45.22 -- Eligibility, Competency and Effort Requirements for Principal Investigators, Co-principal Investigators, and/or Project Directors

A. General. This policy applies to all proposals for projects submitted to external sponsors seeking monetary or non-monetary support for a sponsored project which, if awarded to the University of Idaho (University), will be governed by a contract, grant, cooperative agreement, or other binding agreement, and to all projects, irrespective of the source of funding or other support, including activities that are subject to federal, non-financial compliance regulations and are overseen at the University by the Institutional Review Board (IRB), Institutional Animal Care and Use Committee (IACUC), Institutional Biosafety Committee (IBC), and/or Export Controls (EC) (see APM 45.19). This policy does not apply to consultant agreements or the procurement of goods or services from vendors.

B. Definitions:

B-1. Principal Investigator (PI) or Project Director (PD): A PI or PD is the primary individual responsible for the preparation, conduct, and administration of a sponsored project (see B-4, below) or a project which includes a regulated activity (see B-5, below) to ensure it is in compliance with applicable laws, regulations, and institutional policy governing such projects. More specifically, this individual is directly responsible and accountable to the University for the proper programmatic, scientific, technical and/or professional conduct of the project, and its financial and day-to-day management (see FSH 5100 H). The PI/PD retains the majority of the responsibility to meet the requirements of the sponsorship and/or aspects of a project which involve regulated activities. For the purposes of this policy, the term PI will be used to indicate both PIs and PDs.

B-2. Co-Principal Investigator/Co-Investigator (Co-PI/Co-I) or Co-Project Directors (Co-PD): Co-PIs/Co-Is or Co-PDs are key personnel who have responsibilities similar to that of a PI. While the PI has ultimate responsibility for the project, the Co-PI/Co-I/Co-PD(s) are also obligated to ensure the project is conducted in compliance with applicable laws, regulations, and institutional policy governing the conduct of sponsored projects or other regulated activities. Specific responsibilities assigned to each Co-PI/Co-I/Co-PD(s) are defined within the Electronic Internal Proposal Routing System (EIPRS). For the purposes of this policy, the term Co-PI will be used to indicate Co-PIs, Co-Is and Co-PDs.

B-3. Faculty or Staff Participant: University faculty and staff may be involved in projects as key personnel without the same responsibilities of a PI or Co-PI. However, any faculty and staff member who is involved in a regulated activity (see B-5, below) is responsible for the appropriate conduct/performance of that activity, irrespective of whether he/she is a PI or Co-PI. Faculty and staff may participate in the activities of the sponsored project, may collect salary, and may have a role in project outputs (e.g., performer, instructor, author, patent holder). A faculty participant may also be referred to as a faculty investigator. Senior personnel and staff participants may also be referred to as professional staff or senior staff.

B-4. Sponsored Project: For the purpose of this policy, a sponsored project is any project or portion of a project, in which the University is engaged through its faculty, staff, or students that involves an interaction between the University and another party which may be an entity, unit, or individual inside or outside of the University. Normally, the agreement involves a transfer of funds, a non-monetary exchange, or payment for services and/or products. Sponsored projects include interactions such as awards, sub-awards, grants, research contracts, outreach contracts, instruction contracts, cooperative agreements, capacity building contracts, public service work, community service project agreements, class projects with communities, task orders, extension projects, etc. where the University is committed to deliver a service or product. All sponsored projects must be entered into EIPRS.

B-5. Regulated Activity: For the purpose of this policy, a regulated activity is any project or portion of a project, in which the University is engaged through its faculty, staff, or students that is subject to one or more federal, non-financial compliance regulations. Such
regulations may include: human subject protection regulations (FSH 5200), animal care and use regulations (APM 45.01), biosafety and select agents regulations (APM 35.11), and export control regulations (APM 45.19). At the University, such activities are overseen by the IRB, IACUC, IBC, (FSH 1640.54, 1640.12, 1640.14) or EC. Any project involving a regulated activity must be entered into EIPRS.

C. Purpose. The purpose of this policy is to:

- Position the University, PIs, and Co-PIs to reduce the institutional risk involved in accepting and carrying out a sponsored project, or in carrying out regulated activity within any project;
- Establish criteria permitting individuals to fulfill the role of PI or Co-PI on a sponsored project and/or project which includes a regulated activity; and
- Ensure that sponsored projects and/or regulated activities are conducted by those who have the requisite training, competencies, skills, commitment, and resources, as well as the appropriate relationship to the University.

As a condition of its acceptance of sponsored project awards from external sponsors, or its engagement in a project that involves a regulated activity, the University is obligated in its role as the recipient of the award and/or overseer of regulated activities to ensure that:

- Sponsored projects and/or other projects including regulated activities are adequately administered by the PI;
- Only individuals meeting the eligibility requirements of this policy are listed as PI or Co-PI(s), and that proposed projects are submitted through the University (see APM 45.02), following approved University procedures in place at the time of the submittal;
- All proposals and projects involving regulated activities are reviewed and approved by the unit administrator, dean and, if it is an external proposal, by an authorized individual in the Office of Sponsored Programs acting on behalf of the University; and
- All submitted proposals or projects involving regulated activities meet the requirements of the sponsor and/or the University. If sponsor requirements are less restrictive than University policies, University policy shall take precedence.

D. Administrative Requirements.

D-1. Because the PI is primarily responsible for meeting sponsor and/or regulatory requirements, he/she is expected to have a minimum two (2) percent of his/her effort assigned to and paid for by the sponsor (see APM 45.09). If the sponsor and program do not expressly allow the charging of faculty salary (e.g., grants for equipment, travel, dissertation support, conference support) this requirement will be waived. In most cases, a PI will have additional effort assigned to the project to complete other project-specific tasks.

D-2. This two (2) percent minimal direct charge effort requirement for project administration may be converted from direct charge effort to voluntary committed cost share (APM 45.08 B-2 if the following four criteria are met:

i. the annual sponsored project budget is less than $45,000; and
ii. at least 85% of the funding by the sponsor is to be used to pay for student stipends and/or tuition and fees remission; and
iii. the allowable F & A rate (APM 45.10) is charged; and
iv. the faculty member has state or other unrestricted salary available to cover the two (2) percent effort for the period in which the effort is devoted.

This policy is consistent with the Office of Management and Budget (OMB) Memorandum 01-06, Clarification of OMB A-21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs, which states that most federally-funded research programs should have some level of committed faculty or senior researcher effort. (See also FSH 1565 C-4, b(2) and APM 45.08).

E. Eligibility Requirements:
In order to ensure that sponsored projects and/or projects which include a regulated activity are conducted by those who have the requisite training and competencies and who have the appropriate relationship to the University of Idaho, PIs and Co-PIs must generally be employed by the University in a faculty or staff status.

Persons holding the following positions may be designated as PI or Co-PI in applications for externally sponsored funding or for other projects which require carrying out a regulated activity. The positions listed in categories (i)-(v.) are defined in FSH 1565, Academic Ranks and Responsibilities. For each of these categories, the leaders of the appropriate unit(s), school(s), disciplinary or interdisciplinary program(s), and college(s) determine and approve the qualifications of the individual. Approval of eligibility and capacity is indicated by the electronic signature of the named unit leaders in EIPRS:

i. All tenured and tenure-track university faculty, including instructors and senior instructors; assistant, associate, and full professors; research faculty; extension faculty; librarian faculty; psychologist or licensed psychologist faculty; officer-education faculty; and university distinguished professors.

ii. All persons holding University-approved non-tenure track faculty appointments (temporary, full or part-time), including lecturers, visiting faculty, research faculty, outreach associates, and clinical faculty.

iii. All persons holding faculty emeritus status at the University of Idaho and not included under category ii. PIs in this category must work with a Co-PI from appointment types included in categories i and ii above and have the approval of the VP ORED.

iv. All persons holding associated faculty titles, such as adjuncts and affiliates. Individuals in this category may only serve as a Co-PI and the PI must be from appointment types included in categories i and ii above.

v. All postdoctoral fellows who have the approval of their appropriate unit leaders. Individuals in this category can serve as the PI, but the postdoctoral fellow’s faculty mentor must be listed as a Co-PI.

vi. All staff members, who are not also students, and who have the approval of their appropriate unit leaders. Individuals in this category may automatically serve as a Co-PI working with a PI from categories i and ii above, and with special approval from the VP ORED may serve as the PI.

vii. Neither undergraduate nor graduate students may be designated as PIs or Co-PIs. When a sponsor’s program guidelines require the student to be listed as PI on the proposal application, the student’s mentor/advisor shall be the PI of record in EIPRS and shall be responsible for the conduct and oversight of the project.

For all other members of the University of Idaho community, special approval from the Vice President for Research and Economic Development (VP ORED) is required. The VP ORED also retains the right to reject, suspend, or remove any proposed PI or Co-PI in applications for externally sponsored funding, based upon previous evidence of inadequate project or financial management. At his or her sole discretion, the VP ORED may waive for individuals who fall under categories (iii)-(v) the requirement that such individuals have another UI individual serve as Co-PI (see categories [iii.] and [v.], above) or the requirement that such individuals have another UI individual serve as PI (see category [iv.], above). [rev. 12-12]

Special Eligibility Situations.

i. Non-US Persons: Non-US PIs and Co-PIs wishing to apply for sponsored funding, and who meet one of the general eligibility requirements listed above 1-7, must also have the appropriate immigration status to participate in the proposed sponsored activity. Current regulations place severe penalties on non-U.S. persons who violate the terms
and conditions of their immigration status and on PIs and universities that violate export control laws and regulations. These issues must be addressed if a non-immigrant investigator is to be included on a sponsored project.

For example, prior to beginning a new project or new employment, non-immigrants currently employed by the University in H-1B, O-1, TN or J-1 visa status should consult with Human Resources about changes that may be required as a result of the new project or employment. H-1B, O-1 and TN visa status is employer-specific and job-specific; therefore, a change of employment may require a petition to the Immigration and Naturalization Service for new, amended or concurrent employment authorization. In addition, J-1 Research Scholars and Professors are admitted to the U.S. in order to complete a specific objective, defined prior to issuance of the Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019). Changes and additions to that objective will require review by the program sponsor prior to beginning a new project. These two cases point out the importance of clearly understanding an investigator’s immigration status prior to his or her involvement in a sponsored project or regulated activity.

In order to promote openness in research, the University generally does not accept sponsored projects that include citizenship-based restrictions on participation. In limited circumstances, and after review and approval by the VP ORED or designee, the University may engage in research in which the sponsor imposes citizenship restrictions that permit participation only by U.S. citizens and/or permanent residents (green card holders). Such restrictions are generally acceptable in connection with fellowship support for graduate and undergraduate students and may be acceptable, on a case by case basis, in connection with sponsored funding intended to advance the research careers of new faculty. International sponsors (e.g., European Union, international development bank, non-governmental organization, etc.) may have similar eligibility requirements; such requirements are also subject to review and approval by VP ORED or designee.

In cases where U.S. permanent residence/citizenship is not a sponsor requirement (e.g., working with a faculty member from an international university on a non-governmental organization sponsored project) and where the individual proposed for involvement meets the general eligibility requirements listed above i-vii, they are eligible to participate in non-export-controlled sponsored projects. If the project involves export-controlled technologies and/or materials, non-U.S. persons may require licenses in order to work on the project. Normally, this is dealt with when the proposal is developed and moves through the University’s approval process in EIPRS. The University does not guarantee that it will be able to obtain a license, if required, and reserves the right to fulfill export control regulations through other means, including exclusion of the person for whom a license would be required from participation in the export controlled project or portion of a project.

Additional information on immigrant and non-immigrant statuses in the U.S. may be obtained by contacting the University’s International Programs Office. When working internationally, it is expected that the PI or Co-PI will contact the Office of International Programs and inform them of the proposed effort.

ii. Directors of University Approved Cooperative Arrangements: In cases where administrative funding is provided by contributing members/organizations (such as cooperatives, special extension programs, etc.) and/or an individual clearly has the responsibility and designated time set aside in their position description (FSH 3050) for the administration and management of sponsored projects or projects involving regulated activity, there is no need for a PI or Co-PI to request additional funding for project administration from the sponsor. Such arrangements must be articulated in a University approved master agreement (one official agreement covering all projects for a given time period) prior to submittal; or via the rare approval by the VP ORED when such an agreement is still under development. These projects must be entered into EIPRS.
iii. Federal Employees as Primary Principal Investigators or Project Directors for the University of Idaho: Unless faculty rights and privileges have been contractually granted to them, federal employees are not eligible to serve in a PI or a project director role at the University. Federal employees may cooperate with or collaborate with University of Idaho faculty within the limits imposed by applicable legislation and regulations and, in this capacity, may serve as Co-PI. The federal employee may participate in planning, conducting, and analyzing the research directed by a University of Idaho PI, but cannot direct projects on behalf of the University of Idaho. The University may subcontract with a federal agency (if allowable through applicable legislation and regulation) for research personnel, supplies, equipment and other expenses directly related to the research. Salaries for permanent federal employees may not be provided.

F. Roles and Responsibilities. The roles of unit leaders (e.g., Chair, Head, Program Director, Dean, Provost, appropriate equivalent non-academic administrative unit leaders) and VP ORED with respect to this policy, and sponsored projects, are set forth in FSH 5100 F and G.