

## 5.94 Research-General Principles (See Also Chapter 3 for Ethics and Conduct Policies)

- A. Research Philosophy. Research is an important component of every academic activity, and is, therefore, the source of content for quality instructional programs. New Mexico State University recognizes research as essential to the vitality of the university and undertakes the support of research as part of its institutional responsibility. The mission statement expresses the importance of research as one of the university's core functions: *New Mexico State University is the state's land-grant university, serving the educational needs of New Mexico's diverse population through comprehensive programs of education, research, extension education, and public service.*

The university promotes academic inquiry and protects academic freedom for those engaged in it. This includes the support of research and off-campus study as potentially valuable experiences for faculty and students. These experiences may take the form of sabbaticals, internships, intensive study of specialized techniques, and conducting research at specialized facilities. These opportunities offer researchers considerable flexibility in their training and promote valuable contacts among faculty members, students, the university, industry and other research institutions.

- B. Protections in Research Involving Human Subjects. It is the policy of the university to protect the rights, well being, and personal privacy of individuals participating in research projects, while also maintaining a favorable climate for the conduct of scientific inquiry and protecting the interests of the university. The university has established the Institutional Review Board to regulate the participation of human subjects in research, consistent with federal law. (See 5.94.30 D. below.) All research conducted at or by the university, regardless of funding source, shall adhere to the requirements of the Institutional Review Board and the following tenets:

1. The university, including its faculty, staff, contractors and student body shall be responsible for the protection of the rights and welfare of human subjects.
2. No human subject involved in a research activity shall be exposed to unreasonable risk to health or well-being, in order to ensure the subject's physical and mental safety and well-being.
3. All participation by human subjects shall be voluntary; no subject will be coerced in any way to participate in a research project. A request by any subject to withdraw from a research activity shall be honored promptly without penalty or loss of benefits to which the subject is otherwise entitled, within the limits of the research.
4. The confidentiality of information received from subjects in experiments or respondents to questionnaires shall be protected, both during and after the conduct of a research activity, consistent with applicable law.
5. In research which involves more than minimal risk, or which involves substantial stress or discomfort, such risk, stress or discomfort shall be carefully explained in advance to the subject. The researcher(s) shall be satisfied that the explanation has been understood by the subject, and that the written consent of the subject, is obtained and kept as a matter

of record. The researcher(s) shall be responsible for ensuring that method used to obtain informed consent (written, audio-recorded, witnessed) is the most appropriate for the participant, and for providing appropriate evidence of informed consent consistent with the approval granted by the Institutional Review Board and with applicable federal law.

6. Research involving special subject populations (e.g., persons under the age of 18, or mentally disabled or disadvantaged persons) may be conducted as long as a qualified guardian signs the consent form.

- C. Protections in Research Involving the Use of Animals. As a land grant institution, it is the university's role to conduct, if not lead, research designed to optimize the use of animals in the service of man, and to advance human and animal welfare. Consistent with applicable law and regulations, the university supports the use of animals in research, education, and as agricultural resources, provided that the usage is reasonably expected to advance knowledge about human or animal welfare. It is the university's policy to meet all federal and state standards and regulations applicable to animal use.

The university has established the Institutional Animal Care and Use Committee to administer policies and procedures regarding university care and use of vertebrate animals. (See 5.9.4.30 E. below.) Any concerns regarding the use or care of animals by the institution should be addressed to the Institutional Animal Care and Use Committee.

- D. Protection of Proprietary and Classified Information. Some materials and/or information developed at the university may be classified or proprietary to project sponsors, the university and/or the investigators. Additionally, research units including but not limited to the Physical Science Laboratory receive many sponsored awards in which information may be considered classified and/or proprietary. (See the *NMSU Business Ethics Handbook* and the Physical Science Laboratory's *Code of Ethics and Standards of Business Conduct*, p. 9.) All employees shall comply with applicable laws, university policy and contractual agreements regarding non-disclosure of classified and/or proprietary information.

#### **5.94.10 Addressing Allegations of Misconduct in Research**

- A. Definition of Research Misconduct. Research misconduct is academic misconduct, dishonest behavior, or any form of unethical practices involving an act of deception whereby one's work or the work of others is misrepresented. Other terms, such as research fraud or scientific misconduct, are subsumed within the term academic misconduct. Research misconduct is distinguished from honest error and from ambiguities of interpretation that are inherent in the scientific process. The principal element of research misconduct is the intent to deceive others or misrepresent one's work. Research misconduct may also involve wrongful acts or omissions relating to non-compliance with applicable law or regulation, a failure to report known misconduct or retaliation against others involved in the reporting, investigation or correcting misconduct. Research misconduct may take numerous forms such as, but not limited to:

1. Falsification of Data. Fabrication, willful suppression and/or distortion of data with the intent to falsify results.

2. **Plagiarism.** The use of the work of another without proper acknowledgment.
  3. **Improprieties of Authorship.** Improper assignment of credit, such as excluding other authors, inclusion of individuals as authors who have not made a definite contribution to the work published, or submission of multi-authored publications without the concurrence of all authors.
  4. **Misappropriation of the Ideas of Others.** Unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.
  5. **Violation of Generally Accepted Research Practices.** Deceptive practices in proposing, conducting, or reporting research.
  6. **Material Failure to Comply with Governmental Requirements.** Serious, repeated, willful violations of governmental requirements arising from law, statute, regulation, or agreement. Regulations include, but are not limited to, those governing the use of funds, care of animals, human subjects, and biological, chemical, pharmacological, and radiological materials.
  7. **Inappropriate Behavior in Relation to Research Misconduct.** Unjust and malicious accusation(s) of misconduct, failure to report misconduct, withholding or destruction of information or evidence relevant to a claim of misconduct, or malicious retaliation against persons involved in the allegation or investigation of misconduct.
- B. **Scope of Policy.** This policy applies throughout the university system to faculty, staff and students involved in research and research-related work regulated by federal law or sponsored externally. Such research includes, but is not limited to, research involving human subjects, vertebrate animals, biohazardous agents and/or recombinant DNA. Research projects involving the surveying of other students, university personnel, or members of the general public fall within the scope of this policy, unless exempted by federal law. Academic misconduct alleged against a student generally will not be covered by this policy, unless it falls within the above scope, and will instead be addressed pursuant to the *Academic Misconduct* policy housed in the *Student Handbook*.
- C. **Duty to Report.** Individuals with a reasonable factual basis to believe that a researcher has committed an act of research misconduct prohibited by this policy are obligated to report such occurrences to a supervisor not involved in the alleged misconduct. Such reports of suspected research misconduct shall be forwarded to the vice president for research for prompt investigation, and subsequent corrective action and reporting, if warranted by the investigative findings. If the reporter, the supervisor, or the vice president have reason to suspect that a crime may have been committed, the report shall also be made to the NMSU Police or other appropriate law enforcement for a separate and distinct criminal investigation. (*See also* subsections I and J below.)
- D. **Preliminary Internal Investigation.** If an appropriate oversight committee (Institutional Review Board, Institutional Animal Care and Use Committee, Institutional Biosafety Committee, or Radiation Safety Committee) reports misconduct substantiated by an investigation with factual findings, this shall serve as the internal preliminary investigation.

In all other cases, the vice president for research will refer the reported matter to the appropriate college dean and associate dean for research, or equivalents, to conduct a preliminary internal investigation into the alleged misconduct. The investigation will be conducted confidentially.

Within twenty (20) business days from the initial receipt of the report of potential academic misconduct, the evidence and any recommended findings shall be forwarded to the vice president for research. During the preliminary investigation stage, the funding agency will not be notified, except as may be otherwise required by law or written agreement.

- E. Action on Results of Preliminary Investigation. The vice president for research shall consider the evidence and the recommended findings of the preliminary investigation, and initiate further action as follows within twenty (20) business days from the date the evidence and the findings were received.
1. If the vice president for research concludes that no infraction occurred, the matter will be dismissed. This decision, including all supporting documentation, will be reported to the office of university general counsel.
  2. If the vice president for research concludes that an infraction occurred, but was not an unanticipated problem, did not involve serious or continuing non-compliance with federal regulations or university policy, and did not involve a suspension or termination of an approval granted by the appropriate oversight committee, the vice president for research will refer the matter to the college dean or appropriate vice president for disciplinary action or other administrative corrective action, as warranted by the factual findings.
  3. If the vice president for research concludes that the matter may involve an unanticipated problem, a serious or continuing non-compliance issue, or a suspension or termination of an approval granted by the appropriate oversight committee, the vice president for research shall refer the matter for a confidential formal investigation, at which time the funding agency and/or the appropriate federal or state oversight agency will be notified by way of an Initial Report. The Initial Report shall indicate that either follow up reports or a final report, or both, will be forthcoming as soon as practicable under the circumstances.
  4. If the vice president for research concludes that a crime may be implicated, the matter shall be immediately reported to the appropriate law enforcement agency for a separate and distinct criminal investigation.
- F. Formal Investigation. The confidential formal investigation will be conducted by an ad hoc committee to be convened and chaired by the vice president for research. The committee shall consist of the appropriate college dean and associate dean for research or equivalents, the appropriate department head, and three faculty or exempt staff members from the University Research Council, selected by the university research council chair. Substitutions, in the event of conflict of interest, will be made by the vice president for research or the executive vice president and provost, as appropriate. This formal investigation should be completed within two months from the date the committee is formed. The committee shall

gather relevant documentation; interview witnesses with relevant testimony, including the person charged with the misconduct; preserve any physical evidence; and prepare an investigative report summarizing all evidence in the form of factual findings. The final draft investigative report shall be shared with the person charged with the misconduct, and that person shall be given a minimum of five business days to respond.

- G. Action on Results of Formal Investigation. Consistent with the results of the formal investigation, the vice president for research and/or the appropriate college dean or vice president shall take appropriate, university-wide corrective action to ensure that similar incidents do not recur, and shall coordinate with the Office of Human Resource Services regarding disciplinary action, if any, to be taken.
- H. Notifications and Record Retention. All documentation of the preliminary inquiry and formal investigation, if any, shall be maintained in the office of the vice president for research for at least three (3) years and must, upon request, be provided to authorized government personnel. The university shall comply with notification requirements imposed by funding agency regulations and agreements.
- I. Anti-Retaliation. In order to protect the positions and reputations of those persons who, in good faith, report reasonably suspected academic misconduct in research, the university prohibits retaliation in any form to be taken against the reporter or any person who cooperates in the investigative process. A complaint of suspected retaliation will also be cause for the initiation of a separate internal investigation to be conducted in coordination with the Office of Human Resource Services, and if substantiated, will be grounds for disciplinary action, up to and including termination of employment.
- J. False or Unfounded Complaints. If the preliminary or formal investigative report reflects that the complaint of academic misconduct in research was not substantiated, the university will make efforts to restore the reputations of the researcher who was accused of having engaged in misconduct. Additionally, and depending upon the circumstances, the university may initiate a separate internal investigation in the event the investigative report indicates that the initial complaint or any testimony given as part of the internal investigation, may have been intentionally falsified. If deliberate falsification of such a complaint or testimony is substantiated, it will be grounds for disciplinary action against the false reporter, up to and including termination of employment.

#### **5.94.20 Intellectual Property and Patents**

New Mexico State University recognizes that faculty and staff members create commercially valuable intellectual property as part of their teaching, scholarship, research, and service duties. University administration strives to foster a work environment that will motivate the creation and commercialization of intellectual property, by providing advice and assistance to originators of intellectual property, by entering into cost and benefit sharing intellectual property agreements with its faculty and staff, and by assuring compliance with such agreements.

A. Definitions. When used in this section the following definitions apply:

1. Copyright. Copyright means the intangible property right granted by federal statute for an original work fixed in a tangible form of expression. Copyright provides the owner with the exclusive right to reproduce a work, to distribute it by sale or otherwise, to display or perform it publicly and to prepare derivative works.
2. Earnings. “Earnings” refers to the monetary proceeds received by the university from the sale or licensing of intellectual property in the nature of sales proceeds, license fees and royalties; but shall not include: (1) proceeds in the nature of research or development funding or contracts for reimbursement for same to the university or its designee or (2) amounts required to be paid or reimbursed to or offset by third parties under any contractual obligation.
3. Intellectual Property. Intellectual property includes, but is not limited to, books, articles, plays, films, audio and video works, written lectures, works of art, musical compositions, laboratory manuals, demonstration devices, computer programs, chemical compounds, new materials or processes, and instruments.
4. Intellectual Property Office. The Intellectual Property Office is charged with the responsibility of receiving and processing intellectual property disclosures, obtaining intellectual property protection, maintaining and enforcing intellectual property, and commercializing and distributing the intellectual property.
5. Intellectual Property Officer. The vice president for economic development serves as the university’s intellectual property officer.
6. Originator. “Originator” refers to the person or persons primarily responsible for developing the Intellectual Property.
7. Patent. A patent is the right granted under federal statute for a discovery or invention. To be patented, the discovery or invention must be novel, useful and not of an obvious nature. A patent gives the owner the right to exclude others from producing or using the discovery or invention for a limited period of time.
8. Significant Use. Significant use shall mean use of university resources which imposes on the university costs or liabilities that otherwise would not be incurred, except for incidental use addressed by Policy 3.75.
9. Trademarks. Trademarks are distinctive symbols, logos, pictures, sounds or words that are used to distinguish and identify the origin of products. Trademarks may also include distinctive and unique packaging, color combinations, building designs, product styles and overall presentations. A trademark provides the owner with the exclusive right to use it on the product it was intended to identify and often on related products. Service-marks receive the same legal protection as trademarks but are meant to distinguish services rather than products.

B. Ownership of Intellectual Property. Ownership of intellectual property shall be determined as follows:

1. **Personal Resources.** Intellectual property developed by faculty, staff, or students (1) outside normal university working hours and (2) without the significant use of university resources, belongs to the originator.
2. **University Resources.** Intellectual property developed with the significant use of university resources by employees, students or other personnel, belongs to the university. The university or its assignee will either (1) protect such intellectual property and share the earnings with the originator as specified in Part C below, or (2) return or assign rights to the originator.
3. **Consulting Activities.** Intellectual property developed by a member of the faculty (1) during that person's allowed consulting time and (2) without the significant use of university resources, belongs to the originator. Ownership of Intellectual Property developed as the result of consulting activity by a university employee, and to which the university is a party, will be determined in accordance with the terms of the consulting agreement.
4. **Instructional Materials.** Intellectual property developed for any course offered by the university but without the significant use of university resources belongs to the originator.
5. **Scholarly and Artistic Works.** Intellectual property developed by a member of the faculty engaged in scholarly or artistic activity without the significant use of university resources belongs to the originator.
6. **Student Work.** Intellectual property developed by a student without the significant use of university resources belongs to the originator.
7. **Grants and Contracts.** Ownership of intellectual property developed as a result of projects funded by a contract or grant to the university will be determined in accordance with the terms of the contract or grant.

C. Distribution of Earnings from Intellectual Property. Net earnings from intellectual property owned by the university will be shared with the originator. After the repayment of all costs incurred by the university or its assignee to protect, manage, and commercialize (including legal, management and marketing fees), further earnings will be divided as follows:

1. **Total Distribution to Originator.** Annually, the originator, or originator's heirs, will receive not less than fifty percent (50%) and the university the remainder.
2. **Multiple Originators.** Where more than one originator is involved, the originator's share of earnings will be divided among the originators as agreed upon by them in writing.
3. **Distribution by University.** Earnings received by the university will be used to promote creative endeavor. One-third of the university's share will go to the originator's college

or appropriate division; one-third will go to the originator's department; and one-third to the Office of the Vice President for Research.

D. Managing Intellectual Property Transactions.

1. Intellectual Property Agreement. In accordance with federal regulations, all employees of the university engaged in federally-funded research will sign the Intellectual Property Agreement.
2. Responsibilities of the Intellectual Property Office. The Intellectual Property Office will receive and process disclosures of originators concerning intellectual property; notify the appropriate dean or director, if applicable, regarding the appropriate steps recommended as to the intellectual property; file for, obtain and maintain patents and/or copyrights for the intellectual property; provide for maintenance and enforcement of the intellectual property; attempt commercialization of the intellectual property; and attempt resolution of all disputes or claims concerning the intellectual property. The originator is expected to cooperate with the Intellectual Property Office concerning all these activities, including signing all necessary papers, as requested.
3. List of Intellectual Property. The Intellectual Property Office will maintain a current list of patents, copyrights and trademark registrations which have been obtained through that office. This list will be available to all interested parties.
4. Disclosure of Intellectual Property. When intellectual property is developed within the scope of the originator's regularly assigned duties, with the significant use of university facilities, or under the sponsorship of a contract or grant, notice must be submitted to the Intellectual Property Office by the originator. The Intellectual Property Office shall recommend to the university whether to pursue legal protection for the intellectual property.
5. University Assistance. Intellectual property belonging solely to the originator may be submitted to the Intellectual Property Office to explore the feasibility of the university assisting with the protection and commercialization of the intellectual property. The university will require some consideration for such assistance, such as an assignment, a license (with the right to sublicense), or the right to receive royalties or other earnings, as mutually agreed upon between the parties. The originator and the university must negotiate and sign a written agreement before the university will assist the originator.
6. Funding of Intellectual Property. Patentable intellectual property developed under the sponsorship of a federal agency is subject to federal policy as detailed in P/L/ 96-157 (35 U.S.C. 200). This law allows grantees and/or contractors to take title to inventions made in the course of their federally-funded research. To enjoy the full benefits of this law, the Intellectual Property Officer will:
  - a. Inform the sponsoring federal agency of an invention within two months of disclosure of invention to the Intellectual Property Officer.
  - b. Elect within 12 months of disclosure whether the university wants title rights.

- c. File a patent application within two years of electing title or by the expiration of the patent filing deadline in the U.S. Patent and Trademark Office.
- d. Grant a royalty-free license to the federal government within 6 months after filing a patent application.
- e. Provide the federal government with annual reports on utilization of federally supported inventions administered by the university.
- f. Secure signed intellectual property agreements from employees working on federally assisted research projects.

Unless otherwise defined or limited by contract, grant or consulting agreement, distribution of shared earnings from intellectual property will follow the guidelines detailed in *Distribution of Earnings from Intellectual Property* above.

7. Dispute Resolution. Disagreements between the originator and the university regarding ownership or other issue relating to intellectual property may be submitted, through the Intellectual Property Office, to an ad hoc Special Dispute Resolution Committee.
  - a. The committee will consist of three members: one designated by the originator, one by the appropriate dean or director, and one by the Intellectual Property Officer. The members shall select one member to serve as chair.
  - b. The committee chair shall provide the parties at least five business days notice of the hearing date and time. The committee will be convened within 15 business days from the date the request for a hearing is submitted by the aggrieved party.
  - c. The committee shall ensure a fair hearing, and may set rules as needed to maintain order and decorum during the hearing process.
  - d. To ensure impartiality, the committee members shall not communicate with either party, except through the chair to both parties jointly, or during the hearing with both parties present.
  - e. The committee members shall maintain confidentiality, and shall not discuss the matter with third parties, except for university officials with a legitimate need to know.
  - f. The committee will review the documentation provide by each party, hold a hearing, and render a written decision.
  - g. The committee's decision shall be issued to the parties within 15 working days from the date of the hearing with a copy to the Office of the University General Counsel.
  - h. The committee's decision may be appealed to the Faculty Grievance Review Board. (See Policy 4.05.50)

**5.94.30 Research Oversight and Risk Management** [*Proposition 22-08/09 Amending University Research Council Charter Passed by Faculty Senate 04.03.09; Amendment to Institutional Review Board procedures Adopted by Administrative Council 07.14.09; Ratified by Board of Regents 07.29.09*]

**A. Research Funding and Research Institutes**

1. State University Research Fund. The State University Research Fund is the designated university fund where indirect (facilities and administrative) cost recovery earned by the university is deposited. Funds to support academic research from the State University

Research Fund are relatively scarce and must be used in a variety of ways (*e.g.*, to support research, to stimulate new research, to support public service, and to support scholarly endeavors as well as the necessary administration). In general, it is desirable to keep the administrative costs at a minimum and, therefore, make available to the faculty as much support as possible for nonrecurring research expenses. It is the underlying philosophy to use this research support in a flexible manner in keeping with college and department priorities. Encouragement is given to the faculty to secure outside support for research, at the same time recognizing that it is important to provide some support to scholarly pursuits which may not attract outside funding.

## 2. University Research Institutes.

- a. University Research Institutes are units that primarily perform externally funded research. They are formed by the vice president for research in consultation with the executive vice president and provost. Generally, these units will report to the vice president for research; at the time of creating the institute, the reporting line for the unit shall be determined by the executive vice president and provost and the vice president for research.
- b. University Research Institutes may be created by the university in anticipation of outside funding. They revert to college status or cease to exist if external funding does not materialize. A University Research Institute may receive some support from the State University Research Fund. Except for the Physical Science Laboratory and the Water Resources Research Institute, University Research Institutes do not directly retain a percentage of indirect cost recovery resulting from their activity.
- c. Upon the recommendation of the vice president for research with concurrence of the executive vice president and provost, a University Research Institute may revert to College Research Institute status, be reorganized, or be dissolved, and the following list modified accordingly. University Research Institutes, all of which currently report to the vice president for research, are listed below.

- Energy Research Laboratory
- Institute for Applied Biosciences
- New Mexico Space Grant Consortium
- Physical Science Laboratory
- Water Resources Research Institute

3. College Research Institutes. College Research Institutes are research units formed at the discretion of a college, reporting to the college as the dean directs, and relying on the college for support. College Research Institutes do not directly retain a percentage of any indirect cost recovery resulting from their activity.

## B. University Research Council.

The University Research Council was established to foster research at the university. It serves as an advisory body to the vice president for research and proposes policy updates related to research, which if approved by the vice president for research are taken forward to the president for formal review and approval action. The University Research Council

provides leadership in fostering a culture of research and in enhancing the university's distinction in research, scholarship, and creative activities among faculty, staff, and students.

1. Vision. The University Research Council, in concert with the Office of the Vice President for Research, seeks to create and maintain a culturally-diverse and ethically-driven academic environment that promotes excellence in research through a university that:
  - a. Acknowledges and celebrates innovation in research,
  - b. Promotes and nurtures interdisciplinary research and collaborative research partnerships as well as individual scholarly research,
  - c. Sustains and maintains the founding core principles of the university,
  - d. Advances collective representation among faculty, staff, and students to the administration through peer review of university funding programs, and
  - e. Supports the role of research in creating a university experience that enriches the lives of students and helps them to become well-informed individuals, lifelong learners, engaged citizens, and productive employees and employers.
2. Mission. The University Research Council assists the vice president for research in formulating recommendations and policies specifically affecting the university's research community. Formally advisory in nature, the University Research Council provides a forum for internal discussion, initiates the development of policy on research matters, gathers and disseminates information to the faculty, and provides a faculty voice to the university administration on matters pertaining to research. While it is recognized that research represents only one component of the academic enterprise, the University Research Council focuses on facilitating and enhancing research-related activities at the university.
3. Goals. The University Research Council will work with faculty, administrators, and students to achieve these goals:
  - a. Encourage research and creative activities,
  - b. Improve the institutional environment for research,
  - c. Strengthen the interdependence between research areas and creative activities, and
  - d. Increase public awareness of New Mexico State University research.
4. Duties and Responsibilities. While adaptive to changing priorities facing research endeavors, the University Research Council has the following specific duties and responsibilities:
  - a. Recommend to the Faculty Senate policies it deems appropriate with respect to research activities, facilities, personnel, and patents,
  - b. Consult with and advise the vice president for research on the stimulation of and support for research activities, including policies for investment of funds in university research endeavors,
  - c. Provide strategic research direction to the vice president for research ,

- d. Assist in the evaluation of research programs within the university, and advise on new research centers and institutes and the performance evaluation of existing centers and institutes,
  - e. Recommend policies that will foster strong and mutually productive relationships among departments and research groups,
  - f. Be an advocate for the faculty on governmental, industrial, and other private sector and foundation support of the research programs of the university,
  - g. Support enhanced mechanisms for faculty to benefit financially from technology transfer and commercial application of research results for the public benefit,
  - h. Facilitate training for faculty on research grant management and indirect cost mechanisms,
  - i. Review and make recommendations to the vice president for research on internal research grants and awards, and,
  - j. Work with the vice president for research in enhancing procedures for submissions and review of research proposals.
5. Structure and Membership. The structure of the University Research Council consists of the complete University Research Council membership, an elected chair and executive committee, and appointed subcommittees established to address specific issues.
- a. Eligibility for Membership. To be eligible, a faculty member must have at least a 25% allocation of effort assigned to research and creative activity and a successful track record in research and scholarship activity.
  - b. Members. The complete University Research Council membership consists of: the officers of the Council (chair, chair-elect, immediate past chair), two faculty members from each college (three from Arts and Sciences), one faculty representative from the library, one representative from each university research institute reporting to the vice president for research, and one representative from the faculty senate. The vice president for research may appoint additional members to represent specified research activities.
  - c. Term. Members will serve two-year terms on the council, beginning on July 1 of the year of selection, except for the chair-elect (*see below*). The terms of college representatives will be staggered such that one person will be selected each year (two in one year and one the next year from the College of Arts and Sciences). Members are eligible for reappointment. If a member is unable to complete a term, the appropriate college dean or, for university research institutes, the vice president for research will arrange for a replacement to fill the position. Selection procedures for faculty representatives will be determined by the individual colleges.
6. Chair and Other Officers.
- a. Election. Each year in August or September, the membership will elect a member to serve as chair-elect (who also serves as vice chair) for one year, as chair for the following year, and on the executive committee as past chair for the next year. The member elected as chair-elect will serve a three-year term on the University Research Council beginning on the following July 1. If a college representative is elected as chair-elect, the college will be permitted to select an additional representative to

complete the unexpired term. In the event that an officer is unable to complete a term, the membership will elect a member to fill vacancies.

- b. Responsibilities of the Chair. The chair will be responsible to convene and conduct regular University Research Council meetings. When the chair is unavailable, the chair-elect or another member designated by the chair will assume these duties.

7. Executive Committee.

- a. Membership. The executive committee shall consist of the chair, chair-elect (who also serves as vice chair), immediate past chair, and faculty senate representative.
- b. Responsibilities. Responsibilities shall include, but not be limited to: preparing the meeting agenda, appointing subcommittees, and delivering charges to the subcommittees.
- c. Nominating Committee. Early in the spring semester, the Executive Committee will appoint a nominating subcommittee charged with the task of selecting nominee(s) for chair-elect and filling other office vacancies for the coming year.

8. Resource and Administrative Support. The Office of the Vice President for Research will serve as the office of record for the University Research Council.

C. Council of Associate Deans for Research (formerly Council of Research Centers)

The Council of Associate Deans for Research is an advisory group to recommend research policy and to coordinate operational research procedures among the colleges, university research institutes, and central research administration. It is chaired by the vice president for research. The council is composed of the associate deans for research of each of the colleges, the director of the Physical Science Laboratory, and the university research council chair, who serves in an *ex officio* capacity.

D. Institutional Review Board.

Administrative authority for the protection of human subjects at New Mexico State University has been delegated by the president to the vice president for research. The Office of the Vice President for Research oversees the Institutional Review Board, which has been established to regulate university research involving human subjects, consistent with federal law and university policy. Prior to submitting an application to the Institutional Review Board, principal investigators shall familiarize themselves with Policy 5.94 and all subparts, any supplemental procedures issued by the Institutional Review Board, and guidance available online from the Office of Compliance and the federal Office of Human Research Protections. Procedures may be amended from time to time by the Institutional Review Board with the approval of the vice president for research.

1. Membership.

- a. Institutional Review Board members are appointed by the vice president for research for renewable three-year terms, upon recommendation from, but not limited to, the institutional review board chair and the compliance director. All members of the Institutional Review Board appointed by the vice president for research will be voting members. A list of the current officers and membership of the Institutional Research

Board as well as detailed application procedures are available from the Office of Compliance.

- b. The Institutional Review Board chair is appointed by the vice president for research and serves as the link between the Office of the Vice President for Research and the Institutional Review Board. A vice chair will be appointed to conduct business if the chair is unavailable, or has a conflict of interest.
- c. The composition of the Institutional Review Board will consist of individuals sufficiently qualified through their experience, expertise, and diversity, including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. The Institutional Review Board will not consist entirely of men or entirely of women, or entirely of members of one profession.
- d. The Institutional Review Board will primarily be composed of representatives from the colleges and departments most concerned with projects involving human subjects. It will include at least:
  - one member whose primary concerns are in scientific areas,
  - one member whose primary concerns are in nonscientific areas, and
  - one individual who is not employed by or otherwise officially affiliated with the university and who is not part of the immediate family of a university employee.
- e. If the Institutional Review Board regularly reviews research protocols that involve a vulnerable category of subjects, such as children, prisoners, pregnant women, or handicapped or mentally disabled persons, the Institutional Review Board will include one or more individuals whose background is in protecting the welfare of these subjects.
- f. The vice president for research or his/her designee and the compliance director will be ex-officio non-voting members of the Institutional Review Board. A representative from the Office of the University General Counsel will serve as a non-voting consultant to the Institutional Review Board as necessary.
- g. The Institutional Review Board may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the Institutional Review Board. These individuals will be non-voting members. Such non-voting members may include, but not be limited to, expert consultants external to the university and/or additional representatives of the university.

## 2. Functions and Responsibilities.

- a. The Institutional Review Board will assure complete and adequate review of research activities involving human subjects, and will be able to determine the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice.
- b. No member of the Institutional Review Board will participate in the initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the Institutional Review Board.
- c. The Institutional Review Board shall recommend to the vice president for research, and review on a continuing basis, university policies and procedures regarding the use of human subjects in research.

- d. The Institutional Review Board shall review and have authority to approve, require modifications to secure approval, or disapprove all research activities involving human subjects or data related to human subjects.
- e. Research activities shall be reviewed by the Institutional Review Board for compliance with established federal regulations related to the protection of human subjects, as issued by the U.S. Department of Health and Human Services and the U.S. Food and Drug Administration, and contained in the Code of Federal Regulations 45, Part 46.
- f. Research covered by these regulations that has been approved by the Institutional Review Board may be subject to further appropriate review and approval or disapproval by officials of the university. However, those university officials may not approve the research if it has not been approved by the Institutional Review Board.
- g. The Institutional Review Board shall provide advice and guidance to investigators regarding the protection of the rights and welfare of human subjects.
- h. The Institutional Review Board shall ensure that investigators have been certified in the ethical principles of using human subjects in research.
- i. Where necessary, the Institutional Review Board shall serve as a referral board for complaints from subjects of research.
- j. The Institutional Review Board shall require that information given to subjects as part of informed consent is in accordance with federal regulations as indicated in the Code of federal Regulations 45, Part 46. The Institutional Review Board may require that information in addition to that specifically mentioned in Code of Federal Regulations 45, Part 46, be given to the subjects when, in the Institutional Review Board's judgment, the information would meaningfully add to the protection of the rights and welfare of the subjects. Documentation of that process shall also be required. The Code of Federal Regulations outlining requirements for the protection of human subjects is available by contacting the Office of the Vice President for Research.
- k. The Institutional Review Board shall notify investigators in writing of its decision to approve or disapprove the proposed research activity or of modifications required to secure Institutional Review Board approval. If the Institutional Review Board decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing.
- l. The Institutional Review Board shall conduct continuing review of research covered by these regulations at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.
- m. The Institutional Review Board shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Review Board's requirements or that has been associated with unexpected serious harm to subjects. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Review Board's action and shall be reported promptly to the principal investigator, to appropriate university officials, and to the federal Office of Human Research Protections.
- n. If a research subject registers a complaint, the investigator shall attempt to relieve the complaint by explanation or by a change of procedure. Written Institutional Review Board approval is required for procedural changes.

- o. It is the responsibility of the Institutional Review Board to determine whether applications that involve more than minimal risk to human subjects are of sufficient scientific merit to answer the proposed research questions or hypotheses.

E. Institutional Animal Care and Use Committee.

1. Membership.

- a. Voting members of the Institutional Animal Care and Use Committee are appointed by the vice president for research upon recommendation from but not limited to the Institutional Animal Care and Use Committee chair and the director of compliance. Alternate members may be appointed by the vice president for research, each to substitute for an absent member. Alternates should receive the same training as members. If they attend a meeting with the primary member, they will not be counted toward a quorum or have voting rights.
- b. The Institutional Animal Care and Use Committee chair is appointed by the vice president for research, and serves as the committee liaison to that office. The committee chair shall be a continuous appointment by the vice president for research, subject to annual confirmation. A vice chair shall be selected by the committee to conduct business in the absence of the chair, or in place of the chair if and when the chair has an application before the committee or other conflict of interest.
- c. The term of membership on the Institutional Animal Care and Use Committee is a twelve-month renewable period. It is not uncommon for members to serve at least two years. The committee chair and the director of compliance will make a recommendation for renewal of membership on the committee to the vice president for research.
- d. The Institutional Animal Care and Use Committee shall include at least five members, at least one of whom is a community member that are not otherwise affiliated with the university. The committee must include a doctor of veterinary medicine with training or experience in laboratory animal science and medicine and program authority and responsibility for activities involving animals at the university, a practicing scientist experienced in research involving animals, a member whose primary work concerns are nonscientific (examples include an ethicist, a lawyer, a member of the clergy), and a community representative who has no other affiliation with the university and has no immediate family affiliated with the university. No more than three members may come from the same college or administrative unit of the university.
- e. The vice president for research or his/her designee, the director of the Office of Compliance, and the biosafety officer will be ex-officio non-voting members of the Institutional Animal Care and Use Committee.

2. Functions and Responsibilities. All use of vertebrate animals must be reviewed and approved in advance by the Institutional Animal Care and Use Committee to ensure the necessity of animal use and high standards of humane treatment. Animal research must be conducted by adequately trained persons using all necessary measures to prevent, minimize and alleviate pain and distress to an animal. Measures will be taken to ensure that no animals in the university's care will experience severe or unrelieved pain and/or distress. All university employees involved in animal use for teaching or research

purposes must be certified by the Institutional Animal Care and Use Committee and must complete the occupational health and safety program for animal workers. Details of these requirements can be obtained from the institutional animal care and use committee chair or the director of compliance. The office of record for Institutional Animal Care and Use Committee activities is the Office of Compliance within the Office of the Vice President for Research, which will comply with federal agency reporting requirements.

#### F. Institutional Biosafety Committee

1. General Principles. The university, through the Office of the Vice President for Research, has established the Institutional Biosafety Committee which oversees the use of biohazardous agents and/or recombinant DNA by university faculty and staff, or at university facilities. University researchers using or planning to use biohazardous agents and/or recombinant DNA methods must submit the scope of their projects to the Institutional Biosafety Committee for approval.
2. Definitions.
  - a. Biohazardous Agents.
    - Any microorganism (including but not limited to bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or naturally occurring, bioengineered, or synthesized component of any such microorganism or infectious substance that is capable of causing: (a) death, disease or other biological malfunction in a human, an animal, a plant or another living organism; (b) deterioration of food, water, equipment, supplies, or materials of any kind; or (c) a deleterious alteration of the environment.
    - Any toxic material or product of plants, animals, microorganisms (including but not limited to bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substances, or a recombinant or synthesized molecule (whatever the origin and method of production), which includes any poisonous substance or biological product that: (a) may be engineered as a result of biotechnology; (b) produced by a living organism; or (c) is an isomer or biological product, homologue, or derivative of such a substance.
    - Infectious or pathogenic biological agent defined by: (a) CDC as biosafety level (BSL) 2-4 (*BMBL 5th Edition December 2009*), or (b) NIH as risk group (RG) 2-4 agent (*NIH Guidelines September 2009*).
    - Regulated biological agent or toxin as identified by the CDC-APHIS National Select Agents Registry Program (NSAR) pursuant to (a) HHS-CDC 42 Code of federal Regulations (CFR) Part 73; (b) USDA-APHIS (9 CFR Part 121) or (7 CFR Part 331); <http://www.selectagents.gov>.
  - b. Recombinant DNA Molecules.
    - Nucleic acid molecules constructed outside of living cells by joining natural or synthetic DNA segments to DNA molecules that can be replicated in a living cell.
    - DNA molecules that result from the replication of those molecules described above.

## 3. Membership.

- a. Voting members of the Institutional Biosafety Committee are appointed by the vice president for research upon recommendation from but not limited to the institutional biosafety committee chair and the director of compliance.
- b. The institutional biosafety committee chair is appointed by the vice president for research and serves as the committee liaison to that office. The committee shall select a vice chair to conduct business in the absence of the chair, or in place of the chair if and when the chair has an application before the committee, or other conflict of interest.
- c. The term of membership on the Institutional Biosafety Committee is a twelve-month renewable period. It is not uncommon for members to serve at least two years. The committee chair and the director of compliance will make a recommendation for renewal of membership on the committee to the vice president for research.
- d. The institutional biosafety committee chair is a continuous appointment by the vice president for research, with an annual confirmation from the committee to the vice president. The biosafety officer is a continuous position appointment. The biosafety officer is a professional position that reports to the director of compliance.
- e. The composition of the Institutional Biosafety Committee should include at least eight members employed by or otherwise affiliated with the university and two community members that are not otherwise affiliated with the university, with the following expertise and/or job duties:
  - recombinant DNA technology,
  - molecular biology,
  - biological safety,
  - public health and epidemiology,
  - virology,
  - microbiology,
  - infectious diseases,
  - animal scientist,
  - plant pathogen or plant pest containment principles,
  - laboratory technician/non-doctoral, or
  - facilities management.
- f. The community members should represent the interests of the surrounding community with respect to health and protection of the environment and should be knowledgeable in the basic principles of microbiology and recombinant DNA technology, or capable of assimilating these principles within the context of their applicability to the surrounding community and the general public. Individuals with the following expertise and/or job descriptions should be considered:
  - officials of state or local public health or environmental protection agencies, or
  - persons involved in medical, occupational health or environmental concerns in the community.
- g. The Institutional Biosafety Committee may also include ex-officio non-voting members who may be invited to serve when their expertise is required and can supplement the deliberations of The Institutional Biosafety Committee. These members shall include, but not be limited to, biosafety expert consultants external to the university, and/or additional representatives, usually administrative, from such

departments as Environmental Health & Safety; Employee Health Services; Research Administration; Office of the University General Counsel; Office of Facilities and Services; and/or Planning, Design and Construction.

#### 4. Functions and Responsibilities.

- a. The Institutional Biosafety Committee is responsible for reviewing all applications submitted by research investigators and their laboratory staff members, teaching faculty, and visiting scientists (collectively defined as PI for principal investigator) whose activities involve:
  - any biohazardous agent as defined above which can cause disease in humans,
  - any biohazardous agent which will be introduced into any animal,
  - any non-exempt recombinant DNA molecules (Exempt experiments are defined by NIH Guidelines Section III-F) (NIH Guidelines September 2009),
  - any large scale production of viable organisms containing recombinant DNA, or with the potential to produce toxic or hazardous substances (as defined by NIH Guidelines Section III-D-6 and Appendix K). (NIH Guidelines September 2009),  
or
  - any possession, use, or transfer of the select agents listed on the CDC-APHIS NSAR. (HHS Select Agents and Toxins 42 CFR Part 73: USDA Biological Agents & Toxins 9 CFR Part 121 or Plant Pathogens (7 CFR Part 331).
- b. The Institutional Biosafety Committee will minimize the risks to the health, safety, and well being of laboratory employees, the public, and the environment regarding the use of biohazardous agents, non-exempt recombinant DNA molecules, and large-scale production of recombinant DNA molecules.
- c. The Institutional Biosafety Committee recommends policies to guide Principal investigators, the biosafety officer, the Office of Compliance, and Environmental Health & Safety in the administration of the university's Biosafety Program with regard to the acquisition, use, transfer, storage, disinfection, disposal of agents, and emergency response procedures for all biosafety activities. The Institutional Biosafety Committee shall ensure that such activities meet standards of good practice consistent with safety of personnel, the general public, and the environment in ways that best facilitate relevant research or teaching activities at the university.
- d. The Institutional Biosafety Committee is vested with the authority to comprehensively review, and approve research applications with or without modifications, or withhold approval of all or any part of an application with regard to biological aspects of the research or activity. The Institutional Biosafety Committee may make recommendations for corrective action on protocols.
- e. If the biosafety officer's review of a suspected or alleged violation of any university policy or external regulation that involves "biosafety activities" indicates that the violation is of a serious or continuing nature, the biosafety officer will report such to the Institutional Biosafety Committee. The Institutional Biosafety Committee holds the authority to suspend any project in which serious or continuing violations have been reported. The Institutional Biosafety Committee will notify and coordinate with the affected investigator to rectify the situation. If further action is needed, the Institutional Biosafety Committee will inform the Office of Compliance, which will comply with appropriate federal agency reporting requirements.

- f. Upon request, the Institutional Biosafety Committee shall review and comment on proposed biosafety regulations, including but not limited to federal, state, and local policies. When appropriate, the Institutional Biosafety Committee will formulate draft policies and procedures for approval by the vice president for research and other institutional officials as needed.
- g. The Institutional Biosafety Committee shall periodically review the effectiveness of the Biosafety Program and make recommendations for improvements.
- h. The Institutional Biosafety Committee shall ensure that “biosafety activities that fall within the responsibility and scope of the Institutional Biosafety Committee” that are official university business conducted by a university employee at a non-university facility have been approved by the non-university facility and adhere to the university biosafety requirements.

G. Radiation Safety Committee.

1. General Principles.

- a. The use of radioactive materials and x-ray emitting machines at the university is regulated by federal, state, local and university entities. The Radiation Control Bureau of the New Mexico Environment Department (Bureau) is the primary regulatory authority.
- b. The Bureau issues Radioactive Material Licenses and X-Ray Certificates of Registration that define the conditions for use of radioactive materials and/or radiation producing devices at university facilities.
- c. The university has established the Radiation Safety Committee to serve as a review and approval body for the use of radioactive materials on campus or for university research purposes, and to provide and enforce safety guidelines for the use of radioactive materials or sources and of x-ray generating equipment at the university. University employees responsible for the use of radioactive materials in their research, operations, and/or teaching (whether conducted by employees, students, or others) must submit a proposal of their activities to the Radiation Safety Committee for approval.
- d. No program proposed or acquisition of radioactive materials shall be initiated until the proposal is approved by the Radiation Safety Committee. All staff and students participating in activities involving radioactive materials shall meet certain training requirements specified in the *Radiation Safety Manual*, available at the Environmental Health and Safety web site, and shall work within the permit granted by the Bureau and the Radiation Safety Committee’s guidelines.

2. Membership.

- a. A minimum of three technical members of the Radiation Safety Committee are appointed by the vice president for research upon recommendation from the radiation safety committee chair. The members of the Radiation Safety Committee shall be representative of areas of the university where personnel are using radioactive materials or radiation emitting equipment. The radiation safety officer, a regular position of the Environmental Health and Safety Department, is an official member of the Radiation Safety Committee. All members of the Radiation Safety Committee,

including the chair and the radiation safety officer, will be voting members. The radiation safety officer advises the Radiation Safety Committee on every aspect of the radiation safety program.

- b. The radiation safety committee chair is appointed by the vice president for research and serves as the committee liaison to that office. The committee shall select a vice chair to conduct business in the absence of the chair, or in place of the chair if and when the chair has an application before the committee, or other conflict of interest.
- c. Members of the Radiation Safety Committee are appointed for two-year renewable terms. The radiation safety officer is a continuous position appointment. The Radiation Safety Committee may also include ex-officio non-voting members who may be invited to serve when their expertise is required and can supplement the deliberations of the Radiation Safety Committee.

### 3. Functions and Responsibilities.

- a. The Radiation Safety Committee advises the vice president for research on radiation safety policy and procedures at the university. The Radiation Safety Committee is responsible for reviewing and approving all applications from research investigators and teaching faculty whose activities involve the use of radioactive materials/sources and x-ray generating equipment.
- b. The Radiation Safety Committee is vested with the authority to thoroughly review and make recommendations to the vice president of research regarding
  - qualifications of applicants requesting permission to use or supervise the use of radioactive materials or radiation equipment;
  - applicants' training and experience in the context of the plans for the work requested, including consideration of the types and quantities of materials, and the methods of use;
  - all training courses that an applicant, or first-time user, attends to overcome any deficiencies in training; and
  - efforts of each applicant to maintain exposure as low as reasonably achievable (ALARA) when considering the use of byproduct material.
- c. The Radiation Safety Committee will (a) ensure that the users justify their procedures, exposure potential and that individual and collective doses will be ALARA; and (b) encourage all users to review current procedures and develop new procedures as appropriate to implement the ALARA concept.
- d. The Radiation Safety Committee will delegate authority to the radiation safety officer for enforcement of radiation safety policies and procedures. If the Radiation Safety Committee overrules the radiation safety officer, it will record the basis for its action in the meeting minutes.
- e. The Radiation Safety Committee must meet at intervals not to exceed 12 months to review radiation policies and procedures and their implementation. A quorum for a meeting would require attendance of the chair, the radiation safety officer, and the committee member whose field of expertise is necessary to assure all safety aspects have been addressed.

**5.94.40 Responsibilities and Accountability for Sponsored Project Awards****A. Administrative Responsibility.**

1. **Principal Investigator Defined.** The principal investigator is the individual responsible for the intellectual direction of a research project and the training of graduate students. This responsibility includes the conduct of the project, fiscal and administrative accountability, and adherence to the requirements of all relevant laws, regulations, policies, procedures and agreements. If a project has multiple investigators (lead principal investigator and co-principal investigators), they shall share the responsibility and accountability for leading and directing the project, both intellectually and logistically.
2. **Eligibility to Serve as a Principal Investigator.** Eligibility to serve as a principal investigator on an externally sponsored award is generally limited to those regular employees of the university including: (a) those with faculty rank, including college faculty and research faculty as well as administrators with faculty rank such as (but not limited to) the president, executive vice president and provost, vice presidents, deans, and associate deans, and (b) research and development technical staff. There may be instances when it is in the best interest of the university to have other persons serve as principal investigators, such as temporary employees, affiliated faculty or emeritus faculty. Exceptions to the requirements that a principal investigator must have both (a) regular employee status and (b) either faculty rank or employment as research and development technical staff may be made with written approval of both the relevant dean or director, and the vice president for research. A student may serve as a co-principal investigator, but may not serve as the lead principal investigator on a project.

**B. Sponsored Project Proposal Process.**

1. **Proposal Preparation.** Proposal preparation is the responsibility of principal investigators and their units, working in cooperation with the Office of Grants and Contracts. The Proposal/Award Form or a similar automated system, as designated by the vice president for research, will be used by all principal investigators and project directors seeking externally sponsored project funding. This form will be processed in the early stages of proposal development. This is a mandatory form, and no research proposal will be signed or sent out from the university unless this form is signed by the appropriate administrative officers or designated representatives. Responsibility for proposal preparation includes developing budgets consistent with relevant cost accounting standards and obtaining appropriate certifications, permits (*e.g.*, for drug use), and permissions (*e.g.*, use of humans and animals in research).
2. **Proposal Submission.** Proposal submission is the sole responsibility of the Office of the Vice President for Research. Principal investigators should timely submit funding proposals through their unit to the Office of Grants and Contracts, with

sufficient advance notice to allow for their proper review, approval and submission to funding agencies.

- C. Acceptance of Sponsored Project Award. Award documents are received by the Office of Grants and Contracts for final review, negotiation and formal acceptance. Only the vice president for research (or designee) has the authority to accept an award, negotiate and to sign award agreements related to sponsored programs, including amendments, modifications, budget changes, principal investigator changes, and extensions to existing agreements.
- D. Maintenance of Sponsored Project Records. Records of sponsored project awards and related certifications, permits and permissions, as well as of non-financial deliverable reports to sponsors, are maintained by the Office of the Vice President for Research through the Office of Grants and Contracts. This includes coordinating the production, submission and retention of reports and records generated in the closeout of sponsored award agreements. Financial records of sponsored awards and related reports, invoices and financial reports, are maintained by the Office of Administration and Finance, primarily through the Sponsored Projects Accounting Office.
- E. Accountability for Sponsored Award Transactions. Transactions on sponsored project awards shall be approved by the principal investigator and the dean, director, or designee of the college or other unit. The Sponsored Projects Accounting Office, in cooperation with the principal investigators and their respective units, fiscally monitors sponsored awards, reviews and prepares financial reports, and receives and disburses funds.
- F. Accountability for Property Acquired Through a Sponsored Project Award. The principal investigator, department head, dean or director, and university property administrator shall be accountable for acquisitions and dispositions of equipment and other property acquired through sponsored project awards. Any such property will be recorded on the university's inventory at a minimum, for property to which the university does not acquire title, until the expiration of the award period. A determination as to whether title to property acquired under sponsored awards vests with the sponsor or with the university at the end of the award period should be included in the award agreement, rather than negotiated at award termination. The university property administrator will be kept informed of any amendment to the initial determination regarding property ownership, so that the university's inventory may be updated and the necessary final property reports prepared.