

# ARS □ NIFA □ ERS □ NASS

## *Policies and Procedures*

**Title:** Selection, Appointment, and Responsibilities of the Agricultural Research Service, Principal Investigator (formerly the ADODR)

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**Distribution:** ARS Headquarters, Areas, and Locations

This P&P updates previous ARS policy with regard to the selection, appointment, and responsibilities of the ARS Authorized Departmental Officer's Designated Representative (ADODR) in the performance of Incoming and Outgoing Grants and Agreements.

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## 1. Purpose

This Policy & Procedure (P&P) provides guidance and promotes practices that will assist the Agricultural Research Service-Principal Investigator (ARS PI) in performing their duties as the ARS technical representative for both incoming and outgoing grants and agreements, while acting within the scope of the delegated authority. This P&P also changes the title of the Authorized Departmental Officer's Designated Representative (ADODR) to ARS PI in order to more closely resemble the terminology utilized in university and other research facilities.

## 2. Background

The Agricultural Research Service (ARS) has statutory authority to enter into a number of different types of grants and agreements which include incoming/outgoing funded or non-funded, research or services only agreements. The ARS PI is an integral part of the ARS Extramural Agreements Program and is responsible to the Authorized Departmental Officer (ADO) for directing the technical performance, providing oversight of the project, and assuring fiscal accountability for all incoming and outgoing grants and agreements to which they have been delegated authority. Employees acting under a delegation of authority are acting as an agent of the ARS Administrator. The delegation of authority allows for closer monitoring and administration of grants and agreements by ARS personnel. Usually, the ARS employee who identifies the need to initiate an agreement or apply for outside funding will be selected and approved by line management to serve as the ARS PI.

## 3. Policy

ARS PI appointments shall be limited to ARS employees in positions classified as: Category 1, Research Scientist; Category 4, Service Scientist; or Category 6, Specialist. ARS employees who hold temporary appointments including post-doc appointments are not eligible to serve as an ARS PI.

The ARS PI must also complete ARS PI Training in AgLearn and annual maintenance training to keep their delegation active. Training may be completed in AgLearn or in a classroom style setting as specified by the Financial Management and Agreements Division (FMAD).

**NOTE:** Failure to complete the annual ARS PI Training may terminate an ARS PI's delegation of authority.

The ARS PI shall not delegate any responsibility or duty as the ADO's representative to any other person. If it is necessary for another ARS employee to assume the duties and responsibilities of the appointed ARS PI, the current ARS PI shall advise the ADO who will then make the necessary modification(s) to the agreement(s) affected.

The ARS PI shall complete the Conflict of Interest Certification form (SEB-102), prior to the award date of a grant, cooperative agreement or Cooperative Research and Development Agreement (CRADA). The completed SEB-102 form will be uploaded into and maintained in the

Agricultural Research Information System (ARIS) in the “Dealings/Ethics” tab for extramural research projects conducted with non-Federal partners/cooperators. Location Administrative personnel will assist the ARS-PI with completion and uploading of the SEB-102 as necessary.

The ARS PI shall promptly notify the ADO of any modifications necessary to ensure successful completion of the project, i.e., budget modifications, extensions of time, funding increases, change in PI, etc.

The ARS PI shall document monitoring activities for outgoing grants and cooperative agreements in ARIS via the Progress Report form (AD-421), and any other applicable systems.

The ARS PI shall obtain, review, and approve/disapprove Cooperator’s interim and final financial status reports and performance reports for outgoing grants and cooperative agreements as specified in the terms and conditions of the agreement.

The ARS employee serving as the PI or Co-PI on an incoming grant or agreement shall prepare and submit all required financial and technical reports to the funding organization as specified in the terms and conditions of the incoming grant or agreement.

The ARS PI shall ensure that all payments made to a Cooperator are justified by demonstrable performance accomplishments, and that the Agency receives project deliverables in accordance with the terms and conditions of the agreement.

The ARS PI is responsible for ensuring that all pertinent agreement documentation is incorporated into the E-Green File module in ARIS/AIMS. (Refer to [Bulletin 10-706 “E-Green File Implementation in ARIS/AIMS.”](#))

The ARS PI shall promptly report any failure of the Cooperator to meet the objectives of the agreement, or failure to submit required reports as specified in the terms and conditions of the agreement, to the Research Leader or Headquarter Unit Leader, and the ADO.

The authorities delegated to the ARS PI can be suspended or revoked at any time for various reasons. (See Section 9)

#### **4. ARS PI Responsibilities**

The ARS PI is responsible for ensuring effective and efficient management of private or public funding received or obligated in support of the ARS mission.

Oversight responsibilities require the ARS PI to be actively involved with the Cooperator/Sponsor in directing and monitoring the performance of the research project. They must ensure that agreements are mission relevant, properly budgeted, monitored or performed, and completed in accordance with the terms and conditions of each agreement. In addition, ARS PIs are

accountable for in-house performance of research objectives and proper use of financial and other Agency resources in accordance with the terms and conditions of each agreement.

In their role as the Agency's technical expert for the extramural and in-house performance of the project or program, the ARS PI must be fully cognizant of the status and all aspects of the project during all phases of the agreement. The ARS PI is directly accountable to, and represents the ADO in managing the technical aspects of each agreement throughout its life cycle.

**a. Pre-Award Responsibilities:**

- Discuss the proposed project's objectives, approach, costs, scientific merit, and mission relevance with line management, and obtain line management approval to proceed with a grant or agreement prior to conducting preliminary discussions with the Sponsor or Cooperator.
- Enter required ARIS/AIMS data and receive approvals *prior* to submitting proposals or agreement documentation to the cooperator/sponsor. Note: The Incoming Funds Record (IFR) should be entered into ARIS as soon as the intent to apply for funding is known. Early submission of the IFR provides ARS line management adequate time to thoroughly review the request and address any programmatic issues or concerns. **As a guideline**, the IFR should be entered into ARIS at least 30 days prior to submission of a grant proposal.
- Conduct preliminary discussions/negotiations with the Cooperator/Sponsor which may include:
  - Identifying project goals and objectives.
  - Discussing funding arrangements, i.e., developing budgets that accurately reflect the entire cost of the project.
  - Establishing the period of performance.
  - Identifying the potential for inventions and advising the ADO or Technology Transfer Coordinators appropriately.
  - Defining requirements for interim and final performance and financial status reports.
- Develop a statement of work or proposal that accurately reflects the proposed research plan, ensuring the proposed project is consistent with the goals and objectives of the "in-house" or "D" project and approved by the Office of National Programs (ONP) prior to initiating and finalizing negotiations with the Cooperator/Sponsor. (ONP approval is required for all agreements involving a research component.)
- Develop budget plans that are consistent with the performance requirements identified in the grant or agreement. The budget must accurately reflect the entire cost of the project including Indirect Program Support Costs (IPSC). (Refer to [ARS P&P 329.5, "Charging Indirect Program Support Costs on Soft Funds."](#))

- Guard against making commitments to the Cooperator that could result in the ARS PI becoming personally liable for any expenditures incurred by the Cooperator that were not authorized by the ADO.

**NOTE: Refer to the servicing ADO for all questions regarding the following topics:**

- Selecting the Appropriate type of Agreement
- Indirect Costs/IPSC
- Intellectual Property Provisions, including trade secret protection
- Non-standard publication language
- Liability/Indemnification Clauses
- Dispute Resolution and Governing Laws

**b. Post-Award Administration Responsibilities:**

- Monitor performance on each outgoing grant or cooperative agreement to ensure that the project is progressing in accordance with the objectives of the agreement.
  - Methods of monitoring may include, but are not limited to:
    - Discussing project plans, reviewing program goals and accomplishments, and providing technical advice with the Cooperator's PI at ARS facilities; stakeholders meetings (off-site meetings); by teleconference, e-mail, or other types of written correspondence.
    - Conducting site visits at Cooperator's facilities as determined by regulations applicable to the extramural agreement.
- Be familiar with and ensure ARS compliance with the terms and conditions of incoming agreements to which they are assigned.
- Ensure incoming funds received from Grants, Trust/Reimbursable Cooperative Agreements or CRADAs are properly accounted for prior to incurring expenses allocable to the project. Business Service Center Budget staff or Location Financial Technicians will provide notification that the account is ready for spending.
- Ensure ARS Patent Invention Reports and requests to publish (ARS-115) are entered in the ARIS License and Invention and Research Documentation Modules, respectively. (Refer to ARS Office of Technology Transfer and ONP for further guidance.)
- Assist the ADO in obtaining interim financial status and performance reports for outgoing agreements.

### c. **Closeout Responsibilities:**

Responsibility for promptly closing extramural agreements rests primarily with the ADO. The ARS PI shall work closely with the ADO and other administrative personnel to ensure total compliance for closeout. To facilitate official closeout of an agreement, the ARS PI is responsible to the ADO for:

- Providing all final financial status and performance reports and all other project deliverables **no later than 90 days, or as otherwise specified in the award terms and conditions**, after the completion, expiration, or termination of the project. All reports shall be forwarded to the ADO. (Refer to [P&P 703.0 “Closeout Procedures for Extramural Agreements.”](#))

## 5. **ARS PI Prohibitions**

The ARS PI is prohibited from engaging in the following actions:

- Applying for funds that do not pertain to their expertise and research assignment. The proposed project must support the mission of ARS. Compliance with this prohibition is satisfied by having an approved Incoming Funds Record (formerly the ARS-425) in ARIS prior to proposal submission.
- Applying for grants or signing a grant application as PI on behalf of a University or other Cooperator/Sponsor.
- Signing or modifying an agreement or otherwise obligating funds or ARS resources for the performance of incoming or outgoing grants or cooperative agreements.
- Starting work on any project, or authorizing the Cooperator to start work on a project, prior to being notified that a fully executed agreement has been signed and accepted by the ADO.
- Engaging in the employee/employer relationship of the cooperating organization, including making recommendations on hiring, conducting performance evaluations of the Cooperator’s personnel, approving leave, providing bonus awards, etc. These types of administrative supervision responsibilities must remain solely with the Cooperator.
- Using an agreement for the principle purpose of circumventing established Federal Personnel, Acquisition, Property (Real or Personal), or Travel Regulations.
- Using an agreement to “bank” funding which could not otherwise be legally obligated or are not directly supportive of an established bona-fide need.

## 6. **Ethics Guidance for ARS PIs**

The ARS PI, through decision or the exercise of personal judgment in the administration of an extramural agreement, has the ability to affect the financial interests of the Cooperator. Consequently, the ARS PI is prohibited by law and regulation from taking official actions that affect the Cooperator where he/she possesses a personal financial interest in, or a “covered relationship” with, the Cooperator.

Specifically, status as a Federal employee restricts the ARS PI's ability to enter into employment with, provide personal professional services to, act on behalf of, or receive gifts and benefits from the Cooperator.

Where an ARS PI's participation in a matter involving specific parties would not violate Federal bribery and conflict of interest statutes (18 U.S.C. § 201-209), or the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635), but would raise a question in the mind of a reasonable person about their impartiality, the Science Ethics Branch (SEB) may authorize the employee to participate in the matter based on a determination made in light of all relevant circumstances.

Violation of Criminal Ethics laws are reported to the Office of Inspector General, and violations of the Standards of Ethical Conduct may result in disciplinary action.

**NOTE:** Employees are strongly encouraged to seek guidance from the U.S. Department of Agriculture SEB regarding all ethics concerns.

## 7. Research Misconduct

ARS and research institutions that conduct ARS-funded research projects are partners who share responsibility for the research process. ARS has the ultimate oversight authority for research funded by ARS. However, research institutions bear primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation, and adjudication of research misconduct alleged to have occurred in association with their institution.

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results or other practices that significantly deviate from those that are commonly accepted within the research community.

- **Fabrication**— making up results and recording or reporting them.
- **Falsification**— manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- **Plagiarism** – the appropriation of another person's ideas, processes, results, or words without giving appropriate credit, including those obtained through confidential review of others research proposals or manuscripts.

ARS PIs who receive or learn of an allegation of research misconduct should immediately report the allegation to the appropriate Area Committee on Ethics in Science representative. (Refer to [ARS P&P 129.0 "Research Misconduct."](#))

## **8. Suspension/Revocation of ARS PI Authority**

An ARS employee within line management of the ARS PI, including the ADO, can initiate a suspension or revocation action against the ARS PI. Some of the grounds for which suspension and/or revocation actions may be initiated include, but are not limited to:

- Failure to follow established Agency policies and procedures.
- Exceeding delegated authority.
- Misuse of delegated authority.
- Violating Federal Ethics laws and regulations.
- Misappropriation of funds.
- Research misconduct.
- Misrepresentation of research results.
- Criminal acts related to extramural agreement activity.
- Convictions in a criminal or civil court that seriously and directly affect the business integrity or business honesty of an employee.

Suspension is the first step in initiating a revocation action regarding a delegation of authority under these provisions. Suspension is not a permanent action. It is used by ARS officials to: (1) investigate grounds for permanent revocation of authority, and/or (2) hold in abeyance the delegated authority of an individual until temporary situations causing suspension may be remedied.

An ARS official initiating such a suspension or revocation action is required to immediately communicate the circumstances or grounds for the suspension in writing to the Deputy Director, Financial Management and Agreements Division (FMAD). A dated copy of the communication will also be sent to the ARS PI who is being recommended for suspension.

The ARS PI has up to 10 (ten) working days from the date of the letter initiating the action, to submit a written rebuttal to the Deputy Director, FMAD.

After receiving correspondence from both parties, the Deputy Director, FMAD, will provide a written response within 10 (ten) working days with direction to either uphold or deny the proposed suspension or revocation of the delegated authorities of the ARS PI in question.

### **a. Suspension**

#### **(1) Suspension – Temporary**

An ARS PI who is placed under temporary suspension shall be informed that the suspension is temporary in nature, and will also be advised on the actions necessary to reinstate their delegation of authority. The ARS PI's suspension of authority can be imposed for any length of time deemed necessary to remedy the cause for suspension.

## (2) Suspension - Proposed Revocation

During the period of suspension, the ARS PI will no longer have any authority to perform duties delegated to him/her under their original delegation of authority. Suspensions leading to revocation are for serious violations or willful misconduct. The ARS PI's suspension of delegated authority can be put in place for any length of time deemed necessary to investigate the reasons for the proposed revocation. The length of time for which the authority has been suspended shall be communicated to the individual in writing; however, it may be extended for the purpose of an investigation. The ARS PI under suspension will be: (1) notified in writing of any extensions to the period of suspension; (2) notified in writing that the suspension may lead to permanent revocation of delegated authority; and, (3) granted an opportunity to submit a rebuttal to the circumstances of the proposed revocation, if no rebuttal had been previously submitted under prior suspension procedures.

### **b. Revocation**

Revocation is a final action taken by the Agency to permanently remove the ARS PI's delegation of authority. No revocation is to be considered final without the concurrence of the Area Director and the ARS Administrator.

If the Agency's decision is to revoke the delegation of authority of an ARS PI, the Deputy Director, FMAD, will notify the employee in writing of the revocation action. The notification will include the reason for the revocation, and the effective date of the revocation.

### **c. Other Legal Remedies for Misconduct**

The revocation procedures referenced in this P&P are limited only to the delegation of authority granted to the ARS PI under these provisions. It does not supersede other Federal Governmental or institutional policies or procedures for addressing the same issue of misconduct or other forms and instances of misconduct. Additionally, it does not supersede criminal or other civil law applicable to instances of misconduct. ARS may address these issues as authorized by statutes, regulations, or ARS policies and procedures.

## **9. Authorities**

7 CFR 2.65 provides delegations of authority from the Under Secretary for Research, Education, and Economics to the Administrator, ARS.

A comprehensive listing of grants and agreements terminology is available on the ARS-AFM website. Click here to view: [Grants and Agreements Glossary](#)

/s/

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