable cost means the cost has been incurred to support that project and is consistent with the scope of work contained in the proposal and resulting award. For example, you have a research grant from the National Science Foundation to study changing climate patterns. The project includes participating in a conference in Seattle. A graduate student in your lab has been invited to present a paper at this conference. The **allocability cost principle** stipulates that any expense paid by a project must benefit that project. This particular conference focuses on the *El Nino* effect on global climate. Your student will present his or her paper and interact with colleagues from other academic institutions. The trip will benefit the project, and the travel costs are therefore **allocable** to the project.

#### **Reasonableness**

All costs must be evaluated for **reasonableness**. A cost is reasonable if the nature of the goods or services acquired or applied, and the amount involved therefore, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. In addition to considering whether or not the cost is necessary for the performance

of the project, the nature and level of costs of the goods or services purchased should be consistent with criteria that establish common business sense.

### **Consistency**

A cost is considered to be treated consistently when the expense is treated as either a direct or F&A cost under like circumstances.

### **Availability**

Availability means that funds are available prior to incurrence and expenditure. When uncertainty exists regarding specific expenses, Principal investigators are encouraged to contact their assigned sponsored programs analyst before making any commitment to funding or actual expenditures.

Purchase requisitions or other instruments of project spending such as effort reports and personnel time certifications must be signed by the individual who has signature authority for a particular project account. This is typically, the PI who is responsible for complying with the financial and administrative policies and procedures of each award. Signature authority may not be assigned to project staff unless a staff member occupies a managerial position within the administration of the project. In that case, a written request from the PI to assign alternative signature authority will be considered by the Research Foundation on a case-by-case basis.

Transactions that would result in payments made directly to a PI must be signed by a person considered to hold a supervisory capacity to the PI, such as the department chair or dean. In cases where the requisition is for payment of funds to the authorized account signer and payment of funds is from a sponsored program account, the chair, dean, or their designee shall have the authority to approve expenses. This is commonly referred to as a “one-up” signature and is applicable to any kind of transaction that would result in payments made directly to the PI such as transactions that involve purchase requisitions, travel reimbursements, appointment forms, or timesheets.

### **Reclassification of Charges/Cost Transfer**

Cost transfers and journal vouchers are transactions that move previously recorded expenditures from one Research Foundation account to another or between line items within an account and within 90 days of the stated transaction date. Some examples are:

- Correction of clerical or input error
- Routine allocations of shared services

### **Documentation**

In compliance with the cost allowability and allocability requirements of OMB Circular A-21 and 2 CFR-200, it is important to obtain a full explanation and justification that addresses why the cost transfer is necessary. That explanation should address the following questions:

- Why the expense was originally charged to the fund from which it is now being transferred?
- Why should the expense be transferred to the proposed fund?
- If the transfer being requested is more than 90 days after the expense was initially charged, what is the reason for the delay?

Typically, cost transfer requests more than 60-90 days after the end date of the federal funding shall be considered unallowable, particularly when the final invoice or final fiscal report was already submitted to the sponsor. Extenuating circumstances will be reviewed on a case-by-case basis by the Research Foundation and must be clearly and substantially documented.

**Journal Vouchers (JV):** The journal voucher submitted to the Research Foundation must include the following:

- A written request and justification for the cost transfer from the PI
- Back-up documentation, such as expenditure transaction reports showing the original charge to the fund and later transfer to the other

**Preparation and Approvals:** The journal voucher will be prepared by the OSP analyst and then forwarded to Research Foundation Finance and Accounting for approval and posting.

### **Budget Revisions**

Most sponsor agencies make provisions for reasonable budget revisions that are not subject to prior approval from the sponsoring agency. Many budget changes, however, do require prior approval. It is critical that the PI work closely with the sponsored programs analyst to determine budget flexibility before incurring expenses that differ from the proposed and sponsor approved budget.

All changes to a sponsor approved budget must be approved by the Research Foundation and also by the sponsoring agency when required. Budget revisions and no cost extensions may also require approval from the academic unit.

### **Effort Reporting**

Educational institutions conducting research, instruction, and/or other sponsored work under grants, contracts, and other agreements with the Federal government are required to comply with the costing principles described in **Code of Federal Regulations (2 CFR 200.430)** describes the principles, criteria, and examples of how employee compensation for personal services rendered under sponsored agreements should be charged and subsequently documented.

To charge efforts to projects, timecards must be prepared and must accurately reflect time spent on the project. Effort reporting is required to verify, via certification by the individual performing the work, that the effort distribution in the HR/Payroll system is a reasonable reflection of how the individual's effort was actually performed on the federally funded project. If there is any discrepancy between the charge and the actual effort, charges previously made to the project must be corrected. The report reflects activity applicable to each sponsored agreement, general operations, and other indirect activities including academic units. The total equals to 100%.

### **Effort Reporting Process**

The effort reporting process includes the following components:

#### **A. Time and Effort Certification**

- **Faculty/university employees** certify time and effort following each period on the San José State University academic calendar as follows:

- - Fall semester,  
- Spring semester,  
- Summer intersession.
- **Salaried and hourly employees/staff** certify their effort each pay period via timesheets prior to receiving payment for the work performed.
- **Costs share labor** should be included in the Time and Effort report.

**B. Preparation**

The Time and Effort Report includes the percentage of direct pay, reimbursed time, university assigned time, and cost share if applicable. The Time and Effort Report is prepared manually by analyzing and compiling data from the following sources:

- **Direct Pay** – Foundation payroll salary report and timesheets are used.
- **Reimburse Time** – General Ledger (GL) expense report and reimburse time logs that record and track all faculty release time by semester are used.
- **University Faculty Salary Schedule** – lists the percentage of assignment for the faculty that is used.
- **Cost Share Report** – if applicable.

**C. Distribution**

At the end of each period of the academic calendar, the sponsored programs analyst prepares Time and Effort Reports for all individuals who are required to certify time and effort at the Research Foundation. The following table provides the estimated distribution schedule for each certification period.

<b>Time &amp; Effort Period</b>	<b>Period Ending Date</b>	<b>Distribution Time *</b>	<b>Collection Time **</b>
Fall Semester	End of December	Early – Mid February	End March
Spring Semester (including Winter Session)	End of May	Mid – End of July	End of August
Summer Session	Late August (based on academic calendar)	Mid – End of Sept	End of October

\* Time and Effort Reports should be distributed approximately 45 days following each period.

\*\* Time and Effort Reports should be collected within 30-45 days following distribution.

**D. Sponsored Programs Analyst does the following:**

- Prepares and distributes all Time and Effort Report forms to faculty who worked and received compensation from the Federal funding source.
- Contacts faculty to follow up with Time and Effort Report forms that are not returned in a timely manner.

- Reviews Time and Effort Report forms when received from the faculty for signature accuracy and identifies any necessary follow up.
- Files the completed Time and Effort Report form in each account award folder, under the Time and Effort section.

**E. Employee does the following:**

- Certifies that the distribution of effort indicated is a reasonable estimate of all work performed during the period covered by the report.

## **Project Deliverables**

### **Progress and Technical Reports**

The PI is responsible for the preparation of any progress or technical reports required by the sponsoring agency. These reports must be submitted by the sponsor's required deadlines. Failure to submit reports in a timely manner may jeopardize future funding or payment of invoices by the sponsoring agency for future SJSU sponsored projects, including the projects of other PIs. A copy of the report may be sent to the Research Foundation for submission to the sponsor. The PI may submit the report directly, but must provide a copy of the report along with the transmittal letter to the Research Foundation to establish an official record of compliance.

### **Financial Reports**

The Research Foundation sponsored programs analysts prepare all interim and final financial reports required by the sponsors. Most sponsors require a final financial report 60-90 days after the project termination date. Therefore, it is critical that PIs submit all final expenditures to the sponsored programs analyst within 30 days of the project end date to ensure that all costs are reimbursed and that financial reports are accurate.

### **Tasks, Milestones, or Specific Deliverables**

Some projects, usually those governed by a contract rather than a grant, require the completion of tasks, milestones or specific deliverables, such as a report or product. The completion of tasks, milestones, and specific deliverables must be evidenced by a report or a copy of the deliverable itself, if appropriate, to the Research Foundation to establish an official record of compliance.

## **Purchasing**

[SJSU Research Foundation Purchasing](#) works with projects and departments on procuring goods and services in accordance with Research Foundation Purchasing's policies, state, federal, and sponsoring agencies' guidelines, and good business practices. The Research Foundation *Purchasing Policy* provides guidelines and a process to procure supplies, equipment, and services in a manner that is expeditious and in accordance with the policies of the State Administrative Manual, the Education Code (Title 5) and all other applicable federal, state, and independent contract rules and regulations. Research Foundation Purchasing currently complies with OMB A-110 and A-21 regulations. The new Uniform Guidance regulations will be adopted by July 1, 2017.

### **The Mission of Research Foundation Purchasing is to:**

- Provide quality service,
- Maintain satisfactory relations with external suppliers,
- Maintain satisfactory relations with SJSU faculty, administrator, and project directors, and
- Comply with the National Association of Educational Procurement (NAEP) Code of Ethics.

### **The Research Foundation's Standard Operating Purchasing Procedures are Designed to:**

- Provide faculty, staff and students with needed supplies, equipment and services,
- Establish a cost-effective procurement process,
- Offer fair and competitive bidding,
- Provide quality service to Research Foundation users, and
- Support the SJSU educational mission.

### **Code of Ethics**

- Give first consideration to the objectives and policies of San José State University and the Research Foundation.
- Obtain the maximum value for each dollar expended.
- Demand honesty in sales representation whether offered through oral or written statements, advertising, or product samples.
- Grant all competitive bidders equal consideration and regard each transaction on its own merit.
- Decline personal gifts or gratuities.
- Accord a prompt and courteous reception to all who call on legitimate business missions.

- Use only by consent, original ideas and designs devised by one vendor for competitive purchasing purposes.
- The purchasing power of the Research Foundation shall not be used for personal acquisitions for faculty, staff or students.

### **Principal Investigator's Purchasing Responsibilities**

The Research Foundation's function as a purchasing agent is delegated to individual projects. Any individual acting as a purchasing agent must at all times adhere to the Research Foundation's *Purchasing Policy* and Code of Ethics, and ensure integrity in the purchasing practices of the organization. The purchasing agent assists in the selection and purchasing of goods and services by gathering and screening information about products, prices, and supplies, and then solicits bids from vendors. Each principal investigator acts as the purchasing agent for his or her project, and shall work with Research Foundation Central Office Purchasing to obtain a purchase order when necessary. Refer to the Purchase Order Guidelines section below for additional details.

### **Purchase Order Guidelines**

A purchase order is a document generated by Research Foundation Central Office Purchasing that authorizes a purchase transaction. When accepted by the vendor (seller), the purchase order becomes a contract binding on both the vendor and the Research Foundation. **Research Foundation Central Office Purchasing has sole authority to issue purchase orders.** Although the principal investigator functions as the purchasing agent for his or her project, the principal investigator must **not** under any circumstances issue his or her own purchase orders. Anyone entering into a purchase of goods and services without proper authority is unnecessarily exposing the Research Foundation to risk and assumes the risk of being held personally responsible for any and all charges.

### **Vendor Selection**

Vendor selection should be made from companies that do NOT provide an economic interest to Research Foundation employees or project staff. This policy ensures that integrity is maintained in all purchasing transactions. Please note that Research Foundation vendors must not appear on the [U.S. Government debarment list](#).

### **Bidding**

It is the policy of the Research Foundation to obtain at least three competitive quotations for the purchase of equipment with a "per unit" cost of \$5,000.00 (Five Thousand Dollars) or more for use in sponsored programs. The Research Foundation requires at least three competitive bids for equipment having a "per unit" cost of \$10,000 (Ten Thousand Dollars) or more for use in non-sponsored programs. Equipment, as defined in the [Property Accounting Policies and Procedures Manual](#), is tangible personal property (including information technology systems) that meets the following requirements:

- The per unit acquisition cost is at least \$5,000.00. Cost includes the purchase price plus all expenses to acquire, install, and prepare equipment for its intended use. For example, four items at \$2,000.00 each, for a total of \$8,000, would not meet the minimum cost requirement unless the four items were components of a piece of equipment and the total combined value of the equipment and components equaled at least \$5,000.00.

- The item must be used to conduct Research Foundation business.
- The item's normal useful life is more than one year.

The project or department is responsible for acquiring the required three bids, which are to be submitted for processing with the requisition form. Required bidding may be circumvented with a justifiable sole source or unique statement, as defined in the Sole and Unique Source section of this guide.

### **Sole Source Procurement**

Sole source procurement may occur under the following conditions:

- When an item must match existing equipment to maintain standardization or when continuity of service is required and the item cannot be obtained from other manufacturers that produce like-products, or
- When the item or service requested is unique or has unique features that make it the only one that will meet the requirements.

Requests for the purchase of sole source equipment shall be justified in writing. The [Sole Source Brand Name Justification form](#) is available on the *Research Foundation* website on the [Forms](#) web page listed under Accounts Payable. The justification must discuss features that are essential for the item's intended use and explain why the item cannot be obtained from other manufacturers that produce like-products. Exterior size will only be used as criteria if there is a limitation on available space. A preference for one vendor product or service does not render it a sole source. For equipment purchases of \$5,000.00 or more for use in sponsored programs, or for purchases of \$10,000 or more for use in non-sponsored programs, a sole source justification must be attached to the requisition form when three bids are not applicable.

### **Purchase Order Procedure**

A purchase order sets forth the descriptions, quantities, prices, discounts, payment terms, date of performance or shipment, other associated terms and conditions, and identifies a specific vendor. The steps for requesting a Research Foundation purchase order are below.

1. Complete and sign a [Purchase Requisition Form](#). Requisition forms are available in portable document format on the Research Foundation [Forms](#) web page listed under Accounts Payable.
2. Attach the quote from the vendor and any other supporting documentation to the form.
3. Forward the signed and completed form to the Research Foundation at ext. zip 0139. For rush orders please scan and email the form and supporting documentation to your sponsored programs/self-support analyst indicating it is a "rush" order for immediate processing and send the originals to ext. zip 0139.
4. The sponsored programs/self-support analyst will review and forward to purchasing.
5. Purchasing will review and issue a purchase order.
6. Purchasing will then place the order by sending the purchase order to the vendor.
7. After the vendor receives the purchase order the product is shipped.

8. The vendor then sends an invoice to Research Foundation Accounts Payable requesting payment.
9. The Accounts Payable department will then contact the requestor (PI or project staff) to confirm that the product was received.
10. After the requestor confirms that the product was received a payment will be sent to the vendor by the invoice due date and charged to the account specified on the purchase requisition form.

### **Hazardous and Toxic Substances**

Hazardous and toxic substances, as defined by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), are chemicals present in the workplace that are capable of causing harm. Those chemicals include dusts, mixtures, and common materials such as paints, fuels, and solvents. OSHA currently regulates exposure to approximately 400 substances. The OSHA Chemical Sampling Information file contains listings for approximately 1,500 substances. To view the list, visit the [Department of Industrial Relations](#) web page.

The Research Foundation will provide a copy of requisitions and the purchase orders for the purchase of hazardous substances included in the above-mentioned list to the San José State University Environmental Health & Occupation Safety department.

Research Foundation Purchasing shall maintain a Material Safety Data Sheets (MSDS) log and copies of all such logs. The Research Foundation will provide a copy of the MSDS to the department that purchased the materials and to the university's Environmental Health & Occupation Safety department.

### **Purchase of Radioactive Materials**

All requisitions for the purchase of radioactive materials and radiation devices must be approved by the SJSU radiation safety officer before submitting the purchase order requisition to the Research Foundation. Items purchased will be screened and handled as radioactive material if they contain radiation keywords.

## **Accounts Payable**

The SJSU Research Foundation will maintain and implement accounts payable policies and procedures designed to provide accurate and timely disbursement of project funds. All expenditures must conform to CSU control procedures set forth in the [CSU Auxiliary Organizations Compliance Guide](#) under “Expenditure of Auxiliary Organization Funds.”

### **Review of Requests to Disburse Funds**

The [Research Foundation’s Accounts Payable department](#) is responsible for reviewing and verifying expenses and ensuring that receipts accurately reflect reasonable business expenses. The department further ensures that expenses adhere to the guidelines set forth in the *Accounts Payable Policy* regardless of the source of funding.

### **Requisition for Disbursement of Funds**

Requests for disbursement of funds must be submitted to the Research Foundation on a requisition form. The requisition form must be signed by the project’s authorized account signer. In instances where the requisition is for reimbursement to the PI for costs such as supplies, travel, etc. the chair, dean, or their designee shall have the authority to approve expenses. This is commonly referred to as a “one-up” signature and is applicable to any kind of such payments made directly to the PI.

By signing the requisition form the signer certifies that:

- The expenditure is appropriate to the account,
- The expenditure is in compliance with the university’s educational mission and the Research Foundation’s policies and procedures,
- The expenditure is within the restrictions imposed by the source of funding, and
- No other source or reimbursement will be claimed.

Instructions on the requisition form guide users in determining whether an expenditure falls within the SJSU educational mission. The bottom portion of the requisition form is completed by the authorized signer if there is any doubt whether the expenditure supports the SJSU mission.

### **Sales and Use Tax**

Sales tax is imposed on the retailer by the State Board of Equalization for the privilege of selling tangible personal property at retail. This tax applies to purchases made in the State of California. Use tax applies to sales made by an out-of-state vendor to a California consumer by the State Board of Equalization.

If a vendor does not charge sales tax or charges incorrect sales tax on the invoice, the Research Foundation will adjust the amount on the invoice and pay the sales tax either to the vendor if located in California or to the appropriate state for out-of-state vendors. The additional sales tax will appear on the project's monthly Account Status Report detail. Questions regarding sales tax should be directed to the Accounts Payable department.

### **Exemptions from Sales and Use Tax**

The U.S. Government and U.S. Government agencies are exempt from sales and use tax. Purchases made by federal government projects where the title of such purchases is held by the U.S. Government are exempt from sales tax.

### **Checks**

Research Foundation Accounts Payable checks are generated every Tuesday and Thursday and are ready for release on Wednesday and Friday afternoons, respectively. This schedule may be adjusted due to month or year-end processing and holidays. Completed paperwork must be received five to seven working days prior to the day checks are to be issued.

#### **Check Distribution**

The requisition form gives the user several routing options. Checks that have been designated as "hold for pick up" must have a contact phone number and will be available for pick up from the Research Foundation's front desk. The front desk will contact the department when the check is ready for pick up. If the requisition is not specifically marked with distribution instructions, it will be mailed.

#### **Voided Checks**

A check that is incorrectly written or is not needed should be returned to the Research Foundation Accounts Payable department promptly with a note explaining why the check is not needed. The word "void" should be written on the check and the signature cut out for security. The check will be voided and credit given to the project account.

Notify Accounts Payable if the voided check must be reissued. If the check must be reissued for a different amount an authorized signature is required on the notification. If a check to a different vendor is required another requisition with authorized signature and proper documentation must be submitted.

#### **Lost or Stolen Checks**

The Research Foundation Accounts Payable department must be notified immediately by email when a check is lost or stolen. The Account Payable department will require information, such as check date, amount, and vendor name. The Research Foundation will place a stop payment with the bank for the lost or stolen check. A new check will be issued after verification of the stop payment is received from the bank.

## **Travel**

Travel on behalf of the Research Foundation must be conducted in a manner that is necessary, ordinary, reasonable, and not extravagant. The Research Foundation shall reimburse individuals for travel expenses incurred for properly authorized, official Research Foundation business in accordance with the established Research Foundation [Travel Policy](#). Individuals are responsible for excess costs and any additional expense incurred for personal preference or convenience.

Pre-authorization for travel is required for domestic travel, international travel, and when a travel advance is requested from the Research Foundation. Prior to travel to a country that is deemed a war risk or high hazard areas, the Research Foundation is required to obtain written approval from the SJSU president's office, CSU chancellor's office, and the California State University Risk Management Authority (CSURMA) insurance company. When traveling to countries that are considered high hazard areas, authorization forms must be submitted **45 days prior to the departure date**.

To determine if a destination has been deemed a high hazard area, travelers should refer to the US Department of State current travel warnings on the [U.S. Passport and International Travel](#) website and the [High Hazardous Country List](#) on the *CSU Systemwide Risk Management and Public Safety* website.

For additional details on travel policies, procedures, and requirements, please refer to the [Travel](#) web page in the [Business and Financials section](#) on the *Research Foundation* website.



## Human Resources

The [Human Resources department](#) provides a full range of services and support that enable Research Foundation programs to accomplish their research and public service objectives, while supporting a work environment where diversity and individual and team contributions are respected and valued.

The department provides and oversees the following services:

- Employment and Labor Regulation Compliance
- Recruitment and Staffing (now includes Background Checks)
- Compensation and Benefits Administration
- Performance Management, Training, Skills Development
- Employee Relations
- Workers Compensation & Injury and Illness Prevention Program (IIPP)
- Policies and Procedures
- Immigration Services
- Community Outreach

### Principal Investigator's Supervisory Responsibilities

Research Foundation Human Resources partners with principal investigators and project administrators to ensure compliance with all pertinent labor laws, Research Foundation policies, federal, state, and sponsoring agency guidelines, and good business practices. Each principal investigator assumes the role of supervisor for his or her project, and is responsible for ensuring compliance with guidelines and regulations regarding employee hiring, appropriate wage compensation, and timely submission of pay data for employee labor. Supervisors must at all times adhere to the Research Foundation's policies.

### Hiring Employees

Research Foundation HR hiring procedures ensure that all legal and government regulations are met and maintained. Employees are not authorized to begin work until all required steps have been approved and completed. These include: Background Checks, Live Scan (sensitive positions only), E-Verify, Glacier (nonresidents) and new hire documentation.

#### New Hire Recruitment Process

**Benefited Positions** – A **Request to Recruit Form** must be completed for all benefited positions. The hiring manager (principal investigator, manager, supervisor, or director) is responsible for completing and submitting the form along with a job description to the Human Resources department. Forms are available on the [Forms](#) web page on the *Research Foundation* website.

**Non-Benefited positions** – Unless HR assistance is needed for the recruitment, the hiring manager is not required to submit a Request to Recruit Form to Human Resources when hiring for non-benefited positions; however, the designated hiring manager is responsible for completing and submitting a job description for the position to Human Resources.

### **Required New Hire Documentation**

**All New Hires** – A completed **Appointment Form** is required for all new hires. Upon the candidate's acceptance of employment, the hiring manager must complete an **Appointment Form** for the newly hired employee. The newly hired employee is responsible for completing the required new hire paperwork and for contacting Human Resources to complete the new hire process.

**All New and Rehired Employees** – Hiring managers must ensure that required documentation for all new and rehired employees is completed before the employee begins working. No employee is authorized to begin work until the following processes have been completed:

- E-Verify
- Background Checks for all new or rehired benefited and employees hired for sensitive category positions
- Live Scan (all employees hired for sensitive category positions)
- Executive Order 1083 Acknowledgement

#### **E-Verify**

E-Verify is an Internet-based system that allows an employer to **electronically** determine the eligibility of an employee to legally work in the United States. The E-Verify process is **mandatory** for those employers with federal contracts or sub-contracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause.

#### **Background Checks & Live Scan**

The Research Foundation's *Background Checks* policy aligns with the CSU policy and directives. The Research Foundation has retained the services of a third party agency—the Accurate Background company—to perform these services. The policy applies to the hiring of **all** new or re-hired benefited employees and employees hired into sensitive positions. Job offers are strictly conditional based upon successful completion of background checks.

In addition to background checks, Live Scan fingerprinting is required of any employee (including benefited employees, student assistants, and volunteers) whose job assignment falls into the "sensitive" category. "Sensitive" job categories are generally those that fall into the areas of finance, working with or around minors, or having access to Level 1 Security information.

**Note:** A new employee is **not** authorized to start work until this process is successfully completed.

#### **CSU Executive Order 1083**

On September 24, 2012, the Governor signed into law amendments to the **California Child Abuse and Neglect Reporting Act**. The new state law is intended to protect children from abuse and neglect. The Research Foundation complies with the tenets of the new legislation. Only volunteers at the Research Foundation are exempt from this new law.

Each Research Foundation employee must complete the **Acknowledgement of Mandated Reporter Status and Legal Duty to Report Abuse and Neglect** form and submit the form to the Research

Foundation Human Resources department. The form is included in the new hire packet and is located on the [California State University](http://www.california-state-university.edu) website.

### **Appointment Expiration or Extension**

Prior to the end of an employee's appointment, the principal investigator, manager, supervisor, or director is responsible for submitting a completed **Appointment Expiration or Extension Form** to Human Resources. The principal investigator should ensure that the forms have been correctly filled out, appropriately signed, and returned to Human Resources in a timely manner.

### **Voluntary Terminations**

When an employee notifies their manager that he or she is terminating employment, the manager should complete the Appointment Form and a final timesheet. Both completed forms must be submitted to Human Resources at least 3 working days before the employee's termination date.

**Note:** An employee who provides a minimum of 72 hours notice (3 calendar days) must be paid on his or her last work day. If an employee does not give 72 hours notice, the employer has 72 hours to tender the final pay.

### **Involuntary Terminations**

**No employee shall be terminated without HR knowledge and agreement in advance of termination.** In instances where an involuntary termination is necessary, the principal investigator or manager must arrange a meeting with Human Resources to discuss reasons for the proposed termination. Human Resources may investigate the issues before any final actions are taken. Once discussions and agreement take place between Human Resources and the manager, a termination date is agreed upon. The manager is responsible for completing the Appointment Form and timesheet, and for forwarding both forms to Human Resources. Human Resources will coordinate issuance of the final check with Payroll. The final check must be provided to the employee on his or her last day of work.

### **Complaint Procedure**

In the workplace, from time to time, there are differences of opinion, miscommunications, and misunderstandings between employees, and sometimes between management and one or more employees. The Research Foundation understands that conflicts do not benefit either the Research Foundation or the employee. Employees and managers are encouraged to resolve differences at the earliest possible date.

Any concerns or complaints of alleged discrimination or harassment that involve Research Foundation employees, including staff, students, or volunteers, or any occurrence of such incidents that involve **anyone** participating in Research Foundation programs must be brought to the attention of principal investigators, managers or supervisors immediately. Such concerns, complaints, and incidents **must also be** reported to Research Foundation Human Resources in a timely manner, either by the complainant or by the principal investigator, manager, or supervisor.

For detailed information on the Research Foundation's complaint procedure please contact Research Foundations Human Resources.

### **Independent Contractors**

An independent contractor (“IC”) is an individual, sole proprietor, or a sole person limited liability company (LLC) (using their personal social security number as their tax identification number) contracted to perform specific tasks or deliver services for the Research Foundation over a specified period of time, not to exceed twelve months. It is critically important that the Research Foundation properly classifies its independent contractors. Proper classification of independent contractors is not only a matter of federal government compliance; proper classification aligns with the mandatory compliance defined in **State of California SB 459**.

**Note:** General rule – An employer has the right to control or direct only the results of the services provided by an independent contractor, and not the means and methods of accomplishing the result.

The following groups must not, under any circumstances, be classified as independent contractors:

- Corporations – including a Limited Liability Company (LLC) of more than one person (using a business tax identification number), or a DBA;
- Third party agencies;
- Partnerships;
- Current or active members of the San José State University (SJSU) faculty or staff;
- Current or active members of any other CSU faculty or staff;
- California State University, SJSU, or Research Foundation ex-employees whose separation date from their respective organization is one calendar year or less from a proposed IC assignment with the Research Foundation;
- H1B Visa Holders.

An Independent Contractor (IC) Agreement form must be submitted and approved by Research Foundation Human Resources before the independent contractor actually begins services. The independent contractor’s resume *must be* included with the form.

Independent Contractors are required to submit invoices in a timely manner. Requisitions and invoices must be signed by the account signer in order for Accounts Payable to process payment.

Questions regarding independent contractor qualifications can be discussed with the [Human Resources department](#).

## Academic Senate and SJSU Policies Related to Research

Many university policies affect the development of proposals and the administration of funded awards. It is important that faculty members pursuing extramural support be fully aware of these policies that have been developed to protect their interests and those of the university.

Questions related to a specific policy may be addressed to the executive director, senior director of sponsored programs, associate director of pre-awards, or the assigned sponsored programs manager. Selected university policies are listed and summarized below. Links to the full text are included. To access the list of policies online, visit the [University Policies](#) web page on the *SJSU Academic Senate website*.

- Policy on Research, Scholarship and Creative Activity
  - Academic Freedom and Professional Responsibility
  - Scientific Misconduct
  - Conflict of Interest
  - Intellectual/Creative Property
  - Organized Research and Training Units
  - Human Subjects
  - Animal Subjects
  - Classified Research and Academic Freedom
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### Policy on Research, Scholarship and Creative Activity ([S94-8](#))

San José State University encourages faculty involvement in research and training projects, scholarship, and other creative activities. Policy S94-8 covers the following topics.

- Sources of research funds at SJSU,
  - Overview of sponsored research,
  - Role of the Research Foundation,
  - Faculty eligibility to serve as principal investigator,
  - Classified and proprietary research, and
  - Release time and overload.
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### Academic Freedom and Professional Responsibility ([S99-8](#))

San José State University has a responsibility to society to defend and to maintain academic and intellectual freedom. To ensure that those engaged in academic pursuits can effectively execute their responsibilities, SJSU faculty must remain free of the forces of special interests and political interference

if they are to fulfill society's expectations and their educational responsibilities. Through their responsible professional conduct, the faculty promotes and protects academic freedom.

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### **Scientific Misconduct ([S99-10](#))**

As stated in S99-8 all members of the San José State University community are expected to perform their scholarly and scientific activities with the highest ethical standards, honesty, and integrity. Instances of misconduct in science, while rare in occurrence, threaten the academic commitment to truth. San José State University will not tolerate misconduct in any aspect of research or scholarly endeavor and will vigorously investigate allegations of misconduct, taking all reasonable steps to protect the rights and interests of individuals whose work or performance is questioned.

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### **Conflict of Interest Policy ([S99-11](#))**

An increased risk in conflict of interest may occur when faculty are funded by industry or by a sponsor which supports an industry related project. The conflict of interest policy regulates potential risk in order to protect funded research from bias.

Investigators must disclose significant financial interests at the time of proposal submission and update this information annually or as new interests are obtained during the life of the award.

The associate vice president of research will review disclosures, assess their potential for conflicts of interest, and develop resolution strategies with the investigator to manage, reduce or eliminate such conflicts. To access required **Financial Conflict of Interest Forms**, please visit the [Forms](#) web page on the *Research Foundation* website.

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### **Intellectual/Creative Property ([F98-3](#))**

#### **Patent Policy**

Research and other sponsored projects may result in the development of inventions by faculty, students, or staff. These inventions are often developed using university resources and facilities. SJSU's patent policy stipulates that all such inventions belong to the university.

When a discovery is made which may be patentable, a disclosure describing the invention is prepared and forwarded to the associate vice president for Research or the Research Foundation. The university reviews the disclosure to determine its patentability and marketability. If the university accepts the invention, an agreement concerning rights will be reached between the university and the inventor. If determined that the invention is not likely to lead to a marketable product, it is returned to the inventor who then has full ownership of the invention. SJSU's patent policy details the procedures of filing a disclosure, pursuing a patent, ownership of a patent, and division of any proceeds.

### **Copyright Policy**

Copyright is the ownership and control of intellectual property in original works of authorship. The copyright policy outlines the type of work subject to copyright laws as well as how this policy administers these works. SJSU's copyright policy provides that all rights in copyright shall remain with the creator unless the material is prepared pursuant to a specific university or CSU assignment, or an externally funded project. Terms of ownership must be negotiated in advance of full execution of any agreement.

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### **Organized Research and Training Units ([S05-13](#))**

Separate research and training units may be organized within the University when there is a clear indication that they will aid the research, teaching, and public service of participating faculty and will continue on a reasonably permanent basis.

The creation of such units must be proposed to associate vice president for Research, via the appropriate college dean. Final recommendation and approval is provided by the Research Committee of the Academic Senate and President. The policy for Organized Research and Training Units outlines proposal procedures and rules of administration.

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### **Protection of Human Research Subjects ([S08-7](#), [F08-1](#))**

Administrative responsibility for the protection of human subjects at SJSU rests with the associate vice president for Research and the Institutional Review Board (IRB) for Human Subjects. This committee reviews proposed research involving human subjects in order to ensure full protection of their rights. Human subject involvement is constituted by physical participation in an activity, tissue donation, or other provision of information directly, indirectly or through a third party.

Protocols should be received by the associate vice president for Research at least 30 days before the funding agency's deadline for submission. If a sponsor funds the project before approval is obtained, work may not commence until approval is received.

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### **Assurance for Humane Use and Care of Animal Subjects ([S14-6](#))**

The university complies with all federal, state, university, and other regulatory requirements related to the acquisition, care, use, and treatment of animals in the performance of instruction and research. The campus veterinarian, in association with the Institutional Animal Care and Use Committee (IACUC) and the dean of the college of science (or other person as designated by the university president), is responsible for oversight and review of all issues related to animal care, facilities and procedures.

The faculty researcher must submit the animal protocol for review to the Manager of the Animal Care Facility, College of Science, who will have it reviewed and approved by members of IACUC. If a sponsor funds the project before approval is obtained work may not commence until approval is received.

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**Classified/Proprietary Research and Publishing Research Findings ([F69-12](#))**

The university cannot accept any grant or contract that involves classified research, as stated by Academic Senate Policy F69-12. The university will accept no external support for research that restrains the freedom of the university or the project director from disclosing the existence of a grant or contract, the nature of the inquiry or identify of the sponsor.

Results of all research approved by the university must be freely publishable. In special circumstances the associate vice president for Research may negotiate in advance to delay publication and/or presentation for a modest period-not to exceed 180 days.

University personnel may sign confidentiality agreements allowing access to privileged material critical to a sponsored research project. They must be free however to report on the general results of the research project within a reasonable time period.

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