UNIVERSITY POLICY

Title

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
RESEARCH CODE OF CONDUCT POLICY

Introduction

PURPOSE

The University of North Carolina at Chapel Hill is one of the leading public research universities in the nation. The University is committed to maintaining the integrity and validity of the academic research conducted by faculty, staff and students. UNC-CH therefore holds to the fundamental belief that research should be conducted and the results of research disseminated, honestly, accurately and in accordance with the highest of professional standards.

Therefore, it is essential to promote an environment that facilitates the UNC-CH research community’s ability to do its best work, be respected, and have a positive experience while at the University. To that end, the purpose of the Sponsored Projects Code of Conduct is to promote and communicate the University’s commitment to these guiding principles and to the highest standards of ethics and integrity for faculty, staff and students who are involved in research.

The guiding principles and standards set forth in this policy are in alignment with the University’s goal to continually improve, maintain its status as a world-class research university and continue to attract the best faculty, staff and students.

SCOPE OF APPLICABILITY

The Sponsored Projects Code of Conduct (Code) applies to the following members of the University of North Carolina at Chapel Hill (UNC-CH) research community:

- researchers (including academic staff, research assistants, research associates, research fellows and academic-related staff) as well as other staff involved in research administration (including technical, clerical, and administrative staff) employed by the University, whether working on the UNC-CH campus, or while working on assignment in other locations;
- supervisors of postgraduate and undergraduate students working on sponsored projects (organized research, instruction or public service that is supported by external funding through the receipt of a grant, cooperative agreement, collaboration agreement, sub-award or contract);
- postgraduate and undergraduate students working on sponsored projects;

Issuing Office(s)_________________________________________________________
Responsible University Officer(s)__________________________________________

Policy Title: Research Code of Conduct
Effective Date: TBD
Last Revised: 01/19/17
• personnel holding honorary or adjunct positions involved in sponsored projects within, or on behalf of, the University;
• collaborators and sub-contractors from other institutions, government bodies and industry, participating in sponsored project activities on the UNC-CH campus or while on assignment in other locations;
• temporary staff, visiting scholars and scientists, volunteers and other representatives when working, speaking or acting on behalf of the University;
• all individuals engaged in the setting of research priorities and in the monitoring, assessment and evaluation of research.

This Code is intended to reflect other UNC-CH sponsored project policies and procedures. It does not create any additional or different rights or duties of a substantive or procedural nature.

POLICY STATEMENT

The Sponsored Projects Code of Conduct is formed around the basic assumption that University academic and research faculty and staff are committed to the highest standards of professional conduct when engaging in sponsored research. This policy is intended to provide the framework for sound research practices and decisions. All members of the University research community have a duty to ensure that their work enhances and preserves the good name of the University and the profession to which they belong.

Values. In carrying out the university’s research, and public service mission, members of the UNC-CH research community are dedicated to advancing UNC-CH’s sponsored project administration core values. These values embrace commitment to:

• discovery and the search for the truth;
• diversity of community and ideas;
• integrity;
• academic freedom;
• stewardship and accountability for resources and relationships;
• sharing knowledge in a learning environment;
• excellence and innovation;
• application of knowledge and discovery to advance the quality of life and economy of the state, region and the world; and
• provide service to the residents of the State of North Carolina.

Commitment to Ethical Conduct. Members of the UNC-CH research community must be committed to the highest ethical standards of conduct and integrity. The standards of conduct in this Code, supported through policies, procedures, and administrative rules, provide guidance for making decisions and memorialize the university’s commitment to ethical and responsible behavior.
Protecting the University’s reputation is critical to the growth of its research enterprise and continued success. An individual’s failure to report illegal or unethical actions can constitute a violation of applicable law which can result in suspension or debarment, and criminal and civil penalties, including but not limited to monetary penalties.

Related Requirements

EXTERNAL REGULATIONS AND CONSEQUENCES

The Uniform Guidance: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – A Rule by the Management and Budget Office on 12/26/2013

Subtitle III - Procurement Standards
§ 200.317 Procurements by states
When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with § 200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by section § 200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow §§ 200.318 General procurement standards through 200.326 Contract provisions.

§ 200.318 General procurement standards

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the 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 or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial.
or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

Office of Management and Budget Circular A-110, Revised 11/19/93 As Further Amended 9/30/99

The Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

Subpart C – Post-Award Requirements, Procurement Standards;

_.42 Codes of conduct. The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No 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 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. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

The Federal Acquisition Regulations
Uniform Policies and Procedures for Acquisitions by All Executive Agencies (apply to all Federal Contracts)
Part 3 – Improper Business Practices and Personal Conflicts of Interest
Subpart 3.10—Contractor Code of Business Ethics and Conduct

3.1000 Scope of subpart.
This subpart—
(a) Implements 41 U.S.C. 3509, Notification of Violations of Federal Criminal Law or Overpayments; and
(b) Prescribes policies and procedures for the establishment of contractor codes of business ethics and conduct, and display of agency Office of Inspector General (OIG) fraud hotline posters.

3.1001 Definitions.
As used in this subpart—
“Subcontract” means any contract entered into by a subcontractor to furnish supplies or services for performance of a prime contract or a subcontract.

“Subcontractor” means any supplier, distributor, vendor, or firm that furnished supplies or services to or for a prime contractor or another subcontractor.

“United States” means the 50 States, the District of Columbia, and outlying areas.

3.1002 Policy.
(a) Government contractors must conduct themselves with the highest degree of integrity and honesty.

(b) Contractors should have a written code of business ethics and conduct. To promote compliance with such code of business ethics and conduct, contractors should have an employee business ethics and compliance training program and an internal control system that—

(1) Are suitable to the size of the company and extent of its involvement in Government contracting;

(2) Facilitate timely discovery and disclosure of improper conduct in connection with Government contracts; and

(3) Ensure corrective measures are promptly instituted and carried out.

UNIVERSITY STANDARDS AND PROCEDURES
Please see the corresponding Standards on Research Conduct.

Contact Information

POLICY CONTACT(S)
Robin Cyr, Associate Vice Chancellor for Research / Research Compliance Officer
Email: robin_cyr@unc.edu
Phone: 919.962.8756
Important Dates

- Original Effective Date and title of Approver:
- Revision and Review Dates, Change notes, title of Reviewer or Approver:

Approved by:

[Name of Officer Signing the document]  Date
[Title of signing Officer]

Note, signature should be removed from publication version.