

September 2, 2009

To: University of Iowa Research Deans
Departmental Executive Officers
Departmental Administrators

From: Twila Fisher Reighley, Assistant Vice President for Research, University of Iowa
Gregory Lamb, Assistant Vice President for Corporate and Foundation Relations, UI Foundation

Re: New Guidelines for Distinguishing Gifts and Sponsored Project Funding

The University of Iowa and The University of Iowa Foundation are pleased to offer a new set of *Guidelines for Defining, Requesting, and Receiving Gifts and Sponsored Project Funding*.

These *Guidelines*, developed through a cooperative effort involving the UI Division of Sponsored Programs (DSP) and UI Foundation (UIF), are intended to define and distinguish the two major types of external support – namely, Gifts, which are sought and processed through the UI Foundation; and Sponsored Project Funding, which is handled through the Division of Sponsored Programs. While closely related – each involving external funding to further the University’s research and educational mission and operations – the two types of funding are distinguished by the level of institutional resources and responsibilities attached to each:

- Gifts are made for a restricted or unrestricted use, as specified by the donor at the time of the gifting. Provided the funds are used in the way specified by the donor, the support is irrevocable and requires no institutional goods, services, or deliverables in return.
- Sponsored Project Funding is also awarded for a restricted or unrestricted use, as specified by the sponsor at the time of award. This type of funding, though, may carry a variety of contingencies, requiring financial accounting to ensure the funds are spent as specified; scientific reporting to confirm adequate progress has been made; documentation to ensure compliance with federal guidelines for protecting human and animal subjects, environmental safety, and ethical standards; agreements for addressing intellectual property concerns; and/or other types of institutional monitoring and administrative oversight.

Section II of the *Guidelines* outlines procedures for the submission, acceptance, and administration of **grant** funding that may be defined as either a Gift or a Sponsored Project.

It is our hope that this effort to distinguish Gifts and Sponsored Project Funding will alleviate the long-standing confusion within our academic community, clarifying the associated procedures for seeking, accepting, and administering each type of funding and defining the respective roles of the UIF and DSP offices.

We have attached the *Guidelines* for your review and for sharing with your colleagues. Questions may be directed to Associate Director Gina Croscheck in the UI Division of Sponsored Programs, gina-

crosheck@uiowa.edu or 335-3203, or to Assistant Vice President Lamb at the UI Foundation, at gregory-lamb@uiowa.edu or 467-3804.

Thank you very much for your attention to these new guidelines.

Attachment: *Guidelines for Defining, Requesting, and Receiving Gifts and Sponsored Project Funding*

cc: Jordan Cohen, Interim Vice President for Research
Audra Haddy, Associate Controller
Terry Johnson, Controller
Lynette Marshall, President of the UI Foundation
Division of Sponsored Programs Staff
UI Foundation Development Officers

Guidelines for Defining, Requesting, and Receiving Gifts and Sponsored Project Funding

The University of Iowa and The University of Iowa Foundation

June 23, 2009

The University of Iowa (University or UI) and The University of Iowa Foundation (UI Foundation) work to extend and steward corporate and foundation partnerships while optimizing corporate and foundation support to the University. Support comes in various forms, normally through contracts, gifts, and grants.

Purpose

These guidelines define the various types of **external** support and outline the appropriate administrative procedures for proposal submission, gift/grant acceptance/processing, and stewardship for each type of support. For the purposes of these guidelines, **external support** is defined as anything of economic value provided by a third party for use by or at the University.

I. General Definitions and Guidelines for Processing External Support Funds

- A. **Gift:** A contribution received for either restricted or unrestricted use in furthering the University's research and educational mission and/or operations, for which neither the University nor the UI Foundation has made a commitment of resources or services other than committing to use the gift as the donor specified. Gifts shall be processed through the UI Foundation, unless the donor has specifically indicated the University as recipient.

1. UI Foundation Gifts

The UI Foundation seeks and receives *gifts*, and is acknowledged as the University's preferred channel for private contributions that benefit all areas of the University. Gifts commonly meet the following criteria:

- a. The external support is irrevocable, provided the gift is used in accordance with any valid restrictions accepted by The University of Iowa Foundation.
- b. No goods, services, or deliverables are offered or exchanged in consideration of receipt of the external support.
- c. The gift stewardship may involve voluntary or mandatory reporting to the donor regarding the use of the funding, taking the form of acknowledgement letters, annual

reports, and financial statements on the status of funds, but does not require final financial statements reflecting the use of the funding.

B. Sponsored Project/Activity: An award for either restricted or unrestricted use in furthering the University's research and educational mission and/or operations. Sponsored projects/activities typically carry an institutional commitment of resources and/or services. The UI Division of Sponsored Programs (DSP) handles funds supporting any program meeting the definition of a Sponsored Project/Activity, requiring compliance oversight, final financial accounting, scientific reporting, and/or other institutional responsibilities as described in Section 1 below.

1. UI DSP: All Contracts and Any Grants Supporting Sponsored Projects/Activities

The University seeks and receives sponsored projects/activities support from a range of public and private sources in the form of contracts and grants. An activity supported by a contract is always considered a sponsored project. An activity supported by a grant may or may not be considered a sponsored project. This determination will be based on the following criteria for defining sponsored projects/activities, distinguishing, for the purposes of this policy, support from governmental sources and support from corporations, foundations, and other nonprofits:

- a. *Governmental External Support.* A project or activity receiving either direct or indirect external support from any governmental entity shall be considered a sponsored project/activity at the time the support is committed or paid.
- b. *Non-Governmental External Support.* A project or activity receiving external support from a non-governmental entity shall be considered a sponsored project if the project is subject to any of the following conditions at the time the support is committed or paid:
 - i. The external funding will support a project or activity involving one or more of the following:
 1. Human subjects, vertebrate animals
 2. Radioactive materials
 3. Recombinant DNA
 4. Human body substances
 5. Infectious agents
 6. Third-party proprietary materials
 - ii. The external support is proposed to be or subject to any of the following conditions:
 1. The University's delivery of specific goods, services, or other deliverables
 2. Performance milestones of research results
 3. Transfer of intellectual property, ownership, or related rights
 4. Insurance, indemnification, or warranty

5. Restrictions on publication of research results;
 6. Audit requirements
 7. Final accounting or expenditure restrictions outside of submitting an initial budget
- iii. The provider of the external support may withhold or seek a refund of the support if the project fails to meet performance requirements or project objectives, including certain research outcomes.
 - iv. The external support is provided for research-related patient care services or the routine cost of care delivered as part of research studies.
 - v. The external support is provided for developing, co-developing, testing, or assessing of the sponsor's products or services.

All sponsored projects/activities shall be administered in accordance with the University Operations Manual.

II. Standard Procedures: Grant Application and Award

A. Grant Application Submissions

1. Submission by DSP. Grant proposals for sponsored projects/activities, except when the funding organization/sponsor mandates UI Foundation submittal, will be submitted by DSP staff. See DSP web site for procedural guidelines: <http://research.uiowa.edu/dsp/>. The University requests reimbursement of facilities and administrative (F&A) costs at the rate allowed by the funding organization and as further defined by University policy.
2. Submission by UI Foundation. Grant proposals for UI non-sponsored projects/activities shall be submitted routinely through the UI Foundation when the funding organization is a non-governmental entity and the applications seek gift support as defined in section I.A. and not precluded by parameters established for a sponsored project as defined in section I.B. When the grant is processed as a gift, the UI Foundation tiered gift fee is assessed if allowed by the funding organization.
 - a. Exceptions for UI Sponsored Projects/Activities:
Grant applications for sponsored projects/activities shall be submitted through the UI Foundation when the grantor requires 501(c)(3) non-profit submission or receipting using the University of Iowa Foundation's federal tax identification number and the UI Foundation agrees to perform such submission consistent with its policies and procedures.

Proposals for sponsored projects/activities to funding organizations that have designated the UI Foundation to officially submit and/or accept the funds will be directed to the UI Foundation by DSP, for submission to the funding organization after required University approvals have been obtained and UI Foundation review is completed.

When the grant is determined to be a sponsored project, University Facilities and Administrative (F&A) costs will be assessed up to the funding organization's allowable rate. All F&A reimbursements will be retained by the University; no F&A, gift fees, or other overhead costs will be assessed by the UI Foundation on sponsored projects grant proposals or awards .

B Grant Acceptance and Administration

1. External Funds Accepted by the UI DSP – When funds are to support a sponsored project/activity and will be accepted by the University, DSP will review all applicable agreements with the sponsor/grantor and all grant administration, and accounting will be managed through DSP and the UI Grant Accounting Office.
2. External Funds Accepted by the UI Foundation – As noted in the University Operations Manual, Part V, section 5.6(b): “The University of Iowa Foundation, the preferred channel for private gifts to The University of Iowa, may accept grants and grant agreements on behalf of The University of Iowa.”

In accordance with the University Operations Manual, Part V, section 5.6(b): “Prior to their acceptance by the Foundation, all such awards [grants for sponsored research] including copies of letters of transmittal or agreement shall be reviewed by the Division of Sponsored Programs to determine their acceptability by the University.”

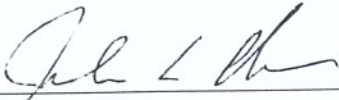
Once approved, sponsored project award funding should be transferred to the University upon receipt. Such funds are not to be invested or expended directly from Foundation accounts.

When the grant is determined to be a gift, it will be accepted by the UI Foundation, and the UI Foundation Corporate and Foundation Relations staff and Assistant Vice President, Legal will review all applicable agreements with the donor/grantor.

C. Determination of Grant Status: Sponsored Project/Activity or Gift

Whether the application and award should be channeled through the University DSP or the UI Foundation will depend on the details identified above. When the determination is unclear, the final decision will be made by the UI Vice President/Research and the UI Foundation President and CEO.

THE UNIVERSITY OF IOWA

By 
Jordan Cohen
Interim Vice President of Research

Date 7-6-09

THE UNIVERSITY OF IOWA FOUNDATION

By 
Lynette Marshall
President and CEO

Date 6/29/09