



Susan Marie Pesce &lt;spesce@umd.edu&gt;

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## Research Gifts Routing

1 message

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**Susan Marie Pesce** <spesce@umd.edu>

Fri, May 20, 2022 at 8:21 AM

To: uhrlist31@umd.edu, tmlist001 &lt;tmlist001@umd.edu&gt;

Bcc: Susan Marie Pesce &lt;spesce@umd.edu&gt;, "Clark, Denise" &lt;djclark@umd.edu&gt;, "Gregory F. Ball" &lt;gball@umd.edu&gt;, Jen Gartner &lt;jgartner@umd.edu&gt;



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**May 20, 2022**

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Dear University of Maryland Campus Community:

The University of Maryland's reputation as a premier research institution depends upon our efforts to meet the highest standards for integrity in all research endeavors. To that end, the University provides our research community with the support, education, and resources necessary to ensure a culture of research integrity. Below is an update on the University's research related gift acceptance process, which has been redesigned to address the increasing federal scrutiny of conflicts of interest (COI) and conflicts of commitment (COC) related to the research enterprise. Contracts and grants are already subject to similar processes and procedures as outlined below.

To meet the required Federal and State standards, including National Security Presidential Memorandum-33 (NSTP-33), the University will be moving forward with enhanced gift acceptance processes and procedures that will be fully implemented starting July 1, 2022. First, all research-related gifts provided directly to a campus unit and not through the University of Maryland College Park Foundation (UMCPF) must be routed by the unit through the college using Quali Build's "Research Gifts Routing" module (access available 7/1/22). Second, before the University can accept a research-related gift and release the funds for use, the researchers supported by the gift must disclose the gift via the [Quali Conflict of Interest module \(KCOI\)](#) and the University COI Committee must complete a COI review. Third, depending on the type of gift received, other processes may be required. These processes are required for each research-related gift received by the University and/or the University of Maryland College Park Foundation. The [University's COI website](#) has an FAQ section that provides an example of the information required to be disclosed prior to gift acceptance.

Because University employees are also State employees, they are also subject to State Ethics Laws which, among other things, generally restricts the interests and relationships that a University employee

may have with any external entity that does or seeks to do business with the University. State Ethics Law provides a limited exemption (the “research carve-out”) to the prohibition on these relationships if, and only if, they (1) relate to research and development and (2) are fully and accurately disclosed and managed pursuant to the University’s COI/COC policies and procedures, which are approved by the State Ethics Commission. COIs and/or COCs that arise due to relationships between University employees and external entities that are *not* related to research and development cannot currently be managed and mitigated through the standard KCOI process and may need to be handled directly with the State Ethics Commission.

State Ethics Law also contains other provisions that apply to all University employees regardless of the research carve-out. These provisions limit or prohibit State employees from participating in matters in which they (or certain family members or business entities) have an interest; soliciting and/or accepting gifts, including payment of travel and lodging expenses; using the prestige of their office or their institution’s resources, including confidential information, for private gain (their own or that of another); and representing external parties in State matters for contingent compensation. Please contact the University’s Office of General Counsel with questions about State Ethics Law.

We appreciate your efforts to bring in gifts and other funding to support the University’s research enterprise while also remaining compliant with Federal and State laws, regulations, and procedures. We are most grateful to all our faculty and staff who support and advance the University’s research mission.



**Gregory F. Ball**

*Vice President for Research*



**Brodie Remington**

*Vice President for University Relations*



UNIVERSITY OF  
MARYLAND

**The Flagship Institution of the State of Maryland**

College Park MD 20742-5035, USA

Phone: 301.405.1000

The University of Maryland, College Park (UMD) receives funding from a variety of sources, including government agencies, corporations, and private individuals and organizations. This chart will help to guide the review of non-federal external funding receives the proper compliance review, administrative oversight, and monitoring, UMD must categorize each award as a gift, a grant or a contract. The following is intended to clarify the differences between the types of funding. If you have any questions on how a specific situation should be characterized, contact University Relations Office of University Development and the Office of Research Administration.

<b>CHARACTERISTICS OF A GIFT, GRANT, AND CONTRACT</b>			
	<b>Gift</b>	<b>Grant</b>	<b>Contract</b>
<b>Primary Intent</b>	Transfer of funds from a donor to the institution with the intent of assisting the institution in reaching its institutional goals and public purpose. Charitable intent, no expectation of economic benefit to the donor or quid pro quo.	Transfer anything of value from the sponsor to the institution to carry out a public purpose authorized by a law of the United States. Grantors requirement does not negate philanthropic intent.	Mechanism to engage University to perform research with specific deliverables. Contract includes obligations for both the sponsor and the University. Creates a quid pro quo relationship.
<b>Benefit</b>	To UMD, by furthering university's own purposes or programs.	To UMD, by furthering university's own purposes or programs.	Primarily to the sponsor, who anticipates an economic benefit or other deliverable as result of activity but also to the University by furthering research.
<b>Type</b>	Philanthropy	Award of financial assistance	Contract with specific requirements imposed on both parties. University could have to return funds if University's responsibilities are not met.
<b>Purpose</b>	General. May be restricted to a particular purpose such as endowment, capital projects, or student financial aid.	Semi -directed with broad, programmatic objectives to support the research of one or more specified faculty members or research programs.	Specific purpose, service or objective e.g. specified protocol, experiments, testing of hypotheses, and particular line(s) of inquiry.
<b>Who defines activities</b>	Administering department	Principal Investigator initiates request via application kit or guidelines	Typically solicited by request for proposal (RFP), or request for bid/quote
<b>Terms</b>	No defined deliverables	Technical and financial reports	Specific deliverables, reports and/or milestones
	Can be restricted or unrestricted; donor may define the purpose or a specific area of research for the gift.	Semi-restricted	Restricted to activities specified in agreement
	Irrevocable	Revocable	Revocable
	No specific period of performance	Specific period of performance	Specific period of performance

<b>Intellectual Property (IP)</b>	May include specific conditions about disposition of IP (including open source software or public dedication or a requirement to put in the public domain)	Award may contain detailed terms or conditions	Award may contain detailed terms or conditions
<b>Publications</b>	No restrictions on use of data or publications	Data use and/or publications typically not restricted	Data use and/or publications may require review and/or approval by sponsor
<b>Financial/Budget</b>	Generally no budgetary restrictions	Specific financial accountability	Specific financial accountability
<b>Budget Deviations</b>	No formal restrictions	Sponsor approval may be required	Usually requires sponsor approval
<b>Unexpended Funds</b>	Unexpended funds not required to be returned	Typically must return unexpended funds	Depends upon nature of contract
<b>Mechanism of Award</b>	Gift Agreement	Notice of Grant Award	Contract, Purchase Order, Sponsored Research Agreement, Sponsored Services Agreement
<b>Payment Method</b>	Donation	Payments may be contingent on progress	Payments are contingent on progress
<b>Reporting/Deliverables</b>	Generally not required	Required	Required
<b>Financial Reports</b>	No formal accounting requirements other than customary stewardship	Regular financial and progress reports required	Regular financial and progress reports required
<b>Administered By</b>	The University of Maryland College Park Foundation (UMCPF)  Contact UMCPF for Common Trust, USM, and UMD Gifts/Agreements	Office of Research Administration (ORA) / Sponsored Programs Accounting & Compliance (SPAC)	Office of Research Administration (ORA) / Sponsored Programs Accounting & Compliance (SPAC)

- When you enter the form entitled, “UMD Researcher Gift Routing”, this is the initial screen page. Notice on the left-hand side, you have radio buttons that will move you from page to page. You may click the radio button and it will move you to that page. Or on the right-hand side, you can select “Next”, which will take you to the next page. This navigation will be visible on all pages. Every field that has a **red asterisk**, you will need to enter in or answer a question throughout the form.

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### Research Gift Routing Form

The Division of University Relations and the Division of Research require **all gifts related to research** be routed via this form. Each office will have the opportunity to review the information and make a determination as to whether these funds shall be considered a gift or a grant. **Gifts include funding and/or resources, for example, but not limited to: equipment, materials, software, and other items.**

<p><b>Is there a specific (e.g., a named) Researcher associated with this gift? *</b></p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>	<p><b>Is this gift:</b></p> <p><input type="radio"/> New Gift</p> <p><input type="radio"/> Installment payment</p> <p><input type="radio"/> Supplement to existing gift</p>
<p><b>Department Chair/Center Director Name *</b></p> <p>Q (begin to type the last name)</p>	<p><b>College/School/Division: *</b></p> <p>Q</p>
	<p><b>Dean/Division Head Name or designee: *</b></p> <p>Q (start by typing the last name)</p>
	<p><b>College Business Officer Name or designee: *</b></p> <p>Q</p>

**Pages**

- Researcher Information
- Donor Information
- General Criteria to det...
- Continued Criteria for ...
- Contact Information a...
- Submitted by:

**Actions**

Back Next

Submit

Save

Discard

- Enter in the appropriate information: If you select a specific Researcher, the Researcher name and their associated department/center questions will come up. If you select no, then you will not need to enter a Researcher name or their department. Only the Department Chair and Dean will be required.

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<p><b>Is there a specific (e.g., a named) Researcher associated with this gift? *</b></p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>	<p><b>Is this gift:</b></p> <p><input checked="" type="radio"/> New Gift</p> <p><input type="radio"/> Installment payment</p> <p><input type="radio"/> Supplement to existing gift</p>
<p><b>Researcher to receive gift: * ?</b></p> <p>Paffrath, Dennis Joseph (dpaffrat@g.umd.edu) ×</p>	<p><b>College/School/Division: *</b></p> <p>1420101 - VPR-VP Research ×</p>
<p><b>Researcher Department/Center *</b></p> <p>Office of Research Administration</p>	<p><b>Dean/Division Head Name or designee: *</b></p> <p>Ball, Gregory F. ×</p>
<p><b>Department Chair/Center Director Name *</b></p> <p>Clark, Denise J (djclark@g.umd.edu) ×</p>	<p><b>College Business Officer Name or designee: *</b></p> <p>Snider, Jeffrey A. ×</p>

**Pages**

- Researcher Information
- Donor Information
- General Criteria to det...
- Continued Criteria for ...
- Contact Information a...
- Submitted by:

**Actions**

Back Next

Submit

Save

Discard

- Insert the following: Name of Donor, Contact, Telephone, Address and Email. You will need to state whether the gift provides cloud credits. Sometimes, software companies (Adobe, Google) will give a set amount of Cloud space to upload data and it will be included in the gift letter. You will need to “Select a File” to upload the documentation from the donor spelling out the gift. We also ask that you provide any additional correspondence and what the relationship is between the Researcher, Department or College and the Donor.

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**Donor information**

Donor Name: \*  
University of Melbourne

Donor Contact Name: \*  
Jessica Brody

Donor Contact Telephone: \*  
410-745-7598

Donor Contact Address: \*  
University Way  
Melbourne, AUS 0nb21

Donor Contact E-mail: \*  
jbrody@umel.az

Cloud Credits Provided within Donor Letter? \*  
 Yes  
 No

Upload gift documentation or award letter from Donor: \*

Additional correspondence:

Please describe the relationship between Donor and Researcher, Department or College \*  
No relationship

Special requirements needed by Donor and/or stated within the Donor Letter?  
None

Submitter comments:  
|

Pages

Researcher Information

Donor Information

General Criteria to det...

Continued Criteria for ...

Contact Information a...

Submitted by:

Actions

- We are now on page 3 of the form. You must review each of the criteria items and mark if appropriate and leave blank if not. There are 4 areas on this page: Benefiting Donor, Donor Approvals, Donor Terms and Conditions and Use of Gift. All are required.

UMD Researcher Gift Routing **DRAFT**

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**General Criteria for Determining if a Contribution is a Gift**

The following is a list of factors that will assist in determining if a contribution related to **research** is a gift (also called a donation, whether cash or in-kind). Gifts are provided with no expectation of anything in return (e.g., time, services, intellectual property, specific research activities). Compensation or consideration in support of research activities and with accompanying terms and conditions are not considered gifts. **A contribution is a gift only if each item within the following selections apply.**

[1] See [National Presidential Security Memorandum-33](#).

Donor Letter conditions includes statements addressing the following:

**Benefiting Donor: \***

- The donor receives no financial benefits.
- The provision of the gift may specify use in an area of research or education, general or specific, but the donor DOES NOT prescribe specific methods, strategies, approaches, or statements of work/workplans.
- No deliverables are required as a condition of acceptance, though the donor's general intent for how the University should use the contribution may be specified.
- Technical Progress reports are not required.

**Donor Approvals: \***

- The donor cannot control how the University expends or otherwise uses the contribution..
- Donor pre-approvals are only required when University requests to redirect funds to a purpose or intent other than stated in the current donor agreement.
- There is no requirement for a line-item budget or expenditures. Financial reporting to the donor is limited to stewardship purposes only.

Pages

Researcher Information

Donor Information

General Criteria to det...

Continued Criteria for ...

Contact Information a...

Submitted by:

Actions

← UMD Researcher Gift Routing **DRAFT** ⋮

Documents Form Workflow Publish

Continued Criteria for ...

Contact Information a...

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- There is no requirement for a line-item budget or expenditures. Financial reporting to the donor is limited to stewardship purposes only.

**Donor Terms and Conditions:** \* ?

- No donor terms or conditions apply to the gift.
- The donor may not recoup the gift (except under certain limited circumstances).
- Any named gift fund requires a written gift agreement.
- The gift does not require the University to engage in preferential or discriminatory practices
- The gift is not contingent on a specified financial commitment by the University.
- No post-acceptance donor notification (e.g., change of personnel) is required by the terms of the gift.

**Use of Gift:** \* ?

- The gift does not prohibit the University from disclosing the existence of the gift or the name of the donor to University leadership with stewardship responsibilities for gift/donation management (or as required by law).
- If the gift may be used to support any research effort or provide equipment or space that may be used in support of other sponsored research, the departmental research administrator and/or ORA Contracts Administrator have advised on whether the gift must be reported to the funding agency in proposals or post-award.

Actions

Back Next

Submit

Save

Discard

- Page 4 continues with more criteria: Export Controls, Intellectual Property (which includes the IP Waiver Required question. If you mark yes, then you will need to document whether the Waiver is completed and approved. If approved, the approval letter must be uploaded, by clicking the “upload file” button.

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Documents Form Workflow Publish

**Pages**

Researcher Information

Donor Information

General Criteria to det...

Continued Criteria for ...

Contact Information a...

Submitted by:

**Continued Criteria for Determining if a Contribution is a Gift**

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**Export Control:** \*

- The Donor is a US entity, or if the donor is a non-US entity, the Export Compliance Office has screened the entity and provided written approval. To request a screening, contact [export@umd.edu](mailto:export@umd.edu) and provide the name of the entity for screening.

**Intellectual Property:** \*

- The donor has no right to acquire an interest in the University's intellectual property, or restrict the University's right to use its intellectual property, including intellectual property developed as a result of the effort funded by the gift. Any conditions for the disposition of intellectual property (including open-source software or public dedication or a requirement to put materials in the public domain) must be approved by UM Ventures (formerly OTC) prior to gift acceptance. Please use this form to make the request:

<b>IP Waiver required:</b> *	<b>IP Waiver completed and approved?</b>	<b>An IP Waiver form must be completed, approved and uploaded before this Researcher Gift Routing Form can be approved.</b>
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	

**Intellectual Property Waiver form - Gifts**

**Conflict of Interest:**

All gifts must be disclosed to the COI Committee for review.

Click here to access the [Kuali Conflict of Interest Module](#) or the [Conflict of Interest Policy](#). Please direct any questions about COI to [COI@umd.edu](mailto:COI@umd.edu)

**Gift has been disclosed within the Kuali Conflict of Interest module \***

**Date COI Disclosure was made \***

Actions

Back Next

Submit

Save

Discard

Continuation of page 4: This includes the Conflict of Interest section. The Researcher must disclose this gift in the Kualu Conflict of Interest module. We ask if it has been disclosed and if yes, the date of the disclosure. Finally we ask about publications.

UMD Researcher Gift Routing **DRAFT**

Documents Form Workflow Publish

General Criteria to det...

Continued Criteria for ...

Contact Information a...

Submitted by:

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**Intellectual Property Waiver form - Gifts**

<b>IP Waiver required: *</b>	<b>IP Waiver completed and approved?</b>	<b>An IP Waiver form must be completed, approved and uploaded before this Researcher Gift Routing Form can be approved.</b>
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	

**Conflict of Interest:**

All gifts must be disclosed to the COI Committee for review.

Click here to access the [Kualu Conflict of Interest Module](#) or the [Conflict of Interest Policy](#). Please direct any questions about COI to [COI@umd.edu](mailto:COI@umd.edu)

<b>Gift has been disclosed within the Kualu Conflict of Interest module *</b>	<b>Date COI Disclosure was made *</b>
Disclosure must be made before this form will route. <input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="text"/>

**Publications: \***

The donor cannot impose restrictions on the University's ability to publish scholarly works nor acquire any rights in the University's publications. The donor may request acknowledgment in publications that result from the gift.

Actions: Back, Next, Submit, Save, Discard

6. The next two pages are to provide you information: Page 5 provides you the names and email address of the contacts in University relations. Page 6 provides information on the submitter.

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**Contact Information for Gifts**

**Gift Agreements:** Margaret Baird mbaird9@umd.edu

**Gift Acceptance:** Emi Ayala ayalaie@umd.edu

**Pages**

Researcher Information

Donor Information

General Criteria to det...

Continued Criteria for ...

Contact Information a...

Submitted by:

Actions: Back, Next, Submit, Save, Discard



← UMD Researcher Gift Routing **DRAFT** ⋮

Documents Form Workflow Publish

Design  Preview [Share Form](#) [Form Settings](#)

**Pages**

- Researcher Information
- Donor Information
- General Criteria to det...
- Continued Criteria for ...
- Contact Information a...
- Submitted by:

**Submitted by:**

<p><b>New Submitted By</b> Paffrath, Dennis Joseph</p>	<p><b>Submitter email:</b> (will fill up on submission of form into routing) <span style="background-color: #ccc; padding: 2px;">DATA NOT AVAILABLE</span></p>
<p><b>Submitter Telephone Number: *</b> 410-352-4037</p>	

**Actions**

Once all the information has been entered and the correct files uploaded, you would click on Submit. But if you are in the middle of the form or need additional information before you can submit the form, click on SAVE (right-hand side of form). This will save the form and you can then go back into the form and enter any missing information or upload any missing documents.

If the form is complete, click “Submit”. This will then set the form into the workflow. The Researcher will receive an email to go into the form, review it and approve it. (If the PI submitted the original form, this step will be skipped). The Department Chair and Dean will then receive an email to approve, and the College Business Official will receive a notification that this form has been submitted. Once all approvals are in place, the Office of Research Administration will determine if this is a gift or a grant. If a gift, ORA will approve and University Relations will receive an email, to begin their process.