

APPENDIX C-4

RESEARCH POLICIES AND PROCEDURES

<http://www.ncat.edu/~divofres/>

A. THE GRANT APPLICATION

A faculty member interested in developing a research or special project should pursue the following procedures:

1. Consult with the department head and the Director of Research Services to determine that the project is within the scope of the purpose of the University.
2. Determine whether the project can be completed successfully.
3. Determine whether the University can make available physical and other resources needed for the successful completion of the project.
4. Determine whether the project meets the State guidelines which govern the acceptance of outside grants for research and educational programs.

All tenure-track faculty members may submit proposals for support of research and scholarly projects. All proposals and Principal Investigators (PIs) must be approved by a faculty member's unit or department head and Dean before submission to the Vice Chancellor for Research and Economic Development (DORED) for final campus approval. Non-tenure-track faculty members and employees with termed appointments may submit proposals with prior approval of their Dean and the Vice Chancellor for Research.

B. THE PRELIMINARY PLAN

After a decision has been definitely made that a proposal will be submitted, a Notice of Intent (NOI) should be submitted to the Division of Research & Economic Development (DORED). NOI forms are available on their website at <http://www.ncat.edu/~divofres/programs/forms/intent.doc>.

Only the Division of Research & Economic Development can submit research and research-related proposals on behalf of the University. As such, all research and research-related proposals to foundations, government agencies, public and private entities must be submitted through DORED. Sufficient time must be allotted for the Vice Chancellor and DORED staff to review, suggest revisions if needed, and sign off on the proposal. Therefore, all research and research-related proposals should be submitted to DORED **two weeks prior to the closing date** of the solicitation.

All research proposals must have an approved Internal Processing (IP) Form (<http://www.ncat.edu/~divofres/forms/index.php>). This form must be completed with appropriate signatures (Principal Investigator, Department Chair and School Dean) prior to DORED

submitting the proposal on behalf of the University. Any proposal submitted to any entity outside of these procedures will not be considered an official proposal on behalf of the University and as such, imposes no responsibilities or encumbrances on the University.

All proposals must be accompanied by a copy of the sponsor's announcement, solicitation, RFP, RFQ or guideline document that specifies what the requirements are for the proposal. This is to give Sponsored Programs the required information to review the proposal for compliance with University and sponsor requirements.

C. PREPARATION OF THE BUDGET

The budget must include the following categories:

1. Personnel Services

Personnel are classified in three categories: academic, non-academic, and students. Adequate funds should be requested for all categories for the duration of the project.

2. Contractual Services

These include the following items: consultant fees, guest lecturers, survey costs, computer services, etc. All contractual services must be budgeted under direct costs.

3. Travel

All funds allocated for travel are subject to the University Travel Regulations.

4. Equipment

All equipment to be purchased with project or University funds must be included in the budget. Unless otherwise specified by the sponsoring agency, purchases with project funds will be inventoried as University property.

5. Supplies

All needed supplies must be included in the budget.

6. Communications

Anticipated communication expenses must be included in the budget.

7. General Expenses

Anticipated general expenses must be included in the budget.

8. Indirect Costs

Charges for indirect costs must be used by the University to meet overhead expenses involved in the operation of the project. The University has a Facilities & Administrative (F&A) Rate Agreement which specifies the indirect costs percentages. These rates are to be used unless the sponsoring agency identifies a rate in the solicitation.

Forms may be found on the DORED website
(<http://www.ncat.edu/~divofres/programs/forms.php>).

D. EXTENDED TIME (FUNDED RESEARCH)

If an employee of the University is working on a grant or project under conditions that require additional time over and above his/her regular duties at the University, he/she would qualify for extended time.

No extended time will be paid to project personnel unless it is specifically stated in the contract, the approved proposal, or prior approval from the sponsoring agency. Pay for extended services by faculty members shall not exceed the monthly rate of the individual faculty member's base salary in the University.

If you have any questions concerning extended time activities, contact the Director of the Office of Sponsored Programs.

E. RELEASE TIME (FUNDED RESEARCH)

Release time will be used in order for faculty members to provide a replacement for the proportion of time employed on a research or special project. All faculty release time must be paid to persons working on the project and not to the person hired to replace the faculty member in his/her position. The person hired to replace the faculty member will be placed on the University payroll and paid from funds provided in the University budget and will cover the proportion of time during which he/she is substituting for the faculty member.

Pay for release time services by substitutes shall not exceed the monthly rate of the faculty member's salary in the University.

If you have any questions concerning release time activities, contact the Director of the Office of Sponsored Programs.

F. COMPLIANCE THE CARE AND USE OF ANIMALS IN RESEARCH

North Carolina A&T State University is committed to compliance with the National Institutes of Health "Principles for the Care and Use of Laboratory Animals," "The Guide for the Care and Use of Laboratory Animals," the "Guide for the Care and Use of Agriculture Animals in Agriculture Research and Teaching," the provisions of the Animal Welfare Act, and the Good Laboratories Practice Act. To ensure institutional compliance, the university established an

Institutional Animal Care and Use Committee (IACUC) to review activities involving the use of vertebrate animals for research, teaching, production, demonstration, or another use. Protocols for proposed activities will be submitted on the proper form to the IACUC and must be approved by the IACUC prior to animal acquisition and initiation of the activity. The committee will review proposed protocols and procedures involving the use of vertebrate animals in accordance with the Public Health Service Policy, federal law and institutional guidelines, whether the proposed activity is to be funded or not.

These policies were developed to assist A&T State University faculty and staff in complying with institutional policy with regard to animal-use activities. For additional information concerning the university's policy for care and use of animals, contact the Coordinator for Laboratory Animal Science, B.C. Webb Hall Rm. 107, Benbow and Market Street, (336) 334-7720, extension 2003, or the Institutional Animal Care Program office, or the Compliance Officer at (336) 334-7995.

REGULATIONS AND GUIDELINES

The University has a number of regulations and guidelines regarding the care and use of animals. We have on file with OLAW of the Public Health Service an assurance of compliance with regulations. We have also filed a description of our program with USDAAPHIS.

An important part of A&T State University's policy is the requirement that an Animal Use Review Form for all vertebrate animal-related activities be submitted by investigators for consideration by the IACUC. This process is the central, most important mechanism by which the institution oversees animal use in biomedical research, teaching, and demonstration programs. Please review the policies and procedures and responsibilities of the Principal Investigators on the website.

HUMAN SUBJECTS IN RESEARCH

It is the policy of North Carolina A&T State University that all research, involving human subjects, must be reviewed and approved by an Institutional Review Board (IRB), as required by Title 45, Part 46, of the Code of Federal Regulations, prior to commencement of the project in order to protect the rights of human subjects participating in biomedical, behavioral or other research. In order to address these concerns, the University has developed procedures for the continuing review of all research activities involving the use of human subjects, and has established an Internal Review Board (IRB) to conduct the required review. These procedures are codified in the University's Federal wide Assurance of Compliance with Department of Health and Human Service Regulations (DHHS) for the Protection of Human Research Subjects. This policy applies to all research involving human subjects and all other activities, which in whole or in part, involve human subjects if the research is sponsored by this University; or

- conducted by or under the direction of any employee or agent of this University in connection with his/her University responsibilities; or
- conducted by or under the direction of any employee or agent of this University using any property or facilities of this University; or

- the research involves the use of this University's non-public information to identify or contact human research subjects or prospective subjects.

In reviewing research applications, the IRB will assure the following:

- that no human subject is exposed to an unreasonable risk to health, welfare, or privacy;
- that the rights of human subjects are adequately protected;
- that participation of human subjects is based upon legally effective informed consent which is freely given; and
- that the potential benefits to the subject and society so outweigh the risk to the subject that the decision to allow the subject to accept the risk is warranted.

This policy does not apply to research that is designated exempt according to 45 CFR 46. Proposals for research in exempt categories must still be forwarded to the IRB, which will audit them to ensure that they fit the letter and spirit of the designated exempt categories. Copies of the Code of Federal Regulations Title 45, Part 46, are available from the Division of Research and the following Internet website: <http://www.nih.gov:80/grants/oprr/humansubjects/45cfr46.htm>.

Principal Investigator's Responsibility

It is the personal responsibility of each investigator who proposes research involving human subjects to submit an IRB Application to define the risks to which the human subjects will be exposed during the conduct of the research, to show that the significance of the proposed research warrants exposing the human subjects to the defined risk, to detail safeguards and procedures which will be employed to minimize the risk to those human subjects, to describe how the human subjects will be informed of the research risk, and to explain how the human subjects' consent will be obtained. The investigator must submit the IRB Application in accordance with the review procedures established by the Institutional Review Board in order to obtain approval of the proposed research prior to its initiation.

Researchers Not Affiliated With NCA&TSU

This policy also applies to researchers not affiliated with North Carolina A&T State University (NCA&TSU) who wish to conduct human subjects research at NCA&TSU who solicit the help of NCA&TSU's faculty, staff, or students to recruit or gain access to human subjects. The protocols (using NCA&TSU's application materials) must be submitted to the IRB and must have a NCA&TSU faculty member as the Principal Investigator (PI) or as Faculty Sponsor. Therefore, the non-affiliated researcher must contact a NCA&TSU faculty member to have them agree to serve as the PI or Faculty Sponsor for the purpose of over-site of the research. The researcher must also, provide evidence of their institutions IRB approval.

In all cases, it is the responsibility of the researcher to request IRB review prior to the initiation of any human subjects research activities. All applications for IRB review must be submitted to the Division of Research, attention IRB Coordinator. Applications will be forwarded to the Institutional Review Board.

Detailed information about Compliance can be found at the website for the Division of Research and Economics: <http://www.ncat.edu/~divofres/>.

G. TECHNOLOGY TRANSFER

INTELLECTUAL PROPERTY PROCEDURES

These procedures have been developed to implement The University of North Carolina System Intellectual Property Policies (dated 1984 and revised 2004) and apply to all employees and students of North Carolina Agricultural & Technical State University, both full and part time, and visitors.

In this context, intellectual property includes inventions and discoveries, copyrights, trade and service marks, proprietary information, and tangible research property. Each of these is addressed in separate sections that provide definitions of terms, describe the roles and responsibilities of University personnel, and outline the procedures for various administrative actions for intellectual property dispositions.

The aim of the intellectual property procedures is to promote the progress of science and the useful arts by utilizing the benefits of the patent system consistent with the purposes for which it was established by the Constitution of the United States.

As defined by the University System Policies, North Carolina A&T State University has an interest in all inventions or discoveries of University faculty, staff and students that are conceived or first actually reduced to practice as a part of or as a result of University research or activities within the scope of the inventor's employment by the University, or that involve the use of University time, facilities, staff, materials or funds administered by the University. Faculty, staff, and students, whose inventions are made on their own time and without the use of University facilities, materials, or resources and which inventions are, therefore, their exclusive property as specified by the Intellectual Property Policies, may avail themselves of the opportunity to submit the invention to the University for possible patenting and/or commercialization and management under terms to be agreed between the inventor and the University.

The provisions of the Intellectual Property Procedures are subject to any applicable laws, regulations or specific provisions of the grants or contracts which govern the rights in inventions made in connection with sponsored research. Under the terms of certain agreements between the University and various agencies of government, private and public corporations and private interests, the University may be required to assign or license all patent rights to the sponsor. The University retains the right to enter into such agreements whenever such action is considered to be in its best interest as well as in the best interest of the public. Ordinarily, the University will not agree to assign rights in future inventions to private corporations or businesses.

INVENTIONS AND DISCOVERIES: PATENT OWNERSHIP

The Intellectual Property Policies of the University of North Carolina, as amended from time to time, shall be deemed to be a condition of employment and/or enrollment at North Carolina A&T State University. With the exception of "Inventions Made On Own Time", every invention or discovery that results from research or other conditions covered by these Policies shall be the

property of North Carolina A&T State University.

In the event there is a question as to whether the University has an ownership claim to an invention, the invention should be disclosed according to the procedures. Such disclosure is without prejudice to the inventor's ownership claim. In determining ownership interest in an invention, the Office of Outreach & Technology Transfer (OTT) may determine that the University has no property interest in an invention because its conception and reduction to practice was unrelated to the inventor's duties as a University employee, involved only insignificant use of University resources (such as office space or libraries normally available to all faculty and staff), or other such reasons as may be set forth in the procedures. The inventor will receive a written statement confirming the University's property interest.

All faculty, staff, and students, and visitors engaged in University related or sponsored research are subject to the Intellectual Property Policy of North Carolina A&T State University. However, if the student should make an invention which is, or may be, subject to University ownership in accordance with the Intellectual Property Policies, the student shall disclose the invention to the University as provided under these procedures, and the University, together with the student, shall determine an equitable resolution of ownership rights.

CONSIDERATION FOR RESEARCH SPONSORS

Research agreements with private sponsors shall provide that all inventions which are conceived or reduced to practice by University employees as a part of the sponsored research shall belong to the University. The sponsor may receive an option to license such inventions on terms to be negotiated, said option to be exercised within a specified period following the disclosure of an invention or the filing of a patent application. When the nature of the proposed research allows identification of a specific area of technology or application which is of interest to the sponsor, the University may accept research agreements with terms and conditions which entitle the sponsor to specific commercial rights within the defined field of interest.

REVENUE SHARING

The University shall share revenue which it receives from patents or inventions with the inventors. As noted in earlier sections, specific provisions of grants or contracts may govern rights and revenue distribution regarding inventions made in connection with sponsored research; consequently, revenues the University receives from such inventions may be exclusive of payments of royalty shares to sponsors or contractors. Moreover, the University expects to contract with outside persons or organizations for the obtaining, managing and defending of patents, and any royalty shares or expenses contractually committed to such persons or organizations may be deducted before revenues accrue to the University.

The revenues (net, if applicable per the preceding paragraph) which the University receives from a patent or invention will be applied first to reimburse the University for any incremental expenses incurred by it in obtaining and maintaining patents and/or in marketing, licensing and defending patents or licensable inventions. **After provision for such expenses, the inventor's share of such revenues shall be as follows: 50% of the net revenue.** In the case of co-

inventors, each such percentage share shall be subdivided equally among them, unless the Vice Chancellor of Research and Economic Development in its sole discretion determine a different share to be appropriate.

EXTERNAL CONSULTING

Employees engaged in external consulting work or business are responsible for ensuring that agreements emanating from such work are not in conflict with the Intellectual Property Policy, University Conflicts of Interest Policy or with the University's contractual commitments. Such employees should make their University obligations known to others with whom they make such agreements and should provide other parties to such agreements with a statement of University policies on patents and copyrights.

All members of the NC A&T community --including visiting scientists and fellows --who participate in either sponsored research or University-funded research or who use significant funds or facilities administered by the University must abide by the terms of NC A&T's Intellectual Property Policy. By accepting such funds or using such significant facilities, the individual agrees to assign to NC A&T his/her title to intellectual property created through the use of such funds or facilities.

COPYRIGHTS

The policy of the University with regard to copyrightable works is intended to foster the traditional freedoms of the University faculty, staff, and students in matters of publication, through a fair and reasonable balance of the equities among authors, sponsors, and the University. At the same time, it is intended to ensure that copyrightable materials in which the University has a legitimate interest are utilized in a manner consistent with the public interest.

Detailed information about the Office of Technology Transfer can be found on the website for the Division of Research and Economic Development: <http://www.ncat.edu/~divofres/>.

Appendix C-5

Serious Illness and Disability Leave for Faculty
Approved by the Faculty Senate on March 22, 2005
Approved by the Board of Trustees on February 2006
Revised January 24, 2007
Approved by the Board of Trustees on February 21, 2007

In compliance with the request of the General Administration, the following policy on serious illness and disability leave for faculty at North Carolina Agricultural and Technical State University has been approved for implementation.

I. Coverage

This policy applies to persons holding regular faculty appointments (tenured, tenure track, or non-tenure track) who are eligible for participation in either the North Carolina State Retirement System or the Optional Retirement Program and who are eligible under the provisions of the Family Medical Leave Act (FMLA). It does not apply to twelve month appointments annually; these persons are covered under a separate leave policy of the Board of Governors. It does not apply to persons with adjunct faculty appointments.

II. Eligibility

The eligible conditions under these guidelines are the following, consistent with qualifying conditions under FMLA:

- Serious health condition of the employee that prevents the employee from performing the essential functions of his/her job;
- Serious health condition of an employee's child, spouse, or parent, that requires the employee's care;
- The birth of a child and to care for the newborn child after birth; (Note: An expectant mother may take FMLA leave before the birth of a child for prenatal care or if her condition makes her unable to work or requires a reduced work schedule.);
- The placement of or to care for a child placed with the employee for adoption or foster care (Note: FMLA leave may be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.).

III. Use of Leave

The period of leave provided under this policy may be used for medically verifiable sickness or injury which prevents the faculty member from performing usual duties including temporary disability connected with childbearing and recovery. A faculty member who anticipates the need for a temporary disability leave should notify the Department Chairperson in writing as soon as possible.