

SECTION VI – RESOURCES FOR AND POLICIES PERTAINING TO RESEARCH

The University of Maryland Eastern Shore strongly encourages its faculty to engage in sponsored research through the acquisition of grants and contracts from government and private sources. It is desired that research conducted involves both graduate and undergraduate students. To this end the School of Graduate Studies and Research provides resources for investigators, has procedures that guide investigators and policies that insures the fairness and quality of research conducted at the University.

I. Resources

- A. Instrumentation – Each Center, Department and School has available instruments appropriate to the research aims of the division. Faculty members are encouraged to contact departmental chairs for information on available equipment and instruments.
- B. Laboratory Space – Each Department and School has available space that includes general use laboratories and potentially designated space for individual investigators. Faculty members are encouraged to contact departmental chairs for information on available space and procedures for acquiring such space.
- C. Grant Opportunities –

II. Procedures

- A.

III. Policies

- A. Policy on Conflicts of Interest In Research or Development

UMES supports programs to foster economic development in the state and region and programs for commercializing and transferring University-produced technology to the private sector and providing campus affiliations to emerging private high-technology firms. Confidence and trust are eroded, however, when state and University business is subject to improper influence. The Maryland Public Ethics Law (Maryland Public Ethics Law General Provisions Article, Title 5) establishes certain conditions under which officials and employees may have relationships with entities involved with research or development.

Outside activities of an official or employee must not interfere with their primary commitment to the mission of the University. The Board of Regents of the University System of Maryland has enacted a Policy on Professional Commitment of Faculty (BOR II - 3.10), which addresses external commitments and general conflict of interest concerns for its faculty. In addition, the Board of Regents has enacted a Policy on Conflict of Interest in Research or Development (BOR III – 1.11), which allows officials and employees to have certain relationships with businesses involved in research or development, provided certain conditions are met consistent with the Maryland Public Ethics Law.

- 3. These procedures implement the System Policy on Conflicts of Interest, and apply to situations where an official or employee seeks to hold an interest in, serve as an employee, director, or officer of, or maintain any other relationship (as defined herein) with an entity outside of UMES which is (1) engaged in or participates in research or development or (2) has direct interest in the outcome of research or development. None of these procedures, nor the statute and System policy under which they have been adopted, exempt any official or employee of the System from any provisions of the Public Ethics Law except as specifically provided in these procedures.

a. General Guidelines

- 1) An official or employee of UMES may have an interest in or serve as an employee, director, or officer of or maintain any other relationship (as defined herein) with an entity outside of the university engaged in research or development, or an entity having a direct interest in the outcome of research or development.
- 2) The interest, service, employment, or other relationship must be disclosed on a form filed with the Dean of the Vice President for Research. (See Form Below.
- 3) That the relationship will not give improper advantage to the entity with which the relationship exists because its affiliation or involvement with the official or employee, lead to misuse of institution students or employees for the benefit of such entities, or otherwise interfere with the duties and responsibilities of the official or employee maintaining the relationship.
- 4) The interest will not constitute a harmful interest as defined in these procedures or otherwise present an unacceptable conflict of interest.
- 5) The interest, service, employment, or other relationship with the entity is approved by the UMES President in accordance with these procedures.
- 6) If the requirements of these procedures are not met, the official or employee is not exempt from any of the provisions of the Ethics Law.
- 7) Approvals granted under these procedures do not affect the application of other University System of Maryland and UMES policies, including Policies on Patents, Copyrights, and Professional Commitment of Faculty, or the obligation to adhere to the provisions of the Maryland Public Ethics Law relating to prohibited gifts.
- 8) Notwithstanding any approval under these procedures, an official or employee may not (1) represent a party for contingent compensation in any matter before the System's Board of Regents or the State's Board of Public Works, or (2) intentionally misuses his or her position with the System for personal gain or for the gain of another person.

b. Specific Procedures and Guidelines

- 1) Request and Disclosure Provision
 - a) Each official or employee who proposes to hold a relationship pursuant to these procedures is required to fill out the Research or Development Interest Form at the time approval of the relationship is requested, at such time(s) as the circumstances of the faculty member concerning the interest change, and annually beginning one year from the date of the initial approval under these procedures. Such forms shall be maintained as a public record at UMES. A copy of each form shall be filed with the State Ethics Commission and with the Vice President for Academic Affairs. An annual report shall also be required for any interest, service, employment or other relationship that lasts more than a year.
 - b) The disclosure shall fully describe the relationship and provide such other information as may be required by the Office of the Provost and Vice President for Academic Affairs or the President.
 - c) It is the responsibility of the faculty member to request approval of any relationship.

c. Review Process

- 1) The Research Advisory Council shall review the Research or Development Interest Form at the time of the initial request and at each subsequent filing to determine whether or not the disclosed interest represents a harmful interest, is an unacceptable conflict of interest, or is otherwise in violation of the policies, procedures, and best interests of the University.
- 2) The Committee may recommend restrictions designed to manage, reduce, or eliminate any actual or potential conflict of interest. Approval of the proposed relationship may not be recommended unless the requirements set out in Section II.A of these procedures are met.

- 3) The Research Advisory Council shall be appointed by the Vice President for Research. The Committee's recommendations must be supported by the majority vote of the Committee members.

d. Additional Operating Guidelines

Officials and employees with relationships approved under these procedures shall:

- 1) ensure that their activities, statements, evaluations, recommendations, and judgments do not improperly give advantage to the outside entity;
- 2) ensure that unauthorized statistics, documents, reports, comparison information, and other data are not disclosed which would improperly give advantage to the outside entity;
- 3) be aware that legal restrictions regarding misuse of their position for personal gain or gain of another, solicitation or acceptance of improper gifts, and representing a party before the Board of Regents or the Board of Public Works as contingent fee, to apply, notwithstanding any approval under these procedures; and
- 4) continue to adhere to other University policies, including the System Policy on Professional Commitment of Faculty.

IV. University Reporting Procedures

- A. UMES shall submit quarterly reports of all approvals to the Chancellor.
- B. UMES shall develop a public file which will contain all the approved exemptions and applicable disclosure statements, and maintain such files for public review.
- C. Definitions
 1. "Harmful interest" means an interest which when examined under the review procedures is found to be so influential as to impair impartiality in the conduct of the research, the interpretation or the results of the research, and/or the determination of research or other professional and employment priorities.
 2. "Relationship" means any interest, service, employment, gift, or other benefit or relationship with an entity not part of State government, that would be prohibited by the State's Public Ethics Law if not disclosed and approved pursuant to this Policy and procedures adopted pursuant to it.
 3. "Research or development" means basic or applied research or development, and includes the development or marketing of University-owned technology, the acquisition of services of an official or employee by an entity for research and development purposes, or participation in State economic development programs.

RESEARCH OR DEVELOPMENT INTEREST FORM

NAME:

DIVISION:

SCHOOL:

DEPARTMENT:

MAILING ADDRESS:

TELEPHONE:

INITIAL REPORTING PERIOD:

ANNUAL UPDATE:

CHANGE IN INTEREST:

TERMINATING REPORT:

This form is submitted for the purpose of acquiring exemption from certain conflict of interest provisions of the Public Ethics Law. I represent that I have submitted a copy of this form to the State Ethics Commission. I acknowledge that this form will be maintained as a public record at UMES. I hereby make an oath and affirm that the contents of this disclosure statement are true and correct to the best of my knowledge, information, and belief.

Signature: _____

Date: _____

UMES POLICY ON SOLICITATION AND ACCEPTANCE OF SPONSORED PROJECTS

The University engages in and encourages a wide variety of activities sponsored by outside entities and does so in conformance with policies of the BOR (IV 2.00). These activities are to be consistent with the mission of the University to conduct research, training and public service.

I. Application Process

- A. Through resources available from the School of Graduate Studies and Research grant opportunities are identified appropriate to the expertise of the potential applicant and can be of two types:
 1. Government Sponsored Requests for Proposals or Requests for Application
 2. Non-Government Sponsored Grant Opportunities
- B. The applicant will then prepare the proposal in accordance with guidelines set by the granting agency or entity paying close attention to required:
 1. instrumentation and expertise
 2. match
 3. fringe benefits (these are set by the University)
 4. Indirect Costs (these are negotiated by the University with the granting agency).
- C. The applicant will submit the grant to the Office of Sponsored Programs for review using the “University of Maryland Eastern Shore Routing and Approval Form for Application/Proposal” form available from the School of Graduate Studies and research.
- D. The application will then be routed through the applicants Department Chair, Director of Sponsored Programs, Associate Vice-President for Research and Extended Education, Dean of the applicants school, Administrative Affairs, Academic Affairs and the Office of the President. Routing will entail evaluation of the application for:
 1. Compliance with federal and state regulatory agencies
 2. Budgetary matters including appropriate costs, fringes and indirect costs
 3. Personnel requirements including number of undergraduate and graduate students supported.
- E. Once approved the applicant will fill out the appropriate forms that vary in type and mode of submission depending on the granting agency.
 1. Authorities
 - a. Acceptance of the award for the University is the responsibility of the President
 - b. In the case of research all data generated is the property of the University
 - c. Other products are covered by the policies on copyright, patents and intellectual property

2. Issues

In the course of soliciting, negotiating and executing agreements with sponsors, a constituent institution may encounter conditions for performance which are not standard System practice.

3. Upon discovery of such a condition, the chief executive officer shall immediately notify the Chancellor.

4. Such unusual practices include, but are not limited to, the following examples:

- a. Abridgement of publication rights
- b. Necessity for legislation in order to conduct the program of work
- c. Assumption of liability for a third party
- d. Creation of an unfunded liability
- e. Exceptional contribution of State monies to the project

5. The Chancellor may in consultation with the chief executive officer, require withdrawal of the proposal or non- acceptance of the award.

6. In addition, it is the policy of this University that no award or contract will be accepted that is classified research for the federal government or work that is restricted from publication in compliance with BOR policy (IV – 2.20).

F. Reporting

Constituent institutions, on an annual basis, are required to submit to the Chancellor a summary of sponsored project activity. The content and format of the report shall be determined by the System office and shall include, at a minimum, the number of awards and their dollar value.

USM POLICY ON PATENTS

<https://www.usmd.edu/regents/bylaws/SectionIV/IV-3.00.pdf>

UMES POLICY ON PATENTS AND TECHNOLOGY TRANSFERS

I. Procedures at UMES

- A. An inventor with a new invention should contact the Vice President for Research. The inventor must prepare a brief written description of the invention and possible applications.
- B. The Vice President for Research shall forward the description to the Provost and Vice President for Academic Affairs with any additional relevant information.
- C. The Provost and Vice President for Academic Affairs shall meet with the Vice President for Research, the inventor, and such additional persons as the Dean and the inventor believe should be present to assist in a preliminary assessment.
- D. If the Provost and Vice President for Academic Affairs believes that further assessment is warranted, the inventor shall be given written authorization to contact OTL at the College Park Campus.

- E. OTL shall, upon receipt of written authorization, work with the inventor as provided in the attached “Memorandum of Understanding.”

II. Revenue Sharing

- A. The University shall share with the inventor’s revenues which it receives from patents or inventions.
- B. Specific provisions in grants or contracts may govern these rights and distribution of revenue.
- C. Revenues received from a patent or invention will be dispersed as follows:
 - 1. To the University System or University for specific incremental expenses incurred in obtaining and maintaining a patent as well as for marketing, licensing and defending the patent or licensable invention.
 - 2. The first \$5,000 of remaining revenues will be paid to the inventor(s) and thereafter the inventor(s) will receive 50% of revenues (applicable laws, regulations or grant provisions may alter this amount).
 - 3. The remaining funds will be dispersed as follows:
 - a. If possible 85% of the institutions share will be designated for research in the inventor(s) department or similar unit up to \$100,000 per year
 - b. The remainder shall be devoted to research or promotion of patenting and patents as directed by the President.

D. Special Cases

All special cases that fall outside of the routine procedures will be submitted to the Chancellor or designee for decision.

E. Policy on Copyrights

The University of Maryland Eastern Shore respects the rights and ownership of copyrights on the work of members of the institution and the policy is in conformance with BOR policy (IV – 3.20 and its amendments). It is the policy that the degree of ownership is proportional to the level to which resources of the institution were used in producing the copyrighted material. It is the policy that copyrights arising from work developed through independent efforts and not part of the institutions assigned work shall reside with the originator. All copyrights developed as part of the originators assigned work will reside with the institution.

- 1. Category of Work Covered
 - a. Scholarly/Aesthetic – Work prepared through independent effort and not part of the assigned work but utilizing university resources.
 - b. Personal – Work prepared outside of the scope of employment and not using any university resources.
 - c. Sponsored/Contracted – Work conducted under contract to the university.
 - d. Commissioned – Work commissioned through the BOR or university.
 - e. Acquired by Assignment or Will – Work that has been donated or bequeathed to the university.
- 2. Definitions of Types of Work Covered
 - a. Aesthetic Work – Work that is the result of original artistic expression.
 - b. Commission Work – Work produced for the institution or systems under contract.

- c. Contracted Work – Work produced under external funding using university facilities.
 - d. Copyrighted Work – Intangible property granted by providing the owner exclusive rights.
 - e. Direct University Assigned Work – Work instructed by the university and assigned to an originator.
 - f. Scholarly Work – Work involving books, articles, lectures and computer software.
3. Other Definitions
- a. License – A contract in which the copyright owner grants permission to the university to exercise one or more of the rights under contract.
 - b. Originator – Any person who produces a work by their own intellectual effort.
 - c. Royalties – Payments made to an owner of the copyright.
 - d. Software – Work comprising instructions used by a computer that brings about a certain result.
 - e. University Resources – All buildings equipment, services, funds and other facilities under the control of the University.
4. Revenue Sharing – Revenues received from copyrighted material under the university will be dispersed as follows”
- a. To the University System or University for specific incremental expenses incurred in obtaining and maintaining a copyright.
 - b. The first \$5,000 of remaining revenues will be paid to the originator(s) and thereafter the originators(s) will receive 50% of revenues (applicable laws, regulations or grant provisions may alter this amount).
 - c. The remaining funds will be dispersed as follows:
 - 1) If possible 85% of the institution's share will be designated for research in the originator(s) department or similar unit up to \$100,000 per year
 - 2) The remainder shall be devoted to research or promotion of patenting and patents as directed by the President.

POLICY ON STANDARDS FOR THE CONDUCT OF SCIENTIFIC RESEARCH AND SCHOLARLY WORK

Integrity in research and scholarly activities is the responsibility of the entire academic community. Scholars work in an environment in which there is an important sense of trust. Published material is assumed to have been obtained during the author’s investigations. Falsification or fabrication of such data is intolerable. The University of Maryland Eastern Shore (UMES) is responsible for promoting academic practices that discourage scientific misconduct. It also is responsible for developing policies and procedures to address scientific misconduct and for providing the necessary education, training and resources to all faculty and staff for dealing with allegations or other evidence of misconduct in scholarly work.

All members of the University, including faculty, staff, administrators and students share responsibility for developing and maintaining standards to assure the highest ethical conduct of research and scholarly work, and detection of abuse of these standards. The Vice President for Research and Director of Research shall assist the Provost and Vice President for Academic Affairs on issues of scientific research including misconduct except where the Principal Investigator has a conflict of interest. Fraud or misconduct in carrying out academic activities undermines the integrity of the education system and the scientific enterprise, and erodes the public trust in the University community to conduct research and communicate results using the highest standards and ethical practices. This responsibility to prevent and detect misconduct, however, must be assumed without creating an atmosphere that discourages the openness and creativity that are vital to scholarship and the research enterprise.

Misconduct in scholarly work by any UMES employee is a breach of professional conduct. Furthermore, misconduct in scholarly work by others associated with UMES (e.g., graduate students, volunteer faculty) will not be tolerated. UMES considers such a breach adequate cause for termination of employment of faculty or staff.

The policies and procedures outlined below are intended to be consistent with the policies and guidelines on scholarly misconduct which were adopted by BOR (III – 1.10) and shall be modified in the future as may be required to conform to those policies and guidelines. These policies and procedures are also intended to bring UMES into compliance with federal regulations applicable to allegations of misconduct related to research funded by the Public Health Service (PHS). In the event of any conflict between any provision of this policy and the federal regulations applicable to a specific case, the federal regulations shall be followed.

The policies and procedures outlined here apply to faculty, staff and graduate students, paid or unpaid, engaged in research, scholarly writing, and the creation of works of art. A copy of this policy shall be provided to all of those individuals. This policy is not intended to address administrative issues of an ethical nature which are covered by other policies; for example, discrimination, affirmative action, and conflicts of interest are covered by other University policies.

The scope of this scientific misconduct policy and procedures is not limited to matters related to externally sponsored research but covers all research and scholarly activity, regardless of source of support.

I. Scientific Misconduct

- A. Definition of Scientific Misconduct - Scientific misconduct involves any form of behavior which entails an act of deception whereby one's work or the work of others is misrepresented, and includes 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. Misconduct involves significant breaches of integrity that can be:
1. Falsification of data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, willful suppression and/or distortion of data.
 2. Plagiarism: The appropriation of the language, ideas, or thoughts of another and representation of them as one's own original work.
 3. Improprieties of authorship: Improper assignment of credit, such as excluding others; misrepresentation of the same material as original in more than one publication; inclusion of individuals as authors who have not made a definite contribution to the work published; or submission of multi-authored publications without the concurrence of all authors.
 4. Misappropriation of the ideas of others: An important aspect of scholarly activity is the exchange of ideas among colleagues. New ideas gleaned from such exchanges can lead to important discoveries. Scholars also acquire novel ideas during the process of reviewing grant applications and manuscripts. However, improper use of such information could constitute fraud. Wholesale appropriation of such material constitutes scientific misconduct.
 5. Violation of generally accepted research practices: Serious deviation from accepted practices in proposing or carrying out research, improper manipulation of experiments to obtain biased results, deceptive statistical or analytical manipulations, or improper reporting of results.
 6. Material failure to comply with federal requirements affecting research: Including but not limited to serious or substantial, repeated, willful violations involving the use of funds, care of animals, human subjects, investigational drugs, recombinant products, new devices, or radioactive, biologic or chemical materials.
 7. Inappropriate behavior in relation to misconduct: Including inappropriate accusation of misconduct; failure to report known or suspected misconduct; withholding or destruction of information relevant to a claim of misconduct and retaliation against persons involved in the allegation or investigation.

8. Deliberate misrepresentation of qualifications, experience, or research accomplishments to advance the research program, to obtain external funding, or for other professional advancement.
9. Misappropriation of funds or resources. For example, misuse of funds for personal gain.

B. Procedures for Handling Allegations of Fraud/Misconduct

Procedures for enforcement of this policy are made part of and on file with the School of Graduate Studies and Research. These policies operate under the following assurances.

1. The process pursued to resolve allegations of misconduct will not damage science itself, or the academic process.
2. UMES will provide vigorous leadership in the pursuit and resolution of all charges.
3. All participants in the inquiry and investigation will be treated with justice and fairness and with sensitivity to their reputations.
4. Procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
5. The integrity of the process will be maintained by painstaking avoidance of real or apparent conflict of interest.
6. The procedures will be as expeditious as practical.
7. Pertinent facts at each stage of the response will be documented.
8. UMES shall pursue allegations within the scope of this policy without regard to whether related civil or criminal proceedings have been initiated or are underway. In the event of such proceedings, UMES may, at its option, suspend the inquiry/investigation temporarily but is not under an obligation to do, as the standards of the University may differ from those of the courts.
9. UMES shall recognize and discharge its responsibility after resolving allegations of misconduct to communicate the results of the investigating process internally, to all involved individuals; and externally, to the public, the sponsors of research, the scientific literature, and the scientific community as appropriate.
10. The process pursued to resolve allegations of misconduct will not damage science itself, or the academic process.
11. UMES will provide vigorous leadership in the pursuit and resolution of all charges.
12. All participants in the inquiry and investigation will be treated with justice and fairness and with sensitivity to their reputations.
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16. Pertinent facts at each stage of the response will be documented.
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18. UMES shall recognize and discharge its responsibility after resolving allegations of misconduct to communicate the results of the investigating process internally, to all involved individuals; and externally, to the public, the sponsors of research, the scientific literature, and the scientific community as appropriate.

USM POLICY FOR ESTABLISHMENT AND REVIEW OF CENTERS AND INSTITUTES

<https://policies.umd.edu/research/university-of-maryland-policy-and-procedures-for-the-establishment-and-review-of-centers-and-institutes>

USM POLICY ON HUMAN SUBJECTS OF RESEARCH

<https://www.usmd.edu/regents/bylaws/SectionIV/IV-2.10.pdf>

UMES POLCY ON HUMAN SUBJECTS OF RESEARCH

I. Opportunities for Research at UMES

UMES encourages faculty participation in research activities, which will enhance the image of the University, contribute new knowledge to the field of science and also contribute to faculty development.

There is a very limited amount of internal resources available for the conduct of research. However, external funding is available through government agencies, private industry and foundations and organizations. In most cases, requests for proposals are published in the Federal Register and Federal Grants and Contracts Weekly. Faculty members are urged to obtain these publications from the University Library or the Research and Grants Office.

Projects related to food and agriculture may be funded through the Maryland Agricultural Experiment State or Evans- Allen Funds appropriated through the United States Department of Agriculture. Guidelines for requesting these funds are found in the Policies and Procedures Manual for Conducting Research Supported by Evans-Allen Funds under P.L. 95-113 Section 1445. This manual may be obtained from the Director of 1890 Research.

II. Director of Sponsored Research

The Director of Research is responsible for assisting researchers in securing research funds, identifying research fund sources and ensuring that all research projects proposals are within the stated University mission and are in compliance with established rules and regulations. Although assistance is indicated above, securing of funds is still the primary responsibility of the researchers.

III. Developing a Research Proposal

A. A faculty member interested in developing a research proposal should proceed as follows:

- Consult with the department head and the program leader to determine if the project falls within the scope and objectives of the research program area.
- Identify the existing or needed human and physical resources if the implementation of the project.
- Determine that the proposed project can be successfully completed within the financial constraints and other resources available.
- Submit a one to two-page pre-proposal through appropriate channels to the Director of Research. The pre-proposal should briefly outline the purpose, objectives, contributions to the academic field, duration and first year-estimated cost. A suggested format for preparation of a research proposal may be obtained from the Director of Research.

B. Review of Proposals

Each proposal must be accompanied by a Routing Form, which is obtained from the Office of Sponsored Research, and where appropriate, a Hazardous Procedures Form. The Routing Form must bear appropriate endorsement signatures before submission to the Office of Sponsored Programs. Copies are then returned to the Office of Sponsored Programs for submittal to the sponsoring agency.

Principal investigators should bear in mind that their sponsoring agency may have a specific deadline date and that submission of a proposal to the Office of Research and Grants well ahead of this deadline is necessary in order to complete the internal review cycle. Proposal should be received by the Office of Sponsored Programs no later than:

- 7 working days for proposals requesting up to \$500,000 total
- 15 working days for proposals requesting over \$500,000 which require Chancellor or Board approval – prior to the requested mailing date.

The above does not include time needed to secure approval at the Department, which should be added to the total processing time.