KIRKWOOD COMMUNITY COLLEGE

Sponsored Programs
Policies and Procedures Manual

GRANTS SERVICES

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<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>DISCLOSURE OF FINANCIAL INTEREST</td>
<td>3</td>
</tr>
<tr>
<td>2.0</td>
<td>TIME AND EFFORT TRACKING, MONITORING AND REPORTING</td>
<td>9</td>
</tr>
<tr>
<td>3.0</td>
<td>PROCUREMENT OF GOODS AND SERVICES</td>
<td>23</td>
</tr>
<tr>
<td>4.0</td>
<td>CODE OF CONDUCT</td>
<td>29</td>
</tr>
<tr>
<td>5.0</td>
<td>COST SHARING POLICY AND PROCEDURES</td>
<td>30</td>
</tr>
<tr>
<td>6.0</td>
<td>CONFIDENTIALITY POLICY AND PROCEDURES</td>
<td>32</td>
</tr>
<tr>
<td>7.0</td>
<td>EQUIPMENT MANAGEMENT POLICY AND PROCEDURE</td>
<td>37</td>
</tr>
<tr>
<td>8.0</td>
<td>RESEARCH MISCONDUCT</td>
<td>39</td>
</tr>
<tr>
<td>9.0</td>
<td>RECORD RETENTION</td>
<td>48</td>
</tr>
<tr>
<td>10.0</td>
<td>TRAVEL GUIDELINES</td>
<td>48</td>
</tr>
<tr>
<td>11.0</td>
<td>INSTITUTIONAL REVIEW BOARD (IRB)</td>
<td>49</td>
</tr>
</tbody>
</table>
1.0 DISCLOSURE OF FINANCIAL INTEREST

1.1 BACKGROUND
The National Science Foundation and the Department of Health and Human Services require that any entity-receiving sponsor funding employing more than fifty persons maintain a written and enforced policy governing conflicts of interest and financial disclosure of certain designated relationships. Other sponsor agencies are in the process of implementing similar requirements.

1.2 PURPOSE
The purpose of this policy is to satisfy federal conflict of interest and financial disclosure requirements from sponsor agencies while preserving the ability of Kirkwood Community College employees to maintain beneficial professional and financial outside interests.

1.3 SCOPE
This policy is applicable to all Kirkwood Community College employees that are involved in federally sponsored programs that require disclosure of financial conflicts of interest. Further, this policy is applicable to responsible persons from other entities that partner with the College in federally sponsored programs that require disclosure of financial conflicts of interest.

1.4 DEFINITIONS
Conflict of Interest – Substantive relationships maintained by the Responsible Person, their spouse, and/or dependents with the College or with organizations doing business with the College or that otherwise could be construed to potentially affect their independent, unbiased judgment in light of their decision-making authority or responsibility.

Positive Disclosure - means any “Yes” answer to any question on the Conflict of Interest and Disclosure Report Form.

Responsible Person - means principal investigator, co-principal investigator, project director, co-project director, and any other person employed by the College who is responsible for the design, conduct or reporting of research, education or service activities.

Significant Financial Interest - means anything of monetary value including but not limited to salary and other payments for services, such as consulting fees or honoraria; equity interests, such as stocks, stock options or other ownership interests; and intellectual property rights, such as patents, copyrights and royalties from such rights.

The term “Significant Financial Interest” does not include:

1) Salary, royalties, or other remuneration from the college,
2) Any ownership interests in a company that is an applicant under the Small Business Innovation Research (SBIR) Program,
3) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities,
4) Income from service on advisory committees or review panels for public or nonprofit entities,
5) An equity interest that, when aggregated for the Responsible Person, their spouse and dependent children, meets both of the following tests:
   a) The equity interest is less than $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and
   b) The equity interest represents less than five percent ownership interest in any single entity.
6) Salary, royalties, or other payments that, when aggregated for the Responsible Person, their spouse and dependent children are not expected to exceed $10,000 during the next 12-month period.

1.5 INTERESTS WHICH MUST BE DISCLOSED
Responsible Persons must disclose “Significant Financial Interests:”

(1) That would reasonably appear to be affected by the research or educational activities funded or proposed to be funded by the funding agency, or

(2) In entities whose financial interests would reasonably appear to be affected by the grant-funded project.
1.6 DISCLOSURE PROCEDURES

A) Each Principal Investigator or Project Director is responsible for securing signed Conflict of Interest Financial Disclosure Report forms from all Responsible Person(s) proposed for involvement in the grant application to be submitted, and thereafter annually for the length of the project. These signed forms are to be submitted to the Grants Department. The forms are found immediately following this Policy and are available in the Grants Department.

B) The Grants Department will review the form and if a positive disclosure is indicated then the process of further review required by this Policy will occur. The Grants Department may request that the Principal Investigator or Project Director obtain additional information from the Responsible Person(s) to help clarify the financial conflict. The Grants Department will then forward copies of the completed report form and any other provided information to the Vice President of Instruction and Director of Human Resources for further review and action.

C) The Vice President of Instruction and Director of Human Resources, or their designees, will shortly thereafter meet to review the provided information, and will then issue a joint recommendation on what actions should be taken by the College to manage, reduce or eliminate the conflict of interest. The Vice President of Instruction and the Director of Human Resources may request that the Responsible Person and/or other persons attend all or part of this meeting. This joint recommendation shall be in the form of a written opinion and be provided to the Responsible Person with copies forwarded to the Grants Department and the Principal Investigator or Project Director. Examples of conditions or restrictions that might be imposed to manage or eliminate a conflict of interest include, but are not limited to:

1. Public disclosure to the agency of significant financial interests,
2. Monitoring of project activities by independent reviewers,
3. Modification of the activity plan,
4. Disqualification from participation in all or a portion of the funded activities,
5. Divestiture of significant financial interests; or
6. Severance of relationships that create actual or potential conflicts.

D) The Grants Department, prior to any expenditure of awarded federal grant funds, will report the existence of the conflict of interest to the funding body and how the conflict of interest has been managed, reduced or eliminated.

1.7 ENFORCEMENT AND SANCTIONS

Any college employee who knows of, or could reasonably have been expected to know of, and deliberately fails to respond appropriately to a potential conflict of interest under this policy shall be subject to disciplinary action ranging from reprimand to discharge. The nature and severity of the disciplinary action shall be consistent with established college disciplinary procedures set out in the Kirkwood Community College Employee Handbook and Procedures Manual and/or the Faculty Master Agreement and consistent with the college’s requirements under the Code of Iowa.

1.8 UPDATING THE CONFLICT OF INTEREST REPORT FORM

The Conflict of Interest Financial Disclosure Report form must be updated annually, signed and submitted to the Grants Department annually or when additional potential conflicts arise during the year.
CONFLICT OF INTEREST DISCLOSURE REPORT FORM
Kirkwood Community College

All key personnel working on an awarded grant are required to disclose all personal, including spousal and dependent children’s, significant financial interests that would reasonably appear to be affected by the funded project activities or proposed for funding and/or in entities whose financial interests would reasonably appear to be affected by such activities. Other grantor agencies are in the process of implementing similar requirements. Kirkwood Community College’s Conflict of Interest Financial Disclosure reporting policy applies to all individuals employed by the college who are involved in federally funded grant projects that require disclosure of financial conflicts of interest. Please review the attached Conflict of Interest Financial Disclosure Policy and Procedures prior to completing this report form.

Key Personnel Information
Name: ___________________________ Title: ___________________________
Dept: ___________________________ Daytime Telephone: _____________________
Faculty: [ ] Staff: [ ] Administration: [ ]

Funding Agency: ___________________________ Grant Award No: ___________________________
Project Title: ___________________________ Award Start Date: ___________________________
Award End Date: ___________________________
What is your role in this project? ___________________________
Reason for Disclosure: ___________________________
For a new grant submission [ ] For annual update [ ]
To reflect change in financial interest on a project currently in progress [ ]

Funding Agency: ___________________________ Grant Award No: ___________________________
Project Title: ___________________________
Award Start Date: ___________________________
Award End Date: ___________________________
What is your role in this project? ___________________________
Reason for Disclosure: ___________________________
For a new grant submission [ ] For annual update [ ]
To reflect change in financial interest on a project currently in progress [ ]

Funding Agency: ___________________________ Grant Award No: ___________________________
Project Title: ___________________________
Award Start Date: ___________________________
Award End Date: ___________________________
What is your role in this project? ___________________________
Reason for Disclosure: ___________________________
For a new grant submission [ ] For annual update [ ]
To reflect change in financial interest on a project currently in progress [ ]

Funding Agency: ___________________________ Grant Award No: ___________________________
Project Title: ___________________________
Award Start Date: ___________________________
Award End Date: ___________________________
What is your role in this project? ___________________________
Reason for Disclosure: ___________________________
For a new grant submission [ ] For annual update [ ]
To reflect change in financial interest on a project currently in progress [ ]
I have read the Kirkwood Community College “Conflict of Interest / Financial Disclosure Policy and Procedures” and (check one):

☐ A. Do not have Significant Financial Interests to report for myself, my spouse, or my dependent children, which would reasonably appear to be affected by this project. Note: By choosing this option, simply sign the form below and return to the Kirkwood Community College Grants Department.

☐ B. Do have Significant Financial Interests to report for myself, my spouse, or my dependent children, which would reasonably appear to be affected by this project. Note: By choosing this option, continue onto the next page and check all that apply; attach requested documentation; sign the form below; and, return to the Kirkwood Community College Grants Department.

Kirkwood Community College
Grants Department
307 Mansfield Center
6301 Kirkwood Blvd SW — PO Box 2068
Cedar Rapids IA 52406-2068

I hereby certify that to the best of my ability, using reasonable diligence, the information provided in this “Conflict of Interest / Financial Disclosure Report” form is true and correct. I agree to comply with any reasonable conditions or restrictions imposed by the College to manage, reduce, or eliminate actual or potential conflicts of interest.

_________________________________________           _________________
Signature of                                    Date
Note: Only complete this section if you selected choice “B” for significant financial interests.

Name: 
Title: 
Dept: 
Daytime Telephone: 
Faculty: ☐ Staff: ☐ Administration: ☐

1. When taken alone or together, are you, your spouse, any dependent children, now receiving or anticipating the receipt of income exceeding $10,000 in salary or other payments for services such as consulting fees, honoraria, stipends, or royalty payments over the next 12 months (excluding salary and other payments for services form the College) that is or could reasonably be perceived as a Conflict of Interest?
   ☐ Yes ☐ No
   If Yes, please describe the nature and extent of the outside employment and include at a minimum, the following information:
   a. A description of the services to be performed.
   b. Name of the organization for which services will be performed.
   c. Date of service.
   d. Amount of payment/salary expected.

2. When taken alone or together, are you, your spouse, any dependent children, now receiving or anticipating the receipt of equity interests exceeding $10,000 in value or representing more than a five percent (5%) ownership interest in any single entity in the next 12 months that is or could reasonably be perceived as a Conflict of Interest? Note: The value of an equity interest is determined by reference to publicly listed prices or other reasonable measurements of fair market value.
   ☐ Yes ☐ No
   If Yes, please describe the nature and extent of the equity interests and include at a minimum the following information:
   a. A description of the type of equity interest.
   b. Name of the entity in which equity interest is held.
   c. Amount of the equity interest or percentage of ownership interest.

3. Do you hold any intellectual property rights (e.g., patents, copyrights, royalties) that are or could reasonably be perceived to be a Conflict of Interest?
   ☐ Yes ☐ No
   If Yes, please describe and include at a minimum the following information:
   a. A description of the property rights.
   b. An amount or estimate of annual payment received for property rights.
Name:

4. Do you participate (as an officer, director, partner, trustee, employee, advisory board member, or agent) in an entity funding or reasonably anticipated to provide funding of goods and/or services to the project?

☐ Yes ☐ No

If Yes, please describe and include at a minimum the following information:

a. A description of the type of participation.

b. The name of the entity.

5. Do you have other “Significant Financial Interests” that are or could reasonably be perceived as a Conflict of Interest?

☐ Yes ☐ No

If Yes, please describe and include at a minimum the following information:

a. A description of the financial interest.

b. Names of organizations or entities involved.

c. The amount of payment received or value of the interest.
2.0 TIME AND EFFORT TRACKING, MONITORING AND REPORTING

2.1 BACKGROUND

Federal accountability standards challenge educational institutions to track, monitor, and report the time and effort of personnel funded under Sponsored Programs. In the past, Kirkwood has used an “After-the-Fact” timesheet system to track and report personnel working under Sponsored Programs. Legal opinion and other expert guidance has convinced Kirkwood to move to an “After-the-Fact” Reporting System referred to as a “Personnel Activity Report” (PAR) because the timesheet system had no standardized method of documenting activities accomplished by employees who were reporting time spent on Sponsored Programs.

2.2 FEDERAL REQUIREMENTS

A) Office of Management and Budget (OMB) Circular A-21 Directives

The “After-the-Fact” Personnel Activity Report (PAR) System ensures that the distribution of salaries, wages, and fringe benefits is supported by activity reports. OMB Circular A-21 directs that this system:

- Be incorporated into the official records of the institution,
- Reasonably reflect the activity for which the employee is compensated by the institution,
- Encompass both sponsored and all other activities on an integrated basis.

B) Federal Requirements for “After-the-Fact” Activity Reporting Systems

NOTE: The following Subsection outlines the minimum federal requirements for an educational institution’s Activity Reporting System. In some instances, Kirkwood’s Activity Reporting System policy and procedures, as provided in Sections 3.0 – 9.0, exceed the following minimum federal requirements.

In general, the Circular provides that the distribution of salaries and wages be supported by activity reports as prescribed below for institutions utilizing an “After-the-Fact” Activity Reporting System.

1. Activity reports will reflect the distribution of activity expended by employees covered by the institution’s payroll system.

2. Activity reports will reflect an “after-the-fact” reporting of the percentage distribution of employee activity. Charges may be initially based on estimates made before the services are performed, provided that such charges are promptly adjusted if activity records indicate significant differences.

3. Activity reports will reasonably reflect the activities for which employees are compensated by the institution. To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, the employee, Principal Investigator, or responsible official(s) using suitable means of verification, will sign the activity report that the work was performed.

4. Activity reports for faculty and professional staff will be prepared at a minimum for each academic term, but no less frequently than every six months. For other employees, reports will be prepared no less frequently than monthly and will coincide with one or more pay periods.

5. The Activity Reporting System will provide for independent internal evaluations to ensure the system’s effectiveness and compliance with required standards.

2.3 PURPOSE

A) Purpose of the Policy

The purpose of Kirkwood’s Time and Effort Tracking, Monitoring and Reporting Policy is to comply with the requirements of OMB Circular A-21 – Cost Principles for Educational Institutions, Section J, Subsection 8 – Compensation for Personal Services, and to ensure that:

1. The distribution of salaries, wages, and fringe benefits is supported by personnel activity reports and signed certifications,
(2) Personnel activity reports and certifications reasonably reflect the activity for which the employee is compensated by Kirkwood,

(3) The system encompasses both Sponsored Programs and all other job responsibilities on an integrated basis, and

(4) Sponsored Program personnel are employed and compensated in accordance with Kirkwood’s Human Resources policies, and with federal, state, and Sponsored Program Agreement employment guidelines and compensation regulations, as applicable.

B) Procedures Provided

To ensure that the purposes of this policy can be accomplished, procedures have been developed and are outlined in the following sections of this policy that cover the integral components of Kirkwood’s Time and Effort Tracking, Monitoring and Reporting Policy. These components include, but are not limited to:

(1) Scope of policies and procedures,

(2) Job description development and revision,

(3) Distribution, collection, and monitoring of Personnel Activity Reports,

(4) Hiring, employing, and compensating Sponsored Program personnel,

(5) Internal evaluation(s) of the system, and,

(6) Compliance with policies and procedures.

2.4 SCOPE

Kirkwood’s Personnel Activity Reporting (PAR) System, hereby incorporated by reference into the Kirkwood Community College Employee Policies and Procedures Handbook, replaces the timesheet system for tracking and reporting all Kirkwood personnel working under Sponsored Programs.

A) Implementation

Pilot testing of the PAR System for select Sponsored Programs was initiated January 1, 2003. Full implementation of the PAR System policy and procedures is effective July 1, 2003.

B) Personnel Covered

All Kirkwood administrators, faculty, and exempt instructors, professional, and technical staff is required to comply with all sections of this policy. Non-exempt college staff who must submit timesheets to payroll will certify time and effort on their timesheets rather than complete a PAR form; however, all other policies and procedures will apply.

2.5 JOB DESCRIPTIONS

A) Intent to Maintain Existing Job Description Format and Required Information

It is the intent of this policy and accompanying procedures to supplement Kirkwood’s current job description format and information structure, which serves important Equal Employment Opportunity (EEO), Affirmative Action (AA), and insurance purposes, and not eliminate any needed information that serves other purposes. A standard job description format reflecting the required supplemental information needed for positions supporting a Sponsored Program can be found in Exhibit 1. Persons involved in creating or revising job descriptions will follow this format and the following guidelines:

(1) The supplemental information format for job descriptions of personnel working on Sponsored Programs is highlighted in the samples provided in Exhibit 1. This format should be followed.

(2) Before altering the format or content of the remaining sections of the job descriptions, contact Kirkwood’s Human Resource Department for guidance.

B) Development, Revision, and Annual Review of Job Descriptions

Job descriptions for positions funded in whole or in part under a Sponsored Agreement, or for positions that are being contributed in whole or in part, must be created and/or updated to reflect the job responsibilities outlined in the Sponsored Program. In addition, changes in sponsored funding, and/or changes in individual position responsibilities for personnel working under a Sponsored Program will also require that job descriptions for these positions be revised to reflect such changes. Development, revision and annual reviews of jobs descriptions will occur as follows:
(1) Creating the Job Descriptions

Job descriptions will be created or updated at the time that the Sponsored Program funding has been awarded and a Sponsored Agreement has been signed. The Grants Department will then set-up the budget review meeting for the Sponsored Program. Job descriptions and corresponding Personnel Action Forms (PAFs – see Exhibit 2) will be prepared and provided electronically to the Grants Department in advance of the budget review meeting. A budget review meeting will also be held annually for those Sponsored Programs that require continuation requests to Sponsor Agencies for multi-year awards.

Persons Responsible

- The Project Director will notify the Department Executive when job descriptions need to be created or updated and provide the necessary information to the Department Executive.
- The Project Director will prepare the corresponding PAFs and provide them to the Department Executive.
- The Department Executive is responsible for preparing job descriptions and ensuring that Sponsored Program personnel are aware of and understand their job responsibilities.
- The Department Executive is also responsible for final review, approval and transmittal of Personnel Action Forms (PAFs) prepared by the Project Director. Typically, PAFs for the new position are transmitted to the Department Executive’s appropriate Operations Team Member for their review, approval and signature. The PAF is then forwarded to the Human Resources Department and placed on the Board of Trustees agenda for final approval. Once the position is Board-approved, the Human Resources Department forwards the PAF to Payroll to enter the new position’s budget code into the payroll system. Typically, PAFs for existing positions, in which job responsibilities are changing, are transmitted directly to the Human Resource Department to update their records. The HR Department then forwards the PAFs to Payroll to update the new or revised position budget code into the payroll system.

(2) Changes in Job Responsibilities

Job descriptions will be revised during the course of the Sponsored Program when changes in position responsibilities occur and such changes are approved by the Sponsor Agency. Changes in job responsibilities can occur when a Sponsored Program is closed out, and program personnel are working on multiple Sponsored Programs. Corresponding PAFs will be prepared and submitted to the Human Resource Department and revised job descriptions will be provided electronically to the Grants Department.

Persons Responsible

- The Project Director will work through the Grants Department to secure Sponsor Agency approval for changes in personnel job responsibilities and/or percentage time distribution.
- The Project Director will notify the Department Executive when job descriptions need to be updated and will provide the necessary information to the Department Executive.
- The Project Director will provide an electronic copy of the revised job description to the Grants Department.
- The Project Director will prepare the corresponding PAFs and provide to the Department Executive.
- The Department Executive is responsible for updating job descriptions and ensuring that Sponsored Program personnel are aware of and understand their revised job responsibilities.
- The Department Executive is also responsible for final review, approval and transmittal of Personnel Action Forms (PAFs) prepared by the Project Director. Typically, PAFs for existing positions, in which job responsibilities are changing, are transmitted directly to the HR Department to update their records. The HR Department forwards PAFs to Payroll for entering the new or revised position budget codes into the payroll system.
C) Annual Review of Job Descriptions

Job descriptions will be reviewed at least annually, or as an individual’s time and effort is reallocated to new grant projects before the end of each Fiscal Year. The Project Director will notify the Department Executive in June of each year whether any job descriptions need to be created or updated and provide the necessary information to the Department Executive. Persons responsible will follow the same procedures as provided in Subsection (2) above, Changes in Job Responsibilities.

D) Defining Position Responsibilities

All job descriptions for personnel working on a Sponsored Program must account for 100% of a position’s time and delineate between job responsibilities as follows:

1. The percent of time for those position responsibilities that are funded by the Sponsored Program, sometimes referred to as “soft dollars,”
2. The percent of time for those position responsibilities that are contributed by Kirkwood in support of the Sponsored Program, sometimes referred to as “match,”
3. The percent of time for those position responsibilities that are supported by Kirkwood’s budget, often times referred to as “hard dollars.”

E) Additional Definition of Position Responsibilities under Certain Circumstances

1. Some Sponsor Agencies will require that the job responsibilities of personnel working on Sponsored Programs be further delineated by the percent of time of those responsibilities that are administrative versus program-related (e.g. Department of Labor) or by teaching versus research (e.g. Department of Health).
2. The Kirkwood Community College Board of Trustees adopted a policy on ownership of copyright and media that provides guidance on the development of job descriptions for Sponsored Program employees who work on the development of copyrightable material and/or media. Pertinent sections of the policy are as follows:

   Title of Board Policy: Development of Copyrightable Materials and Media (Series 675) by Kirkwood Community College Personnel

   a) Outside Grants or Funding. If materials or media in question are created by virtue or as part of a special grant made by an outside agency for the purpose of creating said materials or by virtue of a special award made by an outside source contracting with Kirkwood, and when those terms of the grant are covered by section B (Special Support Provided By Kirkwood), an appointment of rights or a retention of the rights shall be consistent with the terms of the grant as received by Kirkwood.

   b) Special Exclusion. When the job description under which a person is employed requires as part of that position the development of or involvement in the development of copyrightable materials, that person so employed will hold no rights to ownership of materials so produced.

2.6 Personnel Activity Reporting

A) Personnel Covered

All Kirkwood administrators, faculty, and exempt instructors, professional, and technical staff personnel whose salaries are supported by Sponsored Programs are required to submit Personnel Activity Reports. Non-exempt Kirkwood staff who must submit timesheets will certify their time and effort on a Sponsored Program timesheet and not on a PAR certification form.

B) Personnel Activity Reports

Personnel Activity Reports (PARs) will be prepared by the employee on a monthly basis. The employee will certify that their actual time and effort for the month was spent in accordance with their job description. The employee will sign the PAR form and their direct supervisor will acknowledge receipt and reasonableness of the estimate of time reflected in the certification. The PAR form is provided in Exhibit 3.

C) Sponsored Program Timesheet Certifications for Non-Exempt Employees

A Sponsored Program (SP) Timesheet (Exhibit 4) will be prepared by non-exempt employees according to Kirkwood’s bi-weekly pay period schedule. The employee will certify that their actual time and effort for the pay period was spent
in accordance with their job description. The employee will sign the SP Timesheet and their supervisor will acknowledge receipt and reasonableness of the estimate of time reflected in the SP Timesheet certification.

D) PAR Department Coordinator

Each department will appoint an individual to perform the duties of the Department PAR Coordinator. The PAR Department Coordinator will act as the central coordination point between their department and the Grants Department, Payroll, and Business Services offices. The Coordinator will:

1. Distribute the PAR and SP Timesheets to the appropriate employees.
2. Review the activity reports and ensure that the correct employee and supervisor signatures are provided and that all forms are dated.
3. Provide the Project Director with a copy of all completed and signed PAR and SP Timesheets and forward the original signed forms to Payroll within 15 days after the end of the reporting period.
4. Provide a Sponsored Program Quarterly Report (Exhibit 5), compiled from individual employee PAR and SP Timesheets, to the Grants Department no later than the 15th of the month following the quarterly reporting period.
5. Notify the appropriate individual(s) in the department if an adjustment is necessary to an employee’s PAR or SP Timesheet and process revised activity reports in a timely manner.
6. Maintain adequate documentation needed for an internal evaluation or external audit, which substantiates changes to a department’s employee salary distribution.

E) Allowable Personnel Charges to a Sponsored Program

Personnel charges to a Sponsored Program must be made in accordance with Kirkwood’s Human Resource policies and conform with OMB Circular A-21 (J.8, which covers allowable salary, wages and fringe benefits costs of personnel working on a Sponsored Program.

This section of the A-21 Circular provides that “employees working on a Sponsored Program may include reasonable amounts of time for activities contributing and intimately related to work under the agreement for a sponsored project, such as delivering special lectures about specific aspects of the ongoing activity; writing reports and articles; participating in appropriate seminars; consulting with colleagues and students; and, attending meetings and conferences.”

In general, the most relevant salary, wage, and fringe benefit sections of the Circular have been incorporated into this policy. However, this section of the Circular also covers other information such as faculty sabbatical leave, treatment of tuition remission provided to students, institution–furnished automobiles, and Facilities and Administrative (F&A) personnel costs. The Circular should be referred to for direction when such information is needed.

1. Salary Rates for Kirkwood Faculty during the Academic Year. The following cost principles apply to all members of Kirkwood faculty supported by a Sponsored Program:

   a. Charges for work performed on Sponsored Programs by faculty members during the academic year will be based on the individual faculty member's regular compensation.
   b. In no event will charges to Sponsored Programs, irrespective of the basis of computation, exceed the proportionate share of the faculty member’s base salary.
   c. Faculty who function as consultants to a Sponsored Program, conducted by another faculty member within the same department, will receive no compensation in addition to their full-time base salary. Extra compensation above the base salary is allowable when faculty provides consultation across departmental lines or the consultation involves a separate or remote operation, and the work performed by the faculty consultant is in addition to their regular departmental load. Further, charges for faculty consulting arrangements must also be specifically provided for in the Sponsored Agreement or approved in writing by the Sponsor Agency.

2. Salary Rates for Faculty Outside the Academic Year. The following cost principles apply to all members of Kirkwood faculty funded under a Sponsored Program:
(a) Except as otherwise specified for teaching activity in subsection (b) below, charges for work performed by faculty members on Sponsored Programs during the summer months, or other periods not included in the base salary period, will be determined for each faculty member at a rate not in excess of the base salary divided by the period to which the base salary relates. Charges are also limited by the following subsections (b) and (c).

(b) The base salary period used in computing charges for work performed during the summer months will be the number of months covered by the faculty member’s official academic year appointment.

(c) Charges for teaching activities performed by faculty members on Sponsored Programs during the summer months or other periods not included in the base salary period will be based on the normal policy of the institution governing compensation to faculty members for teaching assignments during such periods.

(3) Rates for Part-time Faculty. Charges for work performed on Sponsored Programs by faculty members having only part-time appointments will be determined at a rate not in excess of that regularly paid for part-time assignments. For example, if an institution pays $5,000 to a faculty member for half-time teaching during the academic year and the faculty member devotes one-half of his/her remaining time to a Sponsored Program, the additional compensation, chargeable by the institution to the Program, would be one-half of $5,000, or $2,500.

(4) Non-Institutional Professional Consulting or Other Outside Pay-for-Work Activities. Kirkwood does not limit non-institutional professional consulting or other for-pay activities except to the extent the activity may create a conflict of interest. The Project Director must be made aware of the non-institutional outside pay-for-work activity and discuss the issue with the relevant Sponsor Agency program official to receive approval. The Sponsor Agency program official may require that the effort of professional staff working on the Sponsored Program(s) be allocated between (1) institutional activities, and (2) non-institutional professional activities. If the Sponsor Agency considers the extent of non-institutional professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

(5) Fringe Benefits

(a) Fringe benefits follow the same cost principles as salaries and wages as outlined in Section 6(E) above.

(b) Fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as annual leave, sick leave, military leave, et cetera, are allowable, provided such costs are distributed to all institutional activities in proportion to the relative amount of time or effort actually devoted by the individual employee.

(c) Fringe benefits in the form of employer contributions or expenses for social security, employee insurance, Workers’ Compensation insurance, tuition or remission of tuition for individual employees are allowable, provided such benefits are granted in accordance with Kirkwood’s Human Resources Policies, and are distributed to all college activities on an equitable basis.

(d) Tuition benefits for family members other than the employee are unallowable.

2.7 INTERNAL EVALUATION OF ACTIVITY REPORTING SYSTEM

The Grants Department will conduct periodic internal evaluations of Kirkwood’s time and effort, reporting and monitoring system to ensure that the system is in compliance with the applicable policies and procedures. Internal evaluation documents generated by the Grants Department will be maintained for five years from the end date of the Sponsored Program. The objectives of the internal evaluations are to ensure that:

(1) PAR and SP Timesheets are adequate, specific, and reasonable.

(2) Employees are aware of their responsibilities to review changes in their job descriptions and complete PAR and SP Timesheets in a timely manner.

(3) Employees report significant changes in distribution of their time and effort to their respective supervisors promptly.

(4) Prompt decisions on significant changes in an employee’s distribution of time and effort are being made and documented by the appropriate college official.

(5) Appropriate changes to PAR and SP Timesheets are made and processed in a timely manner, and reflected in the department’s Sponsored Program quarterly reports.
2.8 COMPLIANCE WITH POLICY AND PROCEDURES

Kirkwood’s time and effort, reporting and monitoring system is created to provide a means to certify an employee’s work on federally funded Sponsored Programs. When salary is paid from federal funds, the lack of effort certification can create an audit exception, which may require that the department repay funds to the federal government. The Grants Department will work with the departmental PAR Coordinator to see that all activity report forms are returned in a timely manner. When this is not successful, lists of delinquent reports will be distributed to appropriate college officials.

2.9 RECORDS RETENTION

A) The Project Director is responsible for maintaining the Sponsored Program master files and job descriptions in their offices for a period of five years from the end date of the Sponsored Program.

B) The department PAR Coordinator will maintain records for three months from the date of the last Sponsored Program quarterly report.

C) Payroll is responsible for maintaining scanned copies of all PAR and SP Timesheets for a period of five years from the end date of the Sponsored Program.

DEFINITIONS

Non-Exempt Staff as defined in Chapter 3 of the 2002 Kirkwood Community College Employee Handbook and Procedures Manual means a “person working at Kirkwood Community College and considered non-exempt from minimum wage and overtime pay requirements of the Fair Labor Standards Act. This includes secretarial/clerical, most custodial/maintenance and most technical positions.”

OMB Circular A-21 refers to the Federal Office of Management and Budget’s, Circular A-21. This Circular establishes principles for determining costs applicable to grants, contracts, and other agreements with educational institutions.

Personnel Action Form refers to the Kirkwood form that alerts Human Resources of a change in status of personnel, their time, and funding code category. See Exhibit 2.

Project Director means the individual identified in the Sponsored Agreement as the Project Director or Principal Investigator.

Sponsor Agency means any entity of the federal government awarding a Sponsored Agreement to Kirkwood or an entity of state government awarding federal pass-through funds to Kirkwood.

Sponsored Agreement means any grant, contract, cooperative agreement or other agreement between Kirkwood Community College and the federal government or the state government when the state awards Kirkwood federal pass-through funds.

Sponsored Program means any instruction, education, training, research, or other type of activity as agreed to between Kirkwood and the Sponsor Agency.

2.11 EXHIBITS

(1) Job Description Format
(2) Personnel Action Form (PAF)
(3) Personnel Activity Report (PAR) Form for Faculty and Professional Staff
(4) Sponsored Program Timesheet (SP Timesheet) for Non-Exempt Personnel
(5) Department Sponsored Program Quarterly Report
Instructor, Agricultural Technologies

EMPLOYEE: Jane Doe
POSITIO(N: Instructor, Agricultural Technologies
CLASSIFICATION: Faculty (201)
DEPARTMENT: Agricultural Science
REPORTS TO: Dean

GENERAL POSITION SUMMARY: The Agricultural Technologies Instructor is responsible for:
1) Effectively teaching course assignments in agricultural technologies, 2) Development of new
curriculum and courses in accordance with department, division, and college policies and
procedures, 3) Ensuring personal completion of requirements to obtain and maintain a
current teaching license from the Iowa Department of Education, and (4) With approval from
the Dean preparation and delivery of sponsored program funded activities and projects.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Time and Effort That Is Paid For Through an External Funding Source in Support of a Sponsored Program:
The Agricultural Technologies Instructor’s position is supported by external funding from the following Sponsored Program(s)
to carry out the duties and responsibilities as described below.

<table>
<thead>
<tr>
<th>Project Title</th>
<th>“Reducing Energy Costs in Livestock Confinement Buildings Through the Use of Solar Panels”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Source</td>
<td>Small Alternative Energy Grant Program, Department of Energy, Alternative Energy Sources Division</td>
</tr>
<tr>
<td>Award Number</td>
<td>AEG-6565-04</td>
</tr>
<tr>
<td>Project Duration</td>
<td>Beginning July 1, 2003</td>
</tr>
<tr>
<td>% Time</td>
<td>35%</td>
</tr>
</tbody>
</table>

Project position responsibilities include to:

1) Provide the necessary overall Project leadership,
2) Direct the work of Project Partners,
3) Disseminate results,
4) Coordinate the development and submission of Program and Financial Reports as Principle Investigator
to this Project,
5) To collect data on solar panel input and output measures, and
6) To develop, in conjunction with Project Partners, new educational alternative energy curriculum
components for inclusion in general overview agricultural management courses.

Time and Effort That Is Paid for With College Dollars: The Agricultural Technologies Instructor’s position is supported by funding from the
Agricultural Science College budget, for which some or all of the position’s time is contributed to Sponsored Program(s) and therefore must
be described, tracked and accounted for separately.

<table>
<thead>
<tr>
<th>Project Title</th>
<th>“Mix Waste Composting Demonstration Project”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Source</td>
<td>Solid Waste Alternatives Program (SWAP), Iowa Department of Natural Resources, Award Number 229956-04, Project Title, “Mix Waste Composting Demonstration Project”</td>
</tr>
<tr>
<td>Award Number</td>
<td>IA-22978-04</td>
</tr>
<tr>
<td>Project Duration</td>
<td>Beginning Oct. 1, 2003</td>
</tr>
<tr>
<td>% Time</td>
<td>5%</td>
</tr>
</tbody>
</table>

Contributed Time, Paid for With College Dollars, in Support of an Externally Funded Project

<table>
<thead>
<tr>
<th>Project Title</th>
<th>“Mix Waste Composting Demonstration Project”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Source</td>
<td>Solid Waste Alternatives Program (SWAP), Iowa Department of Natural Resources, Award Number 229956-04, Project Title, “Mix Waste Composting Demonstration Project”</td>
</tr>
<tr>
<td>Award Number</td>
<td>IA-22978-04</td>
</tr>
<tr>
<td>Project Duration</td>
<td>Beginning Oct. 1, 2003</td>
</tr>
<tr>
<td>% Time</td>
<td>5%</td>
</tr>
</tbody>
</table>

Note that the person’s position description should always include those items, which are underlined in the example to the left,
Typically, all of the information needed for the underlined items, can be found in the face or cover page of the Letter of Award from the funding agency.

Note that the Project position responsibilities always list the person’s primary responsibilities. These responsibilities are most often times
delineated in the originally submitted grant proposal.
Project position responsibilities include to:

1) Provide the necessary overall Project leadership and to disseminate results through preparation of SWAP Newsletter and presentation at SWAP Annual Conference,

2) Coordinate the development and submission of Program and Financial Reports as Project Director, and

3) Direct and advise in identification and development of educational criteria for development of new educational alternative energy curriculum component for inclusion in Agricultural Management courses

Special Project Note(s): under this project, the College retains all copyright and intellectual property rights.

Dedicated Time, Paid For With College Dollars, in support of Teaching and Department Activities

| College Position Title: Agricultural Technologies Instructor | Department Cost Center #: 11-00-02-30490 |
| Time Supported: Sixty percent (60%) of the Agricultural Technologies Instructor’s time is dedicated to the College. | % Time: 60% |

College duties and responsibilities include: The Agricultural Technologies Instructor’s time is committed to teaching and support of College activities as delineated in the (a) General Position Description, (b) Range of Position Activities, (c) Performance Expectations, and (d) Special Demands of this Position Description of this Position Description.

RANGE OF POSITION ACTIVITIES

Constant (67-100%)

- Effectively organize and teach course work in accordance with established syllabi. Assignments may include various delivery formats, methods, work schedules, and locations.
- Evaluate and report student performance and progress.
- Maintain current course syllabi and provide student guide for all courses taught.
- Maintain established office hours.
- Assist in the process of requesting and maintaining instructional equipment and supplies for classroom/laboratory use.
- Attend departmental and divisional meetings.
- Serve as advisor to a student club.

Frequent (34-66%)

- Make recommendations concerning curriculum revision and development.
- Assist in the development of new courses and revisions of existing courses within the department.
- Serve as an academic advisor to students and make student referral when deemed necessary to other college personnel such as Dean, Counselor, Financial Aid, etc., or more specialized information and assistance.
- Attend and possibly facilitate annual Advisory Committee meetings.

Occasional (10-33%)

- Assist in the promotion and support of the department.
- May serve on department and college-wide committees.
- Assist in the maintenance and enhancement of communications within the College and community.

PERFORMANCE EXPECTATIONS

- Be able and willing to represent the College in the most positive manner with prospective, former and current students, clients, suppliers and the community we serve.
- Possess the ability to organized and present various concepts to a wide range of students with varying backgrounds and abilities, and adjust teaching techniques accordingly.
- Behave in a classroom setting in a way or manner that is acceptable and consistent with department and decisions.
- Assume responsibility; deal effectively with problems, and exercise independent judgment when making decisions.
- Establish and maintain good working relationships with students, colleagues, staff administrators, and general public.
- Read, understand, and express oneself clearly and effectively in oral and written form.
- Possess strong human relations skills. Get along with diverse personalities.
- Be creative, energetic, and self-motivated individual with demonstrated leadership and organizational skills.
- Possess a working knowledge of personal computers and
SPECIAL DEMANDS

- Position involves constant (67-100%) reaching, standing, sitting, walking, talking, hearing, and visual acuity. Frequent (34-66%) stooping, kneeling, pushing, pulling, lifting, grasping, repetitive motion, and balancing. Occasional (10-33%) crouching, crawling, and climbing. Occasional (10-33%) travel may also be required.

- Persons working in this position will be subject to extreme cold and/or heat for periods of more than one hour, noise, hazards such as moving mechanical parts, electrical current and livestock, hazardous chemicals and atmospheric conditions that may affect the respiratory system or the skin (i.e., fumes, odors, dusts, mists, gases, or poor ventilation).

- Persons in this position must satisfactorily complete Kirkwood’s Worker Right-to-Know (Hazardous Communication) training.

- The statements contained herein reflect general details as necessary to describe the essential job duties/responsibilities and performance expectations of the job, which should not be considered an all-inclusive listing of work requirements. Individual may perform other duties as assigned.

MINIMUM QUALIFICATIONS: Master’s degree in Agriculture required, with a minimum of two years experience in teaching technologies or working in a technology field. Community College teaching experience preferred. Attainment of Iowa teaching license will be required.

   Essential Skills and Abilities:
   - Read, understand, and express oneself clearly and effectively in oral and written form.
   - Possess strong human relations skills. Get along with diverse personalities.
   - Be creative, energetic, and self-motivated individual with demonstrated leadership and organizational skills.
   - Possess a working knowledge of personal computers and educational media equipment.

SALARY: Commensurate with education and experience for a 201-day contract.

INSURANCE: The College purchases term life, disability, health and dental/vision insurance provides flexible benefits account, and contributes to a retirement program for each full-time staff member.
This form can be found on the Internet at:
http://www.kirkwood.edu/humanres/employees/forms/index.html
Kirkwood Community College  
Personnel Activity Report and Certification  
Faculty and Professional Staff

Name/Position: ____________________________________________________

Social Security Number: ____________________________________________

Department: ______________________________________________________

**Reporting Period:**  Time Period Starting: __________  Time Period Ending: __________

---

* I certify that I have worked according to my job description, which outlines the duties and responsibilities of my position.

Employee: ___________________________ Date: _____ / _____ / _______

---

* I certify that I have first-hand knowledge of the actual time and effort expended by this employee for the period shown above. The certification made by this employee is a reasonable estimation of their time and effort for this reporting period.

Approved by: ___________________________ Date: _____ / _____ / _______

(Supervisor)

---

* The space below is provided if needed. No comments are required.

**Employee and/or Supervisor Reporting Comments:**

________________________________________________________________________

________________________________________________________________________

This Form Last Updated July 27, 2003
### SPONSORED PROGRAM TIMESHEET

**Timesheet for payroll period ending: ____ , 2003**

**Social Security #: ____________________________**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Cost Center Codes:</th>
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<tbody>
<tr>
<td>Department:</td>
<td>278320-03-XXX (Name of Department)</td>
</tr>
<tr>
<td></td>
<td>278320-02-XXXX (Name of Sponsored Agreement #)</td>
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<tr>
<td></td>
<td>278320-02-XXX (Name of Sponsored Agreement #)</td>
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**Social Security #: ____________________________**

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<th>Cost Center Codes:</th>
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<td>278320-03-XXX (Name of Department)</td>
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<td>278320-02-XXXX (Name of Sponsored Agreement #)</td>
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<tr>
<td>278320-02-XXX (Name of Sponsored Agreement #)</td>
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<th>Reason for Overtime</th>
<th>Approved By</th>
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</table>

**Pay Rate $ Per Hour**

I certify that this is a true and correct record of the actual time worked by me during the pay period and I further certify that I have worked in accordance with the job description for my position.

**Employee:** ____________________________  **Date:** ____________________________

I certify that I have first hand knowledge of the actual time and effort expended by this employee during the period shown above and the certification made by this employee is a reasonable estimation of their time and effort.

**Supervisor:** ____________________________  **Date:** ____________________________

**Note for Part-time Employees:** Mark your timesheet for actual hours worked through the appropriate cut off date shown on the calendar of payroll cutoff dates.

* Sponsored Agreement means any grant, contract, cooperative agreement or other agreement between Kirkwood Community College and the Federal Government or with the State Government when the State awards the College federal pass through funds.

**Form Last Update:** July 30, 2003
PAR Department Quarterly Report Form

Date: ______ Quarter Start Date: ______ Quarter End Date: ______ Department: __________________________

**Exempt**

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Project</th>
<th>Cost Center Number</th>
<th>PAR Submitted &amp; Signed</th>
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<tbody>
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</tr>
</tbody>
</table>

**Non-Exempt**

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Project</th>
<th>Cost Center Number</th>
<th>Sponsored Program Timesheet Certification Submitted and Signed By the Pay Period (PP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>10</td>
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</tbody>
</table>

Form Completed and Submitted by: __________________________

Please check mark the quarterly or pay period boxes when the signed PAR or Sponsored Program Timesheet has been forwarded to the Payroll Office.

**PAR Quarterly Department Reports are to be submitted no later than the 15th of the month, following the quarterly reporting period.**

Form last updated: July 1, 2003
3.0 PROCUREMENT OF GOODS AND SERVICES

3.1 PURPOSE

Institutions of higher education are required to establish and to follow their own procurement procedures, based on the standards and requirements contained in federal laws and regulations. OMB Circulars A-102.36 and A-110.40 through .48 establish standards, procedures, and requirements for recipient procurement systems of federal grants and contracts. In keeping with this required federal standards and requirements these procurement policies are designed to:

- Support and facilitate the educational, training, research, and public service missions of Kirkwood Community College by applying business practices that provide for public confidence in its sponsored program and contracts procurement system.
- Provide for a procurement process of quality, integrity, broad-based competition, fair and equal treatment of the business community and increased economy in the procurement process.

3.2 APPLICABILITY

These Policies apply to agreements and contracts made by Kirkwood for the acquisition, rental, purchase or lease of supplies (including vehicles and information technology requirements), Professional Services, Maintenance, Capital Improvements, and Architectural and Engineering services using sponsored program and /or sponsored program contract funds.

The Kirkwood Community College Grants Department may, from time to time, amend these policies and procedures in order that they remain consistent with current best methods and business practices and with other federal, state, local, and college policies, rules and regulations.

3.3 DEFINITIONS

**Equipment** means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost, which equals or exceeds the lesser of the capitalization level established by the college for financial statement purposes, or $5,000. (*Circular A-21.J.16.a* (1) *Cost Principles for Educational Institutions*)

**Capital expenditure** means the cost of the asset including the cost to put it in place. Capital expenditure for equipment, for example, means the net invoice price of the equipment, including the cost of any modification, attachment, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. (*Circular A-21.J.16.a* (2) *Cost Principles for Educational Institutions*)

**Professional services** means the costs of professional and consulting services, including legal services rendered by a member of a particular profession who is not an employee of the institution. (*Circular A-21.J.32.a. Cost Principles for Educational Institutions*)

3.4 PROCUREMENT POLICY

A) **Responsibilities:** The Principal Investigator\(^1\) is primarily responsible for ensuring that all requirements of the College’s Sponsored-Program and Contracts procurement policy and Code of Conduct are met.

B) **Duplication:** No unnecessary or duplicative items may be purchased with federally sponsored or contract program monies.

C) **Comparison:** Where appropriate, an analysis will be made of lease and purchase alternatives to determine which method would result in the most economical and practical procurement for the awarding agency. The analysis will be documented and the documentation retained for a period of five years from the end of the sponsored program.

---

\(^1\) Principal Investigators are referred to as Project Directors.
D) **Solicitation:** Solicitation for goods, supplies, printing, and services must provide for all of the following:

1. A clear and accurate description of the technical requirements for the material, product, or service to be procured. In competitive procurements, such a description shall not contain features that unduly restrict competition.
2. A description, whenever practicable, of technical requirements in terms of function to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
3. Specific requirements or features of “brand name or equal” descriptions that bidders are required to meet when such items are included in the solicitation.
4. Preferences, to the extent practicable and economically feasible, for products and non-professional services that conserve natural resources, protect the environment, are energy efficient.

E) **Small Business, Minority-Owned, Women Business Enterprise and Iowa Based Companies:** Positive efforts shall be made by sponsored programs, sub-recipients, and sub-awardees to use small businesses, minority-owned firms, women's business enterprises, and Iowa based businesses particularly those located within the College’s seven country service area, whenever possible.

1. Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
2. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
3. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
4. Encourage contracting with consortia of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority owned firms and women's business enterprises.

F) **Cost Analysis:** Some form of cost or price analysis shall be made and documented in the procurement files concerning every procurement action.

G) **Type of Agreement:** The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the Principal Investigator but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. Cost plus percentage-of-cost and percentage-of-construction cost types of contracts shall not be used.

H) **Debarment:** No contracts or agreements will be entered into with debarred contractors.

I) **Documenting the File:** All original documents pertaining to procurements in relation to sponsored programs and contracts will be held in the award file in the Principle Investigator’s files. These records should include:

1. Copy of written or published solicitation, if used
2. Solicitation documentation including names of vendors, copies of any written responses received, bid or offer amounts, basis for the award, identification of MBE/SBE vendors, or copy of sole source justification or explanation for single bid response
3. Copy of certification by appropriate fiscal authority of fund availability to satisfy the contractual requirement
4. Copy of purchase order or contract
5. Name of authorized purchaser, date of purchase, and name of vendor selected
6. Itemized receipt, packing slip, or itemized repair order, if applicable
7. Completed College Sole Source Procurement form
3.5 COMPETITIVE PROCUREMENT THRESHOLDS

A) Goods and Supplies: The Kirkwood Community College Board of Trustees has determined that procurement of "goods and supplies" requiring competitive procurement as the purchase of any single item or group of related components with a combined value equal to or greater than $10,000.

B) Small Purchase Threshold: OMB Circular A-110.44(e).2 defines small purchase threshold as procurement expected to exceed the small purchase threshold fixed at 41 U.S.C. 403 (11) (currently $25,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation.

C) Professional Services: Professional Services requiring competitive procurement is defined as the procurement of a service expected to exceed the federal Small Purchase Threshold (currently $25,000).

D) Prior Review and Approvals Needed: The following prior review and approval procedures will be followed:

   (1) Principal Investigator and Department Executive: All purchases of goods, supplies, printing, and services will require the authorization of the Principal Investigator and when required by Department policy and/or practice of the Department, by the Department Executive following standard College procedures.

   (2) Contracts and Agreements: No contract or agreement instrument for the purchase or procurement of any professional services and for any goods, supplies, printing, non-professional services exceeding the Small Purchase Threshold, may be entered into without the prior review and approval of the Grants Department.

   (3) Construction: The construction of any building or facility or renovation or alteration of any building or facility, the cost of which is greater than $25,000, shall comply with the procurement policies as set forth in the State of Iowa Code. The College’s Executive Director, Facilities, shall oversee all construction projects. Allowable cost for reimbursement under a federal sponsored program or contract is determined in accordance with OMB Circular A-21 Cost Principles for Educational Institutions, Section J.

   (4) Lease and Lease Purchases: The Director of Business Services shall review and approve, in consultation when appropriate with the Vice-President of Administration, any lease and or lease purchases.

E) Small Purchases of Goods, Printing and Professional Services

   (1) Under $5,000: In general, price quotations are not required for purchases of less than $5,000. In unusual circumstances, written or oral quotations should be conducted.

   (2) $5,000 to $10,000: One documented quote is required either in writing or by telephone.

   (3) $10,001 to $25,000: Solicit one documented quote in writing for professional services. Solicit a minimum of two vendor price quotations or in unusual circumstances compare cost using available hard copy or web-based price information. Unusual circumstances include documented unavoidable time constraints or rapidly evolving technology that is not considered off-the-shelf.

      a. Quotations for professional services must be in writing and quotations for goods, printing and non-professional services may be obtained in writing or by telephone, using the following criteria:

         i. A telephone quote should only be for an off-the-shelf item, requiring no special modifications or alterations, and delivery will be made within a short but reasonable time span. See Section 6 for other recommended suggestions.

         ii. A written price quote should be used when detailed specifications are required, if there are any special modifications or performance requirements, and if there is a variable delivery schedule. See Section 6 for other recommended suggestions.

      b. To accommodate requests for written quotations, a reasonable period of time will be allowed for vendors to respond. The closing date for vendor response will be clearly stated, and any quotes received after that date will not be considered. Complete copies of requests for quotations will be maintained for audit purposes.
(c) Quotations will be evaluated to determine the lowest qualified price quote or other predefined evaluation criteria. The following factors should be considered:

   i. Quoted price less any acceptable discounts
   ii. Compliance with specifications: make, model, performance
   iii. Compliance with delivery requirements
   iv. Unacceptable conditions
   v. Previous history with the College where quality, service, or delivery were in inferior or superior or well supported.

(d) If the lowest price quoted is unacceptable, an explanation of why it cannot be considered must be noted in the file.

F) **Large Purchase Threshold - Over $25,000:** Solicit a minimum of three valid proposals for goods, services, or professional services either through Request for Proposals (RFP), Request for Qualifications (RFQ) or other competitive procurement format as suitable to the circumstances. All construction or building/facility alteration shall be conducted according to the bidding laws of the State of Iowa as provided for in the then current edition of the State Code or as otherwise required by federal regulations. The Request for Proposal shall include the following:

   (a) Instructions and information to proposers concerning the submission requirements, including time and date for receipt of proposals, the address of the office to which they are to be delivered, point of contact, and any other information that will make submission requirements clear including any pre-bidders conference if applicable.
   (b) The purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements.
   (c) The contractual terms and conditions including warranty and bonding or other security requirements, required college, state, and federal certifications and assurances, and conflict of interest and confidentiality and open records requirements.

G) **Sole Source and/or Sole Brand Exceptions.** In some cases where a good, service, or professional service of a specified brand or trade name is the only article which will properly meet the needs of the sponsored project, the Principal Investigator may limit the procurement process to one vendor or brand or trade name. However, the Principal Investigator must fully explain why sole source/sole brand procurement is justified using the College’s Sole Source for, found in Attachment. The justification should include:

   (a) The unique performance factors of the product specified.
   (b) Why these factors are required.
   (c) What other products have been evaluated, rejected and why.
   (d) A copy of the justification for a sole-source/sole-brand purchase must be kept on file in the Principal Investigator’s master grant files along with the purchase order or contract/agreement for audit purposes. (A copy should be provided to the Kirkwood Grant’s Office for their records and documentation.)

H) **Care must be taken when using telephone bidding to purchase goods.** The description of what is desired must be described in generic terms or by use of a brand name (including make and model). When specifying a brand name, be prepared to receive bids on an "or equal basis" unless the item desired has been justified as proprietary. When identifying potential sources to solicit, ensure that those selected are in the business to provide what is needed. In addition, the following suggestions are provided.

   (1) **Communicate:** Communicate with the end user, when appropriate, to ensure that what is needed will be accurately described to the bidder(s).
   (2) **Read and Edit:** Read the requisition to make sure it answers the following questions:
      - WHO will receive the goods?
      - WHAT is needed?
      - WHEN is delivery required?
WHERE are the goods to be delivered?

HOW to be shipped, e.g., customer pick-up, truck, inside delivery, furnish and install, etc., and

HOW much?

3) **Modifications:** All bidders contacted must be given the opportunity to bid on the identical specifications. For example, if during the bidding process, a bidder offers an alternate (not an equal) and the end user determines that the alternate would suffice, then each bidder previously contacted must be provided the revised requirement and allowed to re-bid.

4) **Notation:** When soliciting a quote on a name brand or equal basis, note on the phone quote sheet the product offered by each bidder, i.e., "as specified" or make, model of equal, when soliciting bids using generic specifications, note the make, model offered by each bidder.

5) **Terms and Conditions:** Note any special terms and conditions that shall apply to the purchase and communicate those to each bidder. An example would be insurance and contractor-licensing requirements involving some types of delivery and install procurements.

6) **Pricing:** Bids are to be solicited on a firm fixed price basis. Every attempt should be made to have the prices quoted FOB destination and to include any shipping charges. Otherwise, any separate shipping charges must be shown on the phone quote sheet and included as part of the total bid price when evaluating the bids.

1) **Sponsored Program Professional Services Exception:** Professional Services are exempt from the competitive procurement process of this Policy, which have been identified and described in a funded Sponsored Program proposal, and which the Sponsoring Agency has determined that no further competitive procurement is required.

2) **Tax Exempt Status**

Kirkwood Community College is exempt from paying sales tax under the State Code of Iowa. The purchaser should inform the supplier of this fact. In the event the vendor requires a tax exemption certificate, one may be obtained from the Business Services Office.

3.6 **EXHIBITS**

(1) Sole Source Procurement Form

[Revisions]

10/5/04 – Added new section 3.4 (I)(7); Clarified Sections 3.4 (E)(3), G(d), (F)(c); Inserted new Section 3.6 – Exhibits (1) Sole Source Procurement Form

8/10/04 – Changes to Section E (3) and (4), Section F (2), and new Section G

11/01/04 – Added new Section I, Sponsored Program Professional Services Exception, and renumbered remaining subsections.
Kirkwood Community College
6301 Kirkwood Blvd SW
PO Box 2068
Cedar Rapids, Iowa 52406-2068

SOLE SOURCE
PURCHASE JUSTIFICATION

Requester: Please respond to all items. Responses which require additional space should be attached to the justification and reference specific paragraph. Please type your responses or generate them by computer.

JUSTIFICATION

1. DESCRIPTION OF PURCHASE: The Manufacturer, model number and/or generic description identifying the specific items(s) required to meet the purpose described below.

2. PURPOSE: Provide a brief description of the intended application(s) for the items which are to be purchased.

3a. JUSTIFICATION: Describe all the proprietary performance functions unique to this product or service. Explain why the particular product or service is the only solution. Explain why the vendor is uniquely qualified to provide the products or services.

3b. State reasons why other products competing in this market do not meet your needs and/or do not comply with your specifications or needs.

4. EFFORTS TO IDENTIFY OTHER SOURCES: Describe efforts to identify other vendors to furnish the item(s) and why the other vendors would not qualify to submit a competitive quotation. State any vendor contacts you have experienced prior to submitting your requisition, particularly when any vendor may be expecting an opportunity to bid on the purchase.

5. Will this purchase limit the ability of other vendors to compete on future purchases such as supplies, upgrades or replacements?
   - [ ] No
   - [ ] Yes If yes, provide explanation

CERTIFICATION

The undersigned states that he/she has prepared the above documentation and that the facts and data set forth are complete and accurate to the best of the undersigned’s knowledge and belief.

Requestor Name and Title
Requestor Signature
Date

Form last revised 10/5/04
4.0 CODE OF CONDUCT

4.1 No College employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the College employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

4.2 All College employees, officers, and agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements. However, College employees, officers, and agents, in situations of being presented an unsolicited gift of nominal value, may accept such gift in accordance with the “Gift Laws” as set forth in the State Code of Iowa. Nominal value under the State’s Gift Laws means something of less than $3.00 in value.

4.3 College employees, officers, and agents that serve as Principal Investigators or Project Directors on NSF and DHHS funded sponsored programs have additional specific disclosure requirements as set forth in the College’s Conflict of Interest and Financial Disclosure Policy and Procedures.

4.4 College employees, officers, and agents not adhering to this Sponsored Program Policy are subject to disciplinary actions according to the procedures outlined in the College’s Human Resources Policies and Procedures Manual.
5.0 COST SHARING POLICY AND PROCEDURES

The purpose of the College’s Cost Sharing Policy and Procedures is to ensure compliance with Federal costing and cost sharing requirements as set forth in OMB Circulars A-21 and A-110. This Policy establishes procedures for recording cost-shared expenditures in the College's accounting system.

5.1 DEFINITION OF COST SHARING AND TYPES OF COST SHARING

Cost sharing is that portion of the total project cost of a sponsored agreement that is contributed by the College and/or other non-federal sources but not reimbursed by the sponsor. It may include salaries, fringe benefits, general expenses, indirect costs, or third party contributions.

The sponsor as a condition of obtaining an award requires mandatory cost sharing. The requirement for such cost participation is set forth in project announcements or guidelines issued by the sponsor.

Voluntary committed cost sharing is that commitment by the College, to participate in the cost of a project that is not required by the sponsor, but which is included voluntarily in the College's proposal to the sponsor.

If cost sharing (whether mandatory or voluntarily committed) is subsequently accepted by the sponsor as a condition of the award, the College must maintain accurate records to verify that these funds have been expended toward the project's objectives.

Voluntary uncommitted cost sharing is not covered by this statement and should not be recorded in the College's accounting system. It is defined as "staff and faculty effort that is over and above that which is committed and explicitly budgeted in a sponsored agreement".

5.2 COST SHARING COMMITMENT ON PROPOSALS AND AWARDS

A) Responsibilities: When a proposal includes cost sharing, it must have the approval of the unit that provides the resources. The Principal Investigator (PI) or Project Director (PD) is responsible for ensuring that:

(1) Funds are identified for cost sharing at the time the proposal is submitted.
(2) One cost sharing account can be associated with one grant account, but no cost sharing account can be associated with more than one grant account.
(3) Third party contributions are properly documented.
(4) Allowable, allocable, necessary, and reasonable costs are incurred during the effective term of the award and are timely and accurately charged to the appropriate department cost sharing account.
(5) Cost sharing cannot be paid from federal funds unless specifically authorized.
(6) During the life of the project, prior approval from the federal sponsor will be requested when effort committed by the PI is to be decreased by 25% or more. This applies to changes in committed levels of effort to be charged directly to the project, as well as to that which will be cost shared on the project.

5.3 COST SHARING DOCUMENTATION PROCEDURES

A) Pre-Award Procedures:

(1) When a proposal includes cost sharing from College resources it is the responsibility of the PI or PD to provide a detailed budget, and state the percent of effort of key personnel if that information is not in the proposal budget, and provide this information to the appropriate Department Executives for review and sign-off on appropriate forms.
(2) When a project is awarded with an amount different from the proposal budget, the PI or PD, with the assistance of the Grants Department must prepare a revised budget. The PI or PD is responsible for notifying the appropriate Department Executives and providing the Business Service Office and the Grants Department documentation of the final approved budget from the appropriate Sponsor Agency.
B) Post Award Procedures:

(1) The Business Services Office will establish an award account once an official letter of award has been received from the Sponsor Agency.

(2) The College Department, in which the PI or PD is housed, will identify department level funds and accounts that will be used for cost sharing within their department budget, once an official letter of award has been received from the Sponsor Agency.

(3) The Business Services Office will monitor the expenditures from the award account and the Grants Department will monitor expenditures from the award account and departmental cost sharing accounts.

(4) If cost sharing is not to be provided as proposed, or when effort committed by the PI is to be decreased by 25% or more of the total committed effort (award and cost sharing amounts), the PI or PD must seek the assistance of the Grants Department in seeking approval for such a change from the Sponsor Agency.

(5) Allowable cost sharing may include: faculty, staff, and student time and effort documented according to the College’s Time and Effort Policy and Procedures, supplies, equipment, travel, other costs, subcontracts, participant expenses, unrecovered indirect costs if prior approval is given by the Sponsor Agency, in-kind and third-party contributions.

(6) If cost sharing obligations are met by third-party, such as in-kind contributions (volunteer services), documentation in the form of a letter from the individual or organization must be obtained by the PI or PD. The PI or PD should seek the assistance of the Grants Department in ensuring that each third-party cost-share letter includes: period of effort; amount and value of effort for each individual or labor category, breaking out salary and benefits; and a statement that the source of support for the effort is non-federal and not identified as cost sharing for another project. The PI must approve these letters, indicating that the contribution was received.

(7) Donated supplies, equipment, buildings, land or loaned equipment or space, and other contributions should be valued in accordance with the applicable cost principles. The PI or PD is responsible for providing acceptable documentation and will work with the Grants Department to ensure property documentation is obtained and maintained on file. The PI or PD must approve these contributions and provide documentation of approval to the Business Services Office.

(8) When cost sharing is required from a subrecipient, it is to be documented on subrecipient invoices to the College. The PI or PD will not approve final subrecipient payments until cost sharing requirements are met. The subrecipient cost sharing requirement must be included in the subcontract budget submitted to the Grants Department. No subcontracts are allowed to be finalized until review and approval by the Grants Department.

(9) If the sponsor agency requires the reporting of cost sharing, the Grants Department and PI will calculate the cost share to the Sponsor Agency based upon Department verified records or PI or PD certifications of cost sharing types and amounts.

[Revised and Finalized June 16, 2004]
6.0 CONFIDENTIALITY POLICY AND PROCEDURES

6.1 PURPOSE:
The purpose of this policy is to provide guidance to employees and students working under a sponsored funded program regarding the confidentiality of student, business, college, and sponsor agency information that needs to be maintained confidentially.

6.2 STUDENT INFORMATION:
Pursuant to the College’s Employee Handbook, Section 2.12, “Student education records are official and confidential documents protected by the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA applies to schools that receive federal education funds and non-compliance can result in the loss of those funds.
Confidential education records include student registration forms, graded papers, student information displayed on a computer screen, and social security numbers linked to names. Employees who work around education records need to keep this information secure and protect the rights of students. The essence of this Act is that:

- Students upon reaching age 18 or students attending postsecondary institutions, regardless of age, must be permitted to inspect and review their own education records (any records from which the student can be individually identified), to the exclusion of third parties. There are no rights guaranteed under FERPA for parents of students attending a postsecondary institution.

- Institutions may not disclose information about students, nor permit inspection of their records, without the student’s written permission, unless such action is covered by certain exceptions as stipulated in the Act.

FERPA provides that colleges may release directory information about students but that each college should formulate its own policy about what directory information it will release and to whom it will be released. The directory information categories identified by the Family Educational Rights and Privacy Act are the student's name and address, e-mail address, telephone number, major field of study, participation in Kirkwood sports and activities, weight and height of athletes, dates of attendance, degrees and awards received, previous schools/colleges attended, place and date of birth, class schedule, class roster, full or part-time status, photograph and emergency information. Kirkwood will release address, e-mail address, telephone number, previous schools/colleges attended, date of birth, and class schedule and class roster only in specific pre-determined situations. Please contact Enrollment Services for a list of the situations in which Kirkwood will release directory information.

6.3 PERSONNEL FILES
Pursuant to the College’s Employee Handbook, Section 2.8, “An official file for each employee will be kept at all times within the Human Resources office. All employment documentation such as contracts, evaluations, educational attainment records, and application materials will be kept in this file. Employees may have access to their file (except for confidential letters of reference) at any time by calling Human Resources to make an appointment. In addition to the hard copy file, an electronic file is maintained for each employee on the Human Resources Information System.

Medical information, such as sick leave verification forms and physician return to work forms, will be kept in a "Medical File" separate from the employee’s general employment file. Only the Human Resources staff will have access to an employee’s confidential medical file.

Release of personnel file information will be executed only through court order, employee signed release or on a "need to know" basis as determined by the Director, Human Resources. Upon completion of college course work, employees should forward a copy of the transcript to the Human Resources office to be maintained in the employee’s personnel file. The college will maintain personnel records for the period of time as required by law.

6.4 HIPAA Notice of Privacy Practices
Pursuant to the College Employee Handbook, Section 2.12, “The Health Insurance Portability and Accountability Act (HIPAA) include components to ensure that personal health information is protected so that individuals are not afraid to seek healthcare or to disclose sensitive information to health professionals. These privacy rules apply to entities such as health insurance carriers, medical providers (physicians, hospitals, clinic, etc.) and employers. It is designed to ensure that
Protected Health Information is protected during its collection, use, disclosure, storage, and destruction within these entities, including your employer, Kirkwood Community College.

A) Protected Health Information

Protected Health Information means all information, recorded or exchanged verbally about an identifiable individual that relates to:

1. The individual’s health, or healthcare history, including genetic information about the individual or the individual’s family.
2. What Kirkwood has learned or observed, including conduct or behavior that may be a result of illness or the effect of treatment.
3. Payment for healthcare provided to the individual, and includes:
   (a) The Protected health identification number and any other identifying number, symbol, etc. assigned to the individual.
   (b) Any identifying information about the individual that is collected in the course of, and is incidental to the provision or payment of healthcare.
4. Protected Health Information does not include employment records held by the employer for medical information needed for an employer to carry out its obligations under:
   (a) Family and Medical Leave Act
   (b) American with Disabilities Act
   (c) Occupational injury/Workers’ Compensation
   (d) Disability insurance eligibility
   (e) Sick leave requests and justifications
   (f) Drug screening results
   (g) Workplace medical surveillance
   (h) Fitness-for-duty tests

Persons associated with Kirkwood Community College include all Board-approved employees, part-time, adjunct, students, contracted employees, and members of the Board of Trustees.

B) Policy

1. All Kirkwood employees and persons associated with Kirkwood Community College are responsible for protecting the security of all Protected Health Information (oral or in recorded form) that is obtained, handled, learned, heard or viewed in the course of their work or association with Kirkwood.
2. Protected Health Information shall be safe-guarded during its collection, use, storage, and destruction by Kirkwood Community College. Use or disclosure of Protected Health Information is acceptable only in the discharge of one’s responsibilities or duties (including reporting duties imposed by legislation) and based on the need to know. Discussion regarding Protected Health Information should not take place in the presence of persons not entitled to such information or in public places (elevators, lobbies, cafeterias, off premises, etc.).
3. Employees who have access to Protected Health Information will be required to execute a Protected Health Information Pledge of Confidentiality, as a condition of employment with Kirkwood Community College.
4. Unauthorized use or disclosure of confidential information will result in disciplinary action up to and including termination of employment.
5. All individuals who become aware of a possible breach of the security or confidentiality of Protected Health Information are to follow the procedures outlined below.
6.5 PROCEDURE OF ALLEGED BREACH OF CONFIDENTIALITY

Any individual receiving an allegation of a breach of confidentiality or having knowledge or a reasonable belief that a breach of confidentiality of Protected Health Information may have occurred should immediately notify the Privacy Officer, or in the case of the Privacy Officer being alleged to have breached confidentiality, contact the Director, Human Resources.

The Privacy Officer or designee in consultation with the employee’s supervisor will decide whether to proceed with an investigation. It may be decided that a complaint does not require investigation if:

1. The length of time that has elapsed between the date the incident occurred and the date the complaint was filed, making an investigation no longer practicable or desirable.
2. The subject matter of the complaint is trivial, not made in good faith, or is frivolous.
3. The circumstances of the complaint do not require investigation.

If the decision is made to proceed with an investigation, it is the responsibility of the employee’s supervisor and the Privacy Officer to investigate the allegations and consult appropriate resources to make the determination if a breach of confidentiality of Protected Health Information has been made.

If a breach of confidentiality of Protected Health Information has occurred, disciplinary action should be taken. All incidents of a breach of confidentiality of Protected Health Information should be documented and filed in the employee’s personnel file in Human Resources and the office of the Privacy Officer.

A) Privacy Practices: Kirkwood’s designated Privacy Office is the Employee Benefits Coordinator, Human Resources Department, 313 Kirkwood Hall.

1. If an employee or covered family member has an inquiry with regard to a healthcare issue (medical, dental, vision, IRS Section 125 Flexible Benefits Plan, EAP, Wellness or Campus Health), the employee will be required to first contact the appropriate provider of services to resolve this issue. If this issue is not resolved to the employee’s satisfaction working directly with the appropriate provider of services, the employee or covered family member may contact Kirkwood’s Privacy Officer to assist with resolution. The employee will be required to complete an Employee Authorization Form in order for Kirkwood’s Privacy Officer to pursue resolution with the appropriate provider of services. This form is available at the Human Resources Office or the Human Resources Employee Resources Forms page.

2. Any Protected Health Information received by Kirkwood Community College (examples include medical insurance enrollment forms, Employee Authorization Forms and subsequent Claim Inquiry details) will be kept in a separate and confidential storage location, not in the employee’s personnel file. Any and all individuals who have potential access to Protected Health Information are required to sign a Pledge of Confidentiality.

3. An employee has a right to inspect and obtain a copy of his/her Protected Health Information on file with Kirkwood Community College, except for information compiled for a civil, criminal, or administration action or proceeding. Requests to inspect or obtain a copy of your Protected Health Information must be made in writing to Privacy Officer, Human Resources, 313 Kirkwood Hall, P.O. Box 2068, Cedar Rapids, Iowa 52406-2068.

B) Notice of Privacy Practices: Kirkwood’s Notice of Privacy Practices can be obtained in the Human Resources Office, 313 Kirkwood Hall, or by visiting the Human Resources “Employee Resources” web site under the Benefits section.

6.6 COLLEGE EMPLOYEE’S HANDLING OF CONFIDENTIAL INFORMATION

Pursuant to the College’s Employee Handbook, Section 2.7, “Many employees will be exposed and have access to information which is of a confidential nature. Such information should not be shared with unauthorized personnel.”
A) Responsible Use of Information Technology

1. Pursuant to the College’s Employee Handbook, Section 2.11, “In pursuit of its mission of teaching, educational excellence and public service, the Board of Trustees of Kirkwood Community College provides access to computing and information resources for students, faculty, staff and other authorized users within institutional priorities and financial capabilities.”

2. The policy for Responsible Use of Information Technology at Kirkwood contains the governing philosophy for regulating faculty, student, staff, and other authorized users of the college’s information technology resources. This policy establishes the general principles regarding appropriate use of equipment, software, and networks. By adopting this policy, the college recognizes that all members of the college are also bound by local, state, and federal laws relating to copyrights, security, and other statutes regarding electronic media.

B) Policy

1. All members of the college community who use Kirkwood’s computing resources are responsible for the integrity of the resources. All users of college-owned or college-leased information technology systems must respect the rights of other users, respect the integrity of the physical facilities and controls, and comply with all pertinent licenses and contractual agreements. Kirkwood’s policy requires that all members of its community act within relevant laws and contractual obligations and with the highest standard of ethics.

2. Users and system administrators will respect the privacy of person-to-person communications in all forms, including voice (telephone) mailboxes, text (electronic mail and file transfer) and image (graphics and television). The principle of academic freedom will apply to public communications in all of these forms.

3. Access to the college’s Information Technology facilities and resources is a privilege granted to college students, faculty, and staff. Access to college information resources may be granted by the owners of that information based on the owner’s judgment of the following factors: relevant laws and contractual obligations, the requester’s need to know, the information sensitivity and the risk of damage to or loss by the college.

4. The college reserves the right to extend limits, restrict or deny computing privileges and access to its information resources. Data owners, whether departments, units, faculty, students or staff, may allow individuals other than college faculty, staff and students access to information for which they are responsible, so long as such access does not violate any license or contractual agreement, college policy or any federal, state, county or local law or ordinance, and so long as such access does not negatively impact primary users.

5. College Information Technology facilities and accounts are to be used for the college-related activities for which they are intended and authorized. College Information Technology resources are not to be used for commercial purposes or non-college related activities without written authorization from the college. In these cases, the college will require payment of appropriate fees. This policy applies equally to all college-owned and college-leased computers and peripherals. Similarly, solicitation for any purpose also requires written authorization from the college.

6. Access to information resources without proper authorization from the data owner, unauthorized use of college computing facilities and intentional corruption or misuse of information resources are direct violations of the college’s standards for conduct.

C) Enforcement

1. Alleged violations of this policy shall be handled according to the judicial processes outlined in the Kirkwood Community College Handbook, college collective bargaining agreements, the Student Code of Conduct and the Code of Academic Integrity. Kirkwood treats access and use violations of computing facilities, equipment, software, information resources, networks or privileges seriously. Kirkwood will pursue criminal and civil prosecution of violators as deemed necessary.
6.7 STATE REQUIREMENTS

A) Proprietary Information – Open Records Law of Iowa
   Trade Secrets or Proprietary information, which are recognized and protected as such by law are exempt from public disclosure under the Iowa Open Records Law, Chapter 22 of the Code of Iowa and as defined and controlled in the Uniform Trade Secrets Act, Chapter 550 of the Code of Iowa. The offerer must invoke these protections, either before or at the time the data or other material is submitted. The trade secret and/or proprietary material submitted must be listed on Attachment B and will highlighted, underlined, or identified appropriately in the body of the proposal by the offerer.

B) Confidentiality and Business and Industry
   All information related to training and research, including industry protocols, data, institutional proprietary information, industry trade secrets, patient/subject private information and patient medical records, is confidential and may not be disclosed without prior written approval/consent form the appropriate source, unless required by law. The purpose of this policy is to protect privacy rights and sensitive information from unauthorized and improper disclosure.

6.8 PROCEDURE
   All College personnel involved in training or research supported by sponsored funding for working with business and industry where priority information or trade secrets are provided by or for business and industry should sign a confidentiality statement, which is to be maintained in the project master file. The form to be signed is attached.

   All investigators involved in research for private sponsors should sign a confidentiality statement. This statement is to be maintained in the project master file.

6.9 BREACH OF CONFIDENTIALITY

Failure to protect the confidentiality of business/industry proprietary or trade secrets is grounds for discipline.

[Finalized November 1, 2005]
7.0 EQUIPMENT MANAGEMENT POLICY AND PROCEDURE

7.1 POLICY: Equipment purchased with Sponsored Program funds are to be used on the original project as long as needed. This equipment must be made available for shared use with other activities; as long as it will not interfere with the original project and the primary use of the equipment is for the intended sponsored project use. In addition, there can be no user charge to other College departments and the equipment cannot be used to provide services or be leased to outside organizations. Personal use of federally acquired equipment is prohibited.

7.2 PROCEDURES

A) Purchases

Moveable property purchased with Sponsored funds must meet all of the following criteria to be classified as equipment:

- Useful life of one or more years and a unit acquisition cost of $5,000 or more
- Identifiable
- Not a replacement part

Generally speaking, all equipment purchased with federal funds must have sponsor agency approval. Approval by the Sponsor of a budget containing equipment constitutes prior approval. If the equipment was not listed in the Sponsor approved budget, a budget modification request must be sent to the Grants Department so that prior approval can be obtained. Allowability will be contingent on the regulations and provisions of the individual grants and contracts. Contact the Grants Department for your particular award requirements.

B) Requisition Routing

Purchase requisitions for equipment on Sponsored accounts must be routed to the Business Services Office. If the Sponsor award allows for equipment purchase but must be matched with other dollars prior review by the Grants Department of match documentation is required and a copy of any prior approvals must be attached.

C) Government Furnished Equipment

Principle Investigators or Department Executives are responsible for notifying Inventory Control when equipment is furnished or loaned to the College by the federal government for periods extending longer than six months. The Inventory notification needs to include a copy of the federal agency transfer document. Federal regulations require that this equipment be tagged and included on the College's inventory records. Inventory records will identify the equipment as federally owned. Federally owned equipment may not be transferred, disposed, or removed from campus without prior written approval from the federal agency. The attached inventory control form must be used when equipment is purchased.

D) Equipment Disposal

Most federal agencies require that equipment be retained for continued use on the project throughout the life of the award. Some sponsor agencies reserve the right to transfer title to a third party after the end of a grant period. Equipment physically located in third party facilities will remain on the College's inventory records until the end of the grant period. In order to transfer title to the third party after the end of the grant period, written documentation from the College department approving the transfer and written documentation from the third party accepting responsibility for the equipment is required. Contact the Grants Department for more information.

[Finalized November 1, 2005]
**PROPERTY MANAGEMENT**

**ADDITIONS REQUEST FORM**

Send Completed Forms To:
Property Management and Copy to the Grants Department

Department Name: ______________________________________________________________

Contact Person: __________________________ Phone # ______________________________

Please select from the following addition codes to identify the source of the equipment.

*Addition Codes:
1) Equipment received from Surplus Store.
2) Equipment found in department during equipment inventory audit.
3) Equipment brought to campus by new faculty member, (attach copies of correspondence/forms).
4) Equipment is a “gift” from Corporate or Individual donor(s), (attach copies of correspondence/forms).
5) Equipment received from outside source (Federal or State Agency), (attach correspondence/forms).
6) Other (please specify): ____________________________________________________________

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8.0 RESEARCH MISCONDUCT

8.1 POLICY:

This policy and the associated procedures apply to all Kirkwood Community College employees engaged in research that is supported by or for which support is requested from Public Health Service (PHS) to Kirkwood Community College or in support of a Kirkwood research initiative. The PHS regulation at 42 C.F.R. Part 50, Subpart A applies to any research, research-training or research-related grant or cooperative agreement with PHS. This policy applies to any person paid by, under the control of, or affiliated with the institution, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at Kirkwood Community College.

The policy and associated procedures will normally be followed when an allegation of possible misconduct in science is received by a College official. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of Kirkwood and PHS. Any change from normal procedures also must ensure fair treatment to the subject of the inquiry or investigation. Any significant variation should be approved in advance by Kirkwood’s Director, Institutional Research.

8.2 DEFINITIONS

A. **Allegation** means any written or oral statement or other indication of possible scientific misconduct made to a College official.

B. **Conflict of interest** means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

C. **Deciding Official** means the President of Kirkwood Community College or the President’s designee, who makes final determinations on allegations of scientific misconduct and any responsive College actions. The Deciding Official will not be the same individual as Kirkwood’s Director, Institutional Research, and should have no direct prior involvement in the inquiry, investigation, or allegation assessment.

D. **Good faith allegation** means an allegation made with the honest belief that scientific misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

E. **Inquiry** means gathering information and initial fact-finding to determine whether an allegation or apparent instance of scientific misconduct warrants an investigation.

F. **Investigation** means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and if so, to determine the responsible person and the seriousness of the misconduct.

G. **ORI** means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service.

H. **PHS** means the U.S. Public Health Service, an operating component of the DHHS.

I. **PHS regulation** means the Public Health Service regulation establishing standards for College inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science."

J. **PHS support** means PHS grants, contracts, cooperative agreements, or applications.

K. **Director, Institutional Research** means the College official responsible for assessing allegations of scientific misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations.

L. **Research record** means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of scientific misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and
publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

M. **Respondent** means the person against whom an allegation of scientific misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

N. **Retaliation** means any action that adversely affects the employment or other College status of an individual that is taken by the College or a College employee because the individual has in good faith, made an allegation of scientific misconduct or of inadequate College response thereto or has cooperated in good faith with an investigation of such allegation.

O. **Scientific misconduct or misconduct in science** means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

P. **Whistleblower** means a person who makes an allegation of scientific misconduct.

### 8.3 RIGHTS AND RESPONSIBILITIES

**A) Director, Institutional Research**

The Grants and Contracts Management Director or designee will serve as the Director, Institutional Research, who will have the primary responsibility for implementation of the procedures set forth in this document. The Director, Institutional Research will be well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Director, Institutional Research will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Director, Institutional Research will attempt to ensure that confidentiality is maintained.

The Director, Institutional Research will assist inquiry and investigation committees and all College personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Director, Institutional Research is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The Director, Institutional Research will report to the Deciding Official, and the ORI as required by regulation, and will keep both apprised of any developments during the course of the inquiry or investigation that may affect current or potential DHHS funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

**B) Whistleblower**

The whistleblower will have an opportunity to testify before the inquiry and investigation committees; to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony; to be informed of the results of the inquiry and investigation; and to be protected from retaliation. Also, if the Director, Institutional Research has determined that the whistleblower may be able to provide pertinent information on any portions of the draft report these portions will be given to the whistleblower for comment.

The whistleblower is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

**C) Respondent**

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the draft inquiry and investigation reports, and to have the advice of counsel.
The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of scientific misconduct, he or she has the right to receive College assistance in restoring his or her reputation.

D) Deciding Official

The Deciding Official will receive the inquiry and/or investigation report and any written comments made by the respondent or the whistleblower on the draft report. The Deciding Official will consult with the Director, Institutional Research or other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions [see section 8.10].

8.4 GENERAL POLICIES AND PRINCIPLES

A) Responsibility to Report Misconduct

All employees or individuals associated with Kirkwood Community College should report observed, suspected, or apparent misconduct in science to the Director, Institutional Research. If an individual is unsure whether a suspected incident falls within the definition of scientific misconduct, he or she may call the Director, Institutional Research to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of scientific misconduct, the Director, Institutional Research will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the Director, Institutional Research and will be counseled about appropriate procedures for reporting allegations.

B) Protecting the Whistleblower

The Director, Institutional Research will monitor the treatment of individuals who bring allegations of misconduct or of inadequate College response thereto, and those who cooperate in inquiries or investigations. The Director, Institutional Research will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action. Employees should immediately report any alleged or apparent retaliation to the Director, Institutional Research.

Also the College will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the whistleblower requests anonymity, Kirkwood Community College will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The whistleblower will be advised that if the matter is referred to an investigation committee and the whistleblower's testimony is required, anonymity may no longer be guaranteed. Institutions are required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

C) Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

Kirkwood Community College employees accused of scientific misconduct may consult with legal counsel or content experts. Accused Kirkwood employees may bring an expert or an advisor (but, who is not a principal or witness in the case) to interviews or meetings on the case.

D) Cooperation with Inquiries and Investigations

Kirkwood Community College employees will cooperate with the Director, Institutional Research and other College officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the Director, Institutional Research or other College officials on misconduct allegations.
E) Preliminary Assessment of Allegations

Upon receiving an allegation of scientific misconduct, the Director, Institutional Research will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether PHS support or PHS applications for funding are involved, and whether the allegation falls under the PHS definition of scientific misconduct.

8.5 CONDUCTING THE INQUIRY

A) Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the Director, Institutional Research determines that the allegation provides sufficient information to allow specific follow-up, involves PHS support, and falls under the PHS definition of scientific misconduct, he or she will immediately initiate the inquiry process. In initiating the inquiry, the Director, Institutional Research should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

B) Sequestration of the Research Records

After determining that an allegation falls within the definition of misconduct in science and involves PHS funding, the Director, Institutional Research must ensure that all original research records and materials relevant to the allegation are immediately secured. The Director, Institutional Research may consult with ORI for advice and assistance in this regard.

C) Appointment of the Inquiry Committee

The Director, Institutional Research, in consultation with College Officers as appropriate, will appoint an inquiry committee and committee chair within 15 working days of the initiation of the inquiry. The inquiry committee should consist of individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The Director, Institutional Research will notify the respondent of the proposed committee membership within 15 working days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within 5 working days, the Director, Institutional Research will determine whether to replace the challenged member or expert with a qualified substitute.

D) Charge to the Committee and the First Meeting

The Director, Institutional Research will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation as required by the PHS regulation. The purpose is not to determine whether scientific misconduct definitely occurred or who was responsible.

At the committee's first meeting, the Director, Institutional Research will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The Director, Institutional Research and College counsel will be present or available throughout the inquiry to advise the committee as needed.

E) Inquiry Process

The inquiry committee will normally interview the whistleblower, the respondent and key witnesses as well as examining relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the Director, Institutional Research and College counsel, the committee members will decide whether there is sufficient evidence of possible scientific
misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

### 8.6. THE INQUIRY REPORT

**A) Elements of the Inquiry Report**

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the PHS support; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether and investigation is warranted or not; and, the committee's determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended. College counsel will review the report for legal sufficiency.

**B) Comments on the Draft Report by the Respondent and the Whistleblower**

The Director, Institutional Research will provide the respondent with a summary of the inquiry findings for review, comment, and rebuttal. The Director, Institutional Research will provide the whistleblower; if he or she is identifiable, with the summary of the draft inquiry report that address the whistleblower's role and opinions in the investigation for review and comment.

**C) Confidentiality**

The Director, Institutional Research may establish reasonable conditions for review to protect the confidentiality of the draft report.

**D) Receipt of Comments**

Within 14 calendar days of their receipt of the draft report, the whistleblower and respondent will provide their comments, if any, to the inquiry committee. Any comments that the whistleblower or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

**E) Inquiry Decision and Notification**

Decision by Deciding Official: The Director, Institutional Research will transmit the final report and any comments to the Deciding Official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible scientific misconduct to justify conducting an investigation. The inquiry is completed when the Deciding Official makes this determination, which will be made within 60 days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file.

**F) Notification**

The Director, Institutional Research will notify both the respondent and the whistleblower in writing of the Deciding Official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The Director, Institutional Research will also notify all appropriate College officials of the Deciding Official's decision.

**G) Time Limit for Completing the Inquiry Report**

The inquiry committee will normally complete the inquiry and submit its report in writing to the Director, Institutional Research no more than 60 calendar days following its first meeting, unless the Director, Institutional Research approves an extension for good cause. If the Director, Institutional Research approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

### 8.7. CONDUCTING THE INVESTIGATION

**A) Purpose of the Investigation**

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects
research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

B) Sequestration of the Research Records
The Director, Institutional Research will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C) Appointment of the Investigation Committee
The Director, Institutional Research, in consultation with other College officials as appropriate, will appoint an investigation committee and the committee chair within ten working days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. The investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The Director, Institutional Research will notify the respondent of the proposed committee membership within five working days. If the respondent submits a written objection to any appointed member of the investigation committee or expert, the Director, Institutional Research will determine whether to replace the challenged member or expert with a qualified substitute.

D) CHARGE TO THE COMMITTEE AND THE FIRST MEETING

1. Charge to the Committee
   The Director, Institutional Research will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, define scientific misconduct, and identify the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether, based on a preponderance of the evidence, scientific misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Director, Institutional Research, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

2. The First Meeting
   The Director, Institutional Research, with the assistance of College counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and, where PHS funding is involved, the PHS regulation.

E) Investigation Process
The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation. The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee should interview the whistleblower(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should be tape recorded or transcribed. All other interviews should be
transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

8.8 THE INVESTIGATION REPORT

A) Elements of the Investigation Report
The final report submitted to the Office of Research Integrity (ORI) at the U.S. Department of Health and Human Services <http://ori.dhhs.gov/> must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions imposed and administrative actions taken by the institution.

B) Comments on the Draft Report
1. Respondent
   The Director, Institutional Research will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed five working days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.

2. Whistleblower
   The Research Integrity Officer will provide the whistleblower; if he or she is identifiable, with those portions of the draft investigation report that address the whistleblower's role and opinions in the investigation. The report should be modified, as appropriate, based on the whistleblower's comments.

3. College Counsel
   The draft investigation report will be transmitted to the College counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

4. Confidentiality
   In distributing the draft report, or portions thereof, to the respondent and whistleblower, the Director, Institutional Research will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the Director, Institutional Research may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

C) College Review and Decision
Based on a preponderance of the evidence, the Deciding Official will make the final determination whether to accept the investigation report, its findings, and the recommended College actions. If this determination varies from that of the investigation committee, the Deciding Official will explain in detail the basis for rendering a decision different from that of the investigation committee in the institution's letter transmitting the report to ORI. The Deciding Official's explanation should be consistent with the PHS definition of scientific misconduct, the institution's policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The Deciding Official may also return the report to the investigation committee with a request for further fact-finding or analysis. The Deciding Official's determination, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the Director, Institutional Research will notify both the respondent and the whistleblower in writing. In addition, the Deciding Official will determine whether law enforcement agencies, professional societies, professional licensing Colleges, editors of journals in which falsified reports may have been published, and collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Director, Institutional Research is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.
D) Transmittal of the Final Investigation Report to ORI

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and whistleblower's comments, to the Deciding Official, through the Director, Institutional Research.

E) Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 120 days of its initiation, with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Deciding Official for approval, and submitting the report to the ORI.

8.9 REQUIREMENTS FOR REPORTING TO ORI

A) Reporting

KIRKWOOD COMMUNITY COLLEGE’s decision to initiate an investigation must be reported in writing to the Director, ORI, on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the PHS definition of scientific misconduct, and the PHS applications or grant number(s) involved. ORI must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of the College policies and procedures should be explained in any reports submitted to ORI.

If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulation, the Director, Institutional Research will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.

If the institution determines that it will not be able to complete the investigation in 120 days, the Director, Institutional Research will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the Director, Institutional Research will file periodic progress reports as requested by the ORI.

When PHS funding or applications for funding are involved and an admission of scientific misconduct is made, the Director, Institutional Research will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. When the case involves PHS funds, the institution cannot accept an admission of scientific misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.

The Director, Institutional Research will notify ORI at any stage of the inquiry or investigation if:
1. there is an immediate health hazard involved;
2. there is an immediate need to protect Federal funds or equipment;
3. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
4. it is probable that the alleged incident is going to be reported publicly;
5. the allegation involves a public health sensitive issue, e.g., a clinical trial; or
6. there is a reasonable indication of possible criminal violation (in this instance, the institution must inform ORI within 24 hours of obtaining that information).

B) College Administrative Actions

Kirkwood Community College will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated. If the Deciding Official determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Director, Institutional Research. The actions may include:

1. withdrawal or correction of all pending or published abstracts and papers emanating from the research where scientific misconduct was found;
2. removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
3. restitution of funds as appropriate.

8.10 OTHER CONSIDERATIONS

A) Termination of College Employment or Resignation Prior to Completing Inquiry or Investigation
The termination of the respondent's College employment, by resignation or otherwise, before or after an allegation of possible scientific misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its’ effect on the committee's review of all the evidence.

B) Restoration of the Respondent's Reputation
If Kirkwood Community College finds no misconduct and ORI concurs, after consulting with the respondent, the Director, Institutional Research will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the Director, Institutional Research should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of scientific misconduct was previously publicized, or expunging all reference to the scientific misconduct allegation from the respondent's personnel file. Any College actions to restore the respondent's reputation must first be approved by the Deciding Official.

C) Protection of the Whistleblower and Others
Regardless of whether Kirkwood Community College or ORI determines that scientific misconduct occurred, the Director, Institutional Research will undertake reasonable efforts to protect whistleblowers that made allegations of scientific misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Deciding Official will determine, after consulting with the whistleblower, what steps, if any, are needed to restore the position or reputation of the whistleblower. The Director, Institutional Research is responsible for implementing any steps the Deciding Official approves. The Director, Institutional Research will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the whistleblower.

D) Allegations Not Made in Good Faith
If relevant, the Deciding Official will determine whether the whistleblower's allegations of scientific misconduct were made in good faith. If an allegation was not made in good faith, the Deciding Official will determine whether any administrative action should be taken against the whistleblower.

E) Interim Administrative Actions
College officials will take interim administrative actions, as appropriate, to protect Federal funds and ensure that the purposes of the Federal financial assistance are carried out.

8.11 RECORD RETENTION
After completion of a case and all ensuing related actions, the Director, Institutional Research will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Director, Institutional Research or committees. The Director, Institutional Research will keep the file for three years after completion of the case to permit later assessment of the case. ORI or other authorized DHHS personnel will be given access to the records upon request.

[Finalized November 1, 2005]
9.0 RECORD RETENTION

9.1 Retention of Records

Federal regulations require that records of all financial disclosures and all actions taken by the college with respect to each conflict of interest be retained for at least three years from the date of submission of the final grant expenditures report. These records will be kept in the Grants Department and unless otherwise required by law or legal directives will be kept confidential.

10.0 TRAVEL GUIDELINES

10.1 Travel Guidelines

In general, your travel accommodations and meals should be on a modest scale. Each traveler is expected to exercise good judgment in the choice of modes of travel and types of accommodations appropriate to the reasons for the travel. Selection of the mode of transportation should be based on cost, time involved, flexibility desired, and the purpose of the trip. Foreign travel shall require the pre-approval of the Project Director and Project Administrator.

Travel expense forms and further Kirkwood Community College travel policies can be found on the Kirkwood Business Services webpage at: http://www.kirkwood.edu/site/index.php?p=7950
11.0 INSTITUTIONAL REVIEW BOARD (IRB)

Institutional Review Board

All research requests meeting the following conditions must be reviewed by the Institutional Review Board (IRB) or its designee, and, in some cases, the appropriate vice president or the president. This procedure is intended to ensure that college staff and students who may be affected by the research can be certain that the research is sound and does not violate board policy, college operating procedures, or federal regulations concerning protection of human participants.

The Institutional Review Board is composed of the Director of Institutional Research, one administrator, two faculty members, and one person from outside of Kirkwood. Additional faculty or staff members may serve in an advisory capacity where appropriate.

Approval Procedure

The researcher must file a Research Proposal Form with the Office of Institutional Research. After receiving the completed request from the researcher, the Institutional Review Board will verify the following items:

1. The Research Proposal Form has been completed.
2. The appropriate signatures have been obtained by the researcher.
3. The proposed research is compatible with Kirkwood Community College's mission and purpose and is education-related. The research should deal with the teaching/learning environment or with the college's policies, procedures, or operations.
4. The proposal meets the requirements of Protection of Human Subjects (45 CFR 46).
5. The results will be disseminated in a fashion which would protect the identity of the participants and, if appropriate, the college. It must be understood that names of individuals will not be used in the study unless the individuals grant permission in writing. The name of Kirkwood Community College will be used only if the Institutional Review Board grants permission.

Criteria for Approval

Individuals requesting authorization to conduct research must complete a Kirkwood Research Proposal form (see attachment). Each IRB member will review the proposal independently. Approval of the proposal will be based on the following criteria:

1. Compatibility with the college's mission and purpose.
2. Soundness of rationale for conducting the research project.
3. Soundness of rationale and appropriateness of the sampling, methodology, instrumentation, and treatment of data.

4. Acceptability of the potential effects the collection of data and the dissemination and use of results may have on Kirkwood students, personnel, operations, and the community.

5. Evidence of support of other involved individuals or groups internal or external to Kirkwood.

If the IRB has questions regarding the completeness, relevance, or other aspects of the proposed project, an IRB member will contact the requestor to arrange a meeting.

Under certain circumstances, the Institutional Review Board will submit the request to the appropriate vice president or the president for approval. This submission will occur if the project:

- has political or broad community implications for the college,
- involves board policy,
- involves all or a significant portion of the staff,
- involves all or a significant portion of the students, or
- involves established operating procedures and/or board policies.

**Timeline and Notification of Approval or Disapproval**

Research considered to be “exempt” and/or research that must be expedited will be immediately evaluated by an IRB designee. Other research will be reviewed by the full Institutional Review Board (IRB) for their approval.

Ordinarily the requestor will be contacted concerning the status of the request within ten working days of receipt of the proposal. If possible, approval or denial of the request will be made at that time. If a delay is necessary, an appropriate timeline will be negotiated with the requestor.

If a research request is denied, the notification will include the reason(s) for the denial. A revised proposal, or sections thereof, may be submitted for reconsideration.

**Research Misconduct**

The Federal Policy on Research Misconduct is as follows:

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is 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 is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences in opinion.
Findings of Research Misconduct

A finding of research misconduct requires that all of the following be met:

- there must be a significant departure from accepted practices of the relevant research community,
- the misconduct must be committed intentionally, or knowingly, or recklessly, and
- the allegation must be proven by a preponderance of evidence.

Evidence of Research Misconduct

Allegations of research misconduct will be responded to in compliance with Public Health Service regulation (42 CFR Part 93).

- An institutional finding of research misconduct must be proven by a preponderance of evidence.
- The institution has the burden of proof for making a finding of research misconduct.
- The respondent has the burden of proving any and all affirmative defenses raised.
- The respondent has the burden of proving any mitigating factors that are relevant to the decision to impose administrative actions following a research misconduct proceeding.
Institutional Review Board (IRB) Protocol Flowchart

IRB documents arrive

- Determine type of review required

  - Exempt? yes
    - Reviewed by IRB designee and IRB office
    - Correspondence is prepared
  - no
    - Exempt? yes
      - Reviewed by IRB designee and IRB office
      - Correspondence is prepared
    - no
      - Full Board
        - yes
          - Reviewed at IRB meeting
          - Correspondence is prepared and project put in "active" file
          - Full approval
          - Correspondence is prepared
          - Investigator responds to contingencies
          - Response is reviewed
        - no
          - Contingent approval
            - yes
              - Correspondence is prepared
              - Investigator responds to issues
            - no
              - Defer approval
                - yes
                  - Correspondence is prepared
                  - Investigator responds to issues
                - no
                  - Disapprove
                    - Correspondence is prepared
Institutional Review Board Criteria for Ethical Research
The following requirements for the approval of research is based upon the Code of Federal Regulations, Title 45, Public Welfare, Part 46, Protection of Human Subjects, (revised June 23, 2005). The scope and interpretation of this checklist are determined by reference to that original document.

Requirements of All Research:
- Risks to participants, where they exist, will be minimized and are reasonable in relation to anticipated benefits. (46.111a 1-2)
- Participants will be equitably chosen, especially in the case of vulnerable populations—children, persons with disabilities, the homeless, etc. (46.111a 3)
- Documentation of informed consent will be obtained from each participant or participant’s legal representative. (46.111a 4-5; see Required Elements for Informed Consent below)
- Measures will be taken to monitor data collected to insure the safety and privacy of the participants. (46.111a 6-7)
- In the case of vulnerable populations, additional safeguards will be included to prevent coercion or undue influence by the researcher. (46.111b)

Required Elements for Informed Consent:
Informed consent shall be documented by the use of a written consent form approved by the IRB and signed by the subject or the subject’s legally authorized representative. A copy shall be given to the person signing the form. (46.117a)
- The consent form provides a clear and non-technical explanation of the research project—sufficient to inform a participant’s decision to participate or not. (46.116a 1)
- The consent form describes any foreseeable risks or discomforts, as well as possible benefits to the participant. (46.116a 2-3)
- The consent form informs the participant of the extent to which confidentiality will be maintained. (46.116a 5)
- The consent form identifies a person to contact should questions regarding the research or the participant's rights arise. (46.116a 7)
- The consent form provides a statement that participation is voluntary and that refusal to participate or termination of participation will result in no harm to the participant. (46.116a 8)

When appropriate the following should also be included:
- If relevant, the consent form describes any alternative treatments being withheld by the researcher that might be advantageous to the participant. (46.116a 4)
- The consent form explains any compensation to be provided should harm to the participant occur. (46.116a 6)
Research Proposal Form

Note: Please complete this form and attach brief responses to the issues raised, keeping in mind that the primary concern is the potential risk—physical, emotional, or other—to the participants, as well as the protection of their rights. Provide copies of all questionnaires, consent forms, or other documents to be used in the inquiry. The Institutional Review Board (IRB) must have enough information about the transactions with the participants to evaluate the risks of participation. Assurance from you, no matter how strong, will not substitute for a description of the transactions.

Submit the proposal and supporting documents to the Institutional Review Board, c/o Office of Institutional Research, Room 123 Linn Hall.

Principal Researcher:

Title:

Institutional/Department Affiliation:

Address:

Phone:          Fax:          Email:

Other researchers in project (provide same information as for principal researcher)

Purpose of Project (check all that apply):

☐ To fulfill requirements related to course or degree program at a college/university.

☐ Course project (Course name/Institution___________________________)

☐ Thesis/Dissertation (Attach summary of proposal made to institution)

☐ Other (Please describe)

☐ CASTLE Project

☐ As a part of an externally funded project (Funding agency _____)

☐ For my own scholarly interest

☐ Other (Please describe) ________________________________proposed grant project.

Research Title:

Data Collection Start/End Dates (Grant Project POP): to
Project Description:

Using these guidelines, address the following in a narrative.

- Briefly describe the purpose of your study and, in non-technical terms, what will the participants be asked to do, what are the processes and procedures for data collection. Append relevant instruments (protocols, questionnaires, surveys, etc.).

- Describe the value-added knowledge of your project – i.e., describe how your project contributes to the teaching/learning environment at Kirkwood or to the college's policies, procedures, or operations.

Which of the following activities describe your research (check any that apply):

- Research conducted in established or commonly accepted educational setting, involving normal or special educational practices. (46.101b 1)

- Research involving educational tests, surveys, interviews, or observation of public behavior and either confidentiality will be maintained and/or any disclosure of the responses would not place the participants at risk. (46.101b 2)

- Research involving elected or appointed officials or candidates for office, even when confidentiality cannot be maintained or disclosure places the participant(s) at risk. (46.101b 3)

- Research involving the study of existing data either publicly available or recorded by the researcher(s) in a manner that maintains confidentiality. (46.101b 4)

- Institutional or organizational research designed to improve service or benefits when approved by the department's head. (46.101b 5)

- Research involving taste and food quality evaluation of either wholesome foods without additives or food with ingredients at or below levels found to be safe by the Food and Drug Administration. (46.101b 6)

If at least one box was checked above, your research is considered to be “exempt” and you may sign this form and return to the Office of Institutional Research. If you did NOT check any of the above boxes, please address the following in narrative:

- Describe any potential risks or benefits (emotional, physical, social, or political) to your participants.

- Give the anticipated ages, sex, and number of participants, and explain how and where they will be recruited.

- Describe the procedures for obtaining informed consent as provided for the Code of Federal Regulations, section 46.116. Append any forms used.
• If minors are involved, describe the procedures for obtaining consent to participate from the minors capable of giving consent, as well as the procedures to obtain parental or guardian consent.

• If risk is involved, explain how the knowledge to be gained and/or the benefits to the research participants from the proposed research justify any risks the participants might incur.

• Explain what, if any, support services will be provided in the event of harm to a participant.

**Signatures**

**Certification**
I certify that I have read and understand the policies and procedures for research projects that involve human participants and that I intend to comply with the Kirkwood Community College procedures for research involving human participants. Significant changes in the research protocol for an approved study must be submitted to the IRB and approved prior to those changes being put into practice.

**Researcher(s):**

Signature: ___________________________ Date __________________

Signature: ___________________________ Date __________________

Signature: ___________________________ Date __________________

**Certification**
I certify that the above researchers have submitted the appropriate documentation to the Institutional Review Board and have been approved to conduct research according to the research protocol indicated by the researchers and in compliance with the Kirkwood Community College procedures for research involving human participants.

**IRB Designee:**

Signature: ___________________________ Date __________________

**KIRKWOOD COMMUNITY COLLEGE IRB Exemption Number:**