



POLICY & PROCEDURE DOCUMENT

NUMBER: 2.0103

SECTION: Research

TITLE: Extramural Contracts and Grants

DATE: October 25, 2010

REVISED: May 9, 2016, January 28, 2019, August 9, 2021

Authorized by: Dr. Robert Fischer, Provost and Vice President for Academic Affairs

I. Scope and Purpose

This policy covers all grants and contracts related to research, scholarship, creative activity, public outreach, service, training and education (hereinafter termed “agreements”) entered into by units of Western Kentucky University (WKU), and faculty and staff acting as employees of WKU. It does not cover the outside professional activities of faculty and staff.

Definitions:

- Gift: When WKU receives a gift, ownership of money, or property (real or otherwise) is transferred to the university with no expectation of *quid pro quo*.
- Grant: Monies are provided to WKU, and in return certain actions including but not limited to research, teaching, and service are the reasonable expectation of specified outcomes.
- Contract: Monies are provided to WKU in return for certain prescribed performances and outcomes.
- Fiscal Entity: An organization or organizational structure that can accept and manage money and real property.
- Performance Entity: An organization or organizational structure that can undertake the performance actions agreed to with an external body.
- Full-time Faculty: Employees of WKU who teach and assume other academic responsibilities commensurate with the mission and goals of the university. These full-time faculty members are expected to demonstrate competence in their discipline, the ability to impart knowledge through effective teaching, and to engage in research/creative endeavors. The definition includes tenure eligible faculty members holding the rank of professor, associate professor, assistant professor, pedagogical professor, pedagogical associate professor,

pedagogical assistant professor; includes non-tenure eligible full-time instructors, research faculty, and clinical faculty

- Part-time Faculty: Qualified individuals who are employed on a part-time basis to teach University classes are defined as Part-time Faculty.

II. Policy

1. Contracts, grants, and even gifts may encumber WKU with responsibilities, costs, liability, etc., and thus require thoughtful oversight in order to protect the University and its employees.
2. No person may enter into agreements on behalf of WKU without specific authorization to do so.
3. The authority to enter into agreements on behalf of WKU is held by the President of WKU, overseen by the Board of Regents of WKU. The authority to enter into agreements on behalf of WKUF is held by the President of WKU Foundation overseen by the Board of Directors of WKU Foundation. The authority to enter into agreements on behalf of College Heights Foundation is held by the President of College Heights Foundation, overseen by the Board of Directors of College Heights Foundation. The authority to enter into agreements on behalf of WKU Research Foundation is held by the President of WKU Research Foundation, overseen by the Board of Directors of WKU Research Foundation. The responsible persons may delegate such authority.
4. The President of WKU delegates authority to enter into agreements covered by the present policy to the Provost and Vice President of Academic Affairs who may further delegate such authority to the Associate Provost for Research and Graduate Education.
5. Unless proscribed by regulations, WKU shall be the fiscal entity for all contracts and grants.
6. Unless proscribed by regulations, WKU shall be the performance entity for all contracts and grants.
7. Gifts of money or real property may be received by WKU, WKU Foundation, College Heights Foundation, or WKU Research Foundation. The accepting entity shall be determined by mutual consent of the respective presidents. The final arbiter for all ambiguities and disagreements shall be the President of WKU.
8. Negotiated contracts with corporate entities related to research and development and that involve the exploitation and/or assignment of intellectual property may only be entered into by the Associate Provost for Research and Graduate Education in consultation with the Provost and Vice President for Academic Affairs (or their designees).

III. Procedure

A. Preliminary Discussions

1. With the possible exception of private foundations and corporations, faculty and staff are encouraged to engage program officers and other agency personnel to discuss general interest, and to assert the overall level of competence and qualifications of WKU personnel to carry out the proposed work.
2. When any discussion advances to the point where a proposal, white paper, or other document outlining possible performance, possible outcome, or possible deliverables, the PI/PD must inform the WKU Office of Sponsored Programs (OSP) before proceeding with the production of such documents or messages. The OSP shall serve as the point of contact for communication with the sponsor during proposal preparation and award management.
3. In the case of private foundations, faculty must first check with the Vice President for Philanthropy and Alumni Engagement since special relationships may exist with certain foundations. The Vice President for Philanthropy and Alumni Engagement will determine whether or not preliminary discussions may be undertaken.

B. General, Including Procedures for Unsolicited Proposals for Contracts and Grants

1. All full-time faculty have the ability to act as the Principal Investigator or Program Director (PI/PD) for any contracts and grants, provided that they follow University policies and procedures. The ability of persons occupying non-faculty or part-time faculty positions to act as PI/PD will be considered and granted by the Associate Provost for Research and Graduate Education on a case-by-case basis.
2. Institutional contracts and grants, including subawards received from other entities, must be processed through OSP. OSP shall be the sole point of contact with the sponsor unless others are specifically authorized. OSP may delegate this authority in order to take advantage of inter-personal relationships.
3. PI/PDs receiving awards directly (e.g., some fellowships or summer stipends) may wish to consider the advantages (including administrative advantage, tax advantage) of assigning the award to WKU (if allowed by the sponsor). This may be done with the agreement of the Associate Provost for Research and Graduate Education.
4. All persons named as investigators in proposals for contracts and grants must give their consent to be so named.
5. All cost share and stated time and effort must follow the applicable policies.

C. Proposals with Restricted Application

1. Where a sponsor allows a restricted number (sometimes only one) proposal from an institution, an internal competition may be required to determine which PI/PD

may proceed.

2. PI/PDs wishing to submit a proposal of this type must inform OSP as early as possible, and will be informed either of their permission to proceed, or of an internal competition.
3. The Associate Provost for Research and Graduate Education shall determine whether an internal competition is needed, the nature of the competition, and shall oversee internal competitions to submit such proposals.

D. Solicited and Non-Competitive Proposals

1. Non-competitive proposals that are solicited by a sponsoring / funding body must be administered exactly as unsolicited proposals.
2. The PI/PD must inform OSP as soon as they are approached with a solicitation, and must work with OSP in the preparation and submission of the proposal.

E. Gifts

1. Faculty and staff who identify possible sources of gifts shall inform the Vice President for Philanthropy and Alumni Engagement. In the case of a gift intended to enhance the research, training, or outreach missions of the university, the Provost and Vice President for Academic Affairs and the Associate Provost for Research and Graduate Education shall also be informed.
2. In the case of a gift intended to enhance the research, training, or outreach missions of the university, the Provost and VP for Academic Affairs and the Vice President for Philanthropy and Alumni Engagement shall together determine the acceptability of the gift, as well as the appropriate vehicle for acceptance. In the case of failure to achieve consensus, the President of WKU shall make the final determination.

F. Post-award Responsibilities

1. The PI/PD is responsible for ensuring that the institution is informed about funding decisions, revisions to budget, unanticipated termination of contracts and grants etc. Since some granting bodies deal directly with the PI/PD, any communication of this type must be forwarded to OSP, unless it is obvious that OSP has also been informed.
2. The PI/PD is responsible for compliance with sponsor's requirements for reports. OSP will attempt to ensure and facilitate such reporting, but this does not absolve the PI/PD from ultimate responsibility for compliance.
3. In the event that the sponsor communicates to the PI/PD a variance, or waiving, of reporting conditions, the PI/PD shall communicate this promptly to OSP.

IV. Reason for Revision

April 2016

Revised to reflect re-organization of the Office of Research and Creative Activity and remove the “Negotiated Research Contracts with Corporate Entities” section.

January 2019

Revised to reflect change from WKURF to WKU as the fiscal agent on all external grants and contracts.

August 2021

Non-substantive changes resulting from fifth year review in accordance with Policy 0.000V.