

# Commitment Transparency

Disclosure Requirements for Federal Awards

## **Transparency and reporting of *all* research activities, domestic and foreign**

- Openness and transparency enables productive collaboration and helps ensure appropriate disclosure of potential conflicts of interest and commitment

## **Why is commitment transparency important?**

- Failure by some researchers to disclose substantial contributions of resources from other organizations, including foreign governments, threatens to distort decisions about the appropriate use of funds

Over the last two years, federal agencies discovered discrepancies related to grant funding. Some examples include:

- Failure to disclose contributions of resources from other organizations, including foreign governments and businesses
- Diversion of proprietary information included in grant applications or produced by federally funded research to other entities, including other countries
- Breach of confidentiality of the peer review process
- Undisclosed employment agreements with external entities

## Why are these issues so concerning?

- Failure to disclose contributions of resources from other organizations, including foreign governments and businesses
  - Unable to fully evaluate the scientific, budgetary and commitment overlap of the proposed project.
- Diversion of proprietary information included in grant applications or produced by federally funded research to other entities, including other countries
  - Federal research is funded by US taxpayers – diverting proprietary information is considered theft

## Why are these issues so concerning? *(continued)*

- Breach of confidentiality of the peer review process
  - Unethical influence on funding decisions
  - Diverting scientific knowledge/know how to foreign entities
- Undisclosed employment agreements with external entities
  - Time commitment – sometimes full-time
  - Laboratory, equipment, personnel
  - Signing bonus, salary, housing, living allowance, other benefits
  - Deliverables: training personnel, papers, patents/IP
  - Creates conflicts of commitment (>100%)
  - Requires agreement and activities be kept confidential

NIH issued NOT-OD-21-073 [Upcoming Changes to the Biographical Sketch and Other Support Format Page](#) - implementation of new format and faculty signature requirement was delayed to January 25, 2022, for all RPPR, applications and JIT requests submitted on or after that date.

NSF implemented their changes to the Biosketch and Current and Pending Support via the [Proposal & Award Policies & Procedures Guide \(PAPPG\)](#) effective June 1, 2020.

- Faculty Handbook
  - <https://provost.yale.edu/faculty-handbook>
- Safeguards for International Research Collaboration
  - [International Research Collaboration](#)
- Guidance for Faculty Concerning Consulting and Other External Activities
  - [Engaging in External Professional Activities](#)
- Office of Sponsored Projects
  - [Other Support](#)
- Research Performance Project Report (RPPR)
  - [RPPR Information](#)
- Other Support Training and Third-Party Agreement Library
  - [Training Video for Other Support and Third-Party Agreement Library](#)

## Significant Changes to the Biosketch

- Biosketch Format Page has been revised to include all positions and scientific appointments both domestic and foreign. Includes:
  - Academic, professional, or institutional appointments
  - Paid or unpaid
    - Full-time, part-time, or voluntary
    - Adjunct, visiting, or honorary
    - Provide all your research-related affiliations/positions, support, and valuation in your biosketch, as opposed to only what you deem relevant to the project
    - Positions should be listed in reverse chronological order

Includes ***all*** resources made available to researcher or senior key personnel in support of ***and/or related to all*** of their research endeavors, ***regardless of whether or not they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant***. Other support does not include training awards, prizes, gifts or start-up support from the US based institution. (emphasis added)

- Resources and/or financial support from all foreign and domestic entities, that are available to the researcher. This includes but is not limited to, financial support for laboratory personnel, and provision of high-value materials that are ***not freely available*** (e.g., biologics, chemical, model systems, technology, etc.) Institutional resources, such as core facilities or shared equipment that are made broadly available, should not be included in Other Support, but rather listed under Facilities and Other Resources.
- Consulting agreements, when the PD/PI or other senior/key personnel will be conducting research as part of the consulting activities. Non-research consulting activities are not Other Support.
- In-kind contributions, e.g., office/laboratory space equipment, supplies, or employees or students supported by outside source. If the time commitment or dollar value of the in-kind contribution is not readily ascertainable, the recipient must provide reasonable estimates.

- Other Support Format Page has been revised to separate funded projects from in-kind contributions
  - PIs and Other Senior/Key Personnel **must** electronically sign their “Other Support” form to **personally** certify that it is accurate and complete
  - Falsification, including intentional omissions, of these documents can lead to loss of funding and even potential criminal, civil or administrative penalties
  - Only the named individual should sign the documents, no delegates or proxies

- Copies of contracts, grants or any other agreement specific to senior/key personnel foreign appointments and/or employment for a foreign institution for all foreign activities and resources are required to be submitted as part of the Other Support PDF
  - If not in English, copies **must** be translated
- Immediate notification of undisclosed Other Support must be made by Yale to the Grants Management Specialist as soon as it is discovered

## **What does not need to be disclosed?**

- General start-up funding from Yale;
- Institutional resources, such as core facilities or shared equipment that are made broadly available, which should be listed in Facilities and Other Resources;
- Non-research consulting activities;
- Training awards;
- Prizes; and
- Gifts, which are defined as “resources provided where there is no expectation of anything (e.g., time, services, specific research activities, money, etc.) in return.”
  - Under NIH guidance, “[a]n item or service given with the expectation of an associated time commitment is not a gift and is instead an in-kind contribution and must be reported as such.”

- The Other Support report was updated to include additional data points required for the new format (total project costs, etc.)
  - This is a first iteration of the report and captures data that is currently available in IRES
  - Available in Word format so that changes can be made if necessary
  - Does **not** include everything that must be disclosed to the federal agency (in-kind support, etc.)
  - DBO community has been engaged in the develop of the report.
  - There have been 2 separate sessions (Dec 2021 and Jan 2022) specifically focused on the changes and using the report for the DBO community.

- A table summarizing the NIH disclosure requirements has been posted to the OSP webpage: [Other Support](#)
- NSF has published a table summarizing disclosure requirements on the NSF website: [NSF Pre-award and Post Award Disclosures](#)
- A list of questions to consider when disclosing in-kind support is also available on the OSP webpage: [Other Support](#)

**Federal agencies have advised if you are unsure,  
to err on the side of caution and disclose!!**

- The PI/Senior/Key Personnel will determine what agreements are required to be reported as Other Support.
- The PI/Senior/Key Personnel, or a delegate (Submitter/Delegates) uploads the English version of the agreement to the Third-Party Agreement Library, which will assign a unique identifier number. The agreement must be a PDF file – the system will **not** accept documents in other formats.
- An email will be sent to an Internal Reviewer(s) indicating a record has been created and an agreement needs review. The submitter will also receive an email confirming submission.
- The Internal Reviewer will flip status to “Pending” once the review has started
- If the Internal Reviewer has any questions, they will upload the question(s) into the Note field in the record
- Once the review is completed, the Internal Reviewer will flip the record to “Review-Incl” or “Review-Not Incl.”
- Training and access to the Library can be found [Research Performance Progress Report \(RPPR\)](#) (under NIH only) or [Safeguards for International Research Collaboration](#)
- If you have any questions, please send an email to [osphelp@yale.edu](mailto:osphelp@yale.edu).

***If you are asking a question related to an agreement that has been uploaded into the Library, please be sure to include the unique identifier number in your email.***

- Agreements should be submitted at least **30** days in advance for institutional review
- We understand that the 30 day request may not be possible for initial JIT and RPPR submissions
- Other Support will not be submitted until the agreement has been reviewed internally

Demo of 3<sup>rd</sup> Party Agreements Library

- Adobe Sign is an electronic signature service part of Adobe Document Cloud. It is a safe and flexible cloud solution for setting up document signature requirements or workflows and collecting legally binding signatures that comply with strict standards and laws around the globe. Adobe Sign is licensed with an enterprise agreement to meet the university's needs.
  - The use of Adobe Sign Enterprise requires University approved Multifactor Authentication (DUO) for all user access.
- Personal certification/e-Signature is required for all Other Support documents for **all** Senior/Key personnel included in JIT requests and RPPRs
- Yale will utilize Adobe Sign to meet the requirement.

- Adobe Sign Enterprise replaces paper and ink signature processes with fully automated electronic signature workflows. With it, you can easily send, sign, track, and manage signature processes using a browser or mobile device.
  - Access Adobe Sign Enterprise:
    - Open a supported web browser. ([System requirements for Adobe Sign](#))
    - Visit <https://yale-hsis.na4.documents.adobe.com/>.
    - Log in with your yale.edu email address.
- Adobe Sign Resources
  - [Adobe Sign FAQ](#)
  - [Adobe Sign User Guide](#)
  - [Adobe Sign Tutorials](#)

Please consult with your DBO grant support staff for any questions you may have.

Additional resources are below:

- Other Support: [osphelp@yale.edu](mailto:osphelp@yale.edu)
- Third Party Agreements: [osphelp@yale.edu](mailto:osphelp@yale.edu)



# Additional Resources

- Safeguards for International Research Collaboration
  - [Safeguards for International Research Collaboration and FAQs](#)
- Guidance for Faculty Concerning Consulting and Other External Activities
  - [Engaging in External Professional Activities](#)
- Yale University Patent Policy
  - Yale owns any patentable invention made by a faculty member using Yale facilities or otherwise under the auspices of the university
    - Yale Faculty Handbook XX.D
    - [Yale University Patent Policy](#)
- COI Disclosure
  - [Conflict of Interest Office](#)
- Office of Sponsored Projects
  - [Other Support](#)
- Research Performance Project Report (RPPR)
  - [RPPR Information](#)
- Other Support Training and Third-Party Agreement Library
  - [Training Video for Other Support and Third-Party Agreement Library](#)

- Frequently Asked Questions - Other Support
  - [NIH FAQs for Other Support and Foreign Components](#)
- Frequently Asked Questions - Biosketches
  - [NIH FAQs for Biosketches](#)
- NIH Grants Policy Statement: [NIH GPS](#)
- NOT-OD-19-114: [Reminders of NIH Policies on Other Support and on Policies related to Financial Conflicts of Interest and Foreign Components](#)
- NOT-OD-21-073 [Upcoming Changes to the Biographical Sketch and Other Support Format Page](#)
- NSF Proposal & Award Policies & Procedures Guide: [NSF PAPPG](#)
- NSF Disclosure Summary: [NSF Pre-award and Post Award Disclosures](#)
- [NSF FAQs on Current and Pending Support](#)

Investigators should review agency guidance carefully

Q: A visiting scientist is in your lab. They are leading their own research project, they participate in lab meetings and are supported by an external entity (funds are not received by or managed by Yale).

Does this need to be disclosed as Other Support/Current and Pending Support?

A: If the Visiting Scientist's research project is not supplementing, supplying data, replicating results for validation, or supporting your research endeavors in any way, this would not need to be reported as Other Support/Current and Pending Support.

Q: You meet an international colleague at a conference and keep in contact to discuss various aspects of research. You plan to submit a paper together. Does this need to be disclosed as Other Support? Does it qualify as a foreign component?

A: If the collaboration provided no additional resources (materials, space, staff, etc.) to support your research endeavors, this would not need to be reported as Other Support/Current and Pending Support.

If the collaboration involves the performance of a significant scientific element of the project, even if no financial support or resources are shared, this would be considered a foreign component and requires NIH **prior** approval if not included in the original proposal application.

Q: You have been appointed by a foreign organization to serve as an honorary Professor. You will not receive any remuneration for this appointment, but the foreign organization will cover your travel, provide lab space, staff and materials and supplies for experiments. Does this need to be disclosed as Other Support/Current and Pending Support? Does it qualify as a foreign component?

A: The honorary appointment would need to be included on your Biosketch and the resources made available to you would need to be disclosed on your Other Support. If you will be performing a significant scientific element of your NIH funded projects at the foreign organization, this would be considered a foreign component and require NIH **prior** approval if not included in the original proposal application.

This agreement would need to be submitted to the 3<sup>rd</sup> Party Agreements library for institutional review.

As stated in the [Faculty Handbook](#), participation in submitting proposal applications and/or receiving awards at any entity other than Yale requires prior approval from the Provost.

Q: You have a piece of donated equipment that will be utilized on your NSF project. Does this need to be disclosed on your Other Support/Current and Pending Support?

A: If the equipment will be utilized on the project, it should be included in the Facilities and Other Resources section of the proposal. It does not also need to be included as Current and Pending Support.

For NIH, the equipment should be included in the Facilities & Other Resources section. If not being used on the proposed project, it would need to be disclosed on the Other Support report.

## NDAA -223

- 2021 National Defense Authorization Act (NDAA), Section 223 *Disclosure of Funding Sources in Applications for Federal Research and Development Awards*
- Applies to all applicants for research and development awards from Federal Research Agencies
- Requires each covered individual listed in the application to:
  - Disclose the amount, type and source of all current and pending support
  - Certify the disclosure is current, accurate and complete
  - Agree to update such disclosure at the request of the agency prior to award and at any subsequent time the agency determines appropriate

- National Security Presidential Memorandum (NSPM) on Research Security and Integrity, signed January 14, 2021
- Implementation is being led by the Office of Science and Technology Policy (OSTP) – guidance was issued on January 4, 2022. Federal agencies are developing their implementation plans. More to come!
- **Purpose:** To strengthen protections of US Government supported Research and Development (R&D) against foreign government interference and exploitation
- Funding agency responsibilities: require participants involved in the R&D enterprise to disclose appropriate information, ensure recipients have policies and processes for research security and integrity, and share information across federal funding institutions

- Organizational affiliations and employment.
- Other support, contractual or otherwise, ***direct and indirect***, including current and pending private and public sources of funding or income, both foreign and domestic
- Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs
- Positions and appointments, both domestic and foreign, including affiliations with foreign entities or governments. This includes titled academic, professional or institutional appointments, whether or not remuneration is received, and whether full-time, part-time or voluntary (including adjunct, visiting or honorary)