Directives of the University Board of Directors concerning the handling of grants from the US National Institutes of Health to research projects of entities of the University of Bern

The University Board of Directors,

on the basis of Article 2 paragraph 2, Article 19, Article 39 paragraph 1 item a of the law governing the University of 5 September 1996 (UniG), together with Article 91 ff. of the University Ordinance of 12 September 2012 (UniV),

issues the following directives:

I. Basis

Art. 1 Principle

1 Researchers at the University of Bern, who receive grants from the US National Institutes of Health (NIH), follow the provisions of the NIH. These provisions may exceed directives, guidelines and regulations issued by the University of Bern.

2 The directives issued in the present document take the NIH provisions into account.

II. Areas of application

Art. 2 Consultants’ services

1 A consultant is a person who is appointed by the University of Bern to participate in a consultancy capacity in research projects at the University of Bern, or to provide a service. As a rule, these persons are not members of the University of Bern.

2 Consultants may provide services if they correspond to the aims of the research project and if they cannot be provided in a scientifically or economically appropriate way by project staff themselves. Consultants must be shown to be professional.

3 The employment and selection of consultants is a matter for the managers of the relevant research project, and must be justified. The persons responsible should not be guided by personal motives when issuing mandates. Conflicts of interest, if any, must be disclosed.

4 The regulation on the management of the financial budget of 3 December 2013 of the University of Bern shall apply to goods and services provided to the University.

5 Remuneration shall be paid in the form of a fee, daily or hourly rate. The amount thereof shall be based on the nature of the services and the skills required to perform them. Actual expenses for travel, board and lodging expenses connected with the mandate shall be settled separately. The amount of
costs for travel, board and lodging shall, if possible, be within the range of the expense regulation issued by the University of Bern.

6 If consultants are employees of the University of Bern, they may be compensated under the terms of the project, provided they are not already actively engaged in it, are not part of the unit which is hosting the project, no conflict of interest exists in connection with the project, and the services are provided in addition to their normal duties. Authorization shall be given by the University Board of Directors.

7 Value-added tax owing must not be paid with NIH funds.

8 The Progress Reports to the NIH must indicate the names and institutional membership of all consultants, irrespective of whether they are remunerated for these services or not.

Art. 3 Financial conflicts of interest

1 The objectivity of scientific research should be actively encouraged by ensuring that the planning, performance and reporting of the results of a research project are not influenced by possible conflicts of interest among those managing it.

2 Financial conflicts of interest exist if the research undertaken in the project could be influenced in its planning, performance and reporting of the results by financial interests of persons having a management role, their spouses or children who are under their parental care.

3 The persons referred to under paragraph 2 are obliged to disclose financial conflicts of interest which could influence the research project to the University of Bern. The provisions of Title 42 of the US Code of Federal Regulations, Part 50 Subpart F must be complied with.

4 Financial interests shall be deemed to be all assets, in particular:
   a Equities, investments, options and the like with a value greater than $5,000.
   b Salaries, fees or remuneration for services with a value greater than $5,000 per annum which are not paid by public authorities or higher education institutions.
   c Patent rights, copyright or royalties with a value greater than $5,000 per annum.
   d Travel which is paid for by third parties which are not government offices or higher education institutions.

5 The maximum amounts indicated in paragraph 4 shall apply on a cumulative basis to the persons defined in paragraph 2.

6 Financial interests which derive from a contractual relationship with the University of Bern shall be excluded from this regulation, and likewise compensation payments for teaching work at, or consultancy work for public institutions.

7 Details of possible financial conflicts of interest for persons defined under paragraph 2 shall be required immediately on submission of a request for contributions from the NIH.

8 A self-declaration of potential financial conflicts of interest for persons defined under paragraph 2 must be completed by persons having a managerial role in the research project concerned, and submitted annually or, if there are changes in the interim, within 30 days to the University Board of Directors.

9 If the primary responsibility for a research project rests with the University of Bern, the latter shall be responsible for reporting the existence of financial conflicts of interest among senior persons in the project within 60 days to the NIH Chief Grants Management Officer, in accordance with Title 42 of the
Code of Federal Regulations 50.605. This shall also apply to conflicts of interest among subcontractors or subrecipients in the project, if any.

10 If members of the University of Bern are subcontractors or subrecipients with a managerial function in an NIH research project, the University of Bern shall report conflicts of interest, if any, to the institution which is managing the project.

11 If there are financial conflicts of interest, the persons concerned shall, within 60 days, inform the University Board of Directors how the potential influence on the project has been eliminated.

12 If the University Board of Directors should become aware that the research project has been influenced by a conflict of interest, it shall initiate the necessary investigations and take whatever measures may be necessary. It shall immediately inform the NIH Chief Grants Management Officer of the situation.

13 The University Board of Directors shall ensure that the relevant documents are kept for not less than 3 years after submission of the requisite final reports to the NIH at the end of the project.

14 The persons referred to under paragraph 2 shall, prior to the commencement of a research project and thereafter at least every four years, as well as in the event of a substantial modification to these directives, in the event of changes to the procedures within the framework of these directives, or in the event of a financial conflict of interest arising, complete the training made available online by the NIH.

Art. 4 Direct and indirect costs

1 Settlement of direct and indirect costs shall be based on the conditions of the NIH.

2 The overhead which is awarded as a fixed amount on application by the NIH, may be used to pay indirect costs which may be allocated to the project and may arise in connection with the fulfilment of NIH provisions.

3 The use of NIH resources, in particular for the acquisition and general maintenance of properties, for the payment of general costs of the University, of customs duties, import tariffs and value-added tax, social events and penalty fees is not permitted.

Art. 5 Travel

1 Travel must be connected with the project, and must be justified.

2 Travel expenses shall be reimbursed in accordance with the expenses regulation of the University of Bern.

3 Low-cost offers must be taken into account for travel by air, except if they are impractical or would result in other additional costs.

Art. 6 Budget control

1 Transfers between cost categories for an amount of up to 25% of the total costs for the approved project budget are permissible, provided the aim of the project and the most important aspects of its performance are not changed and the NIH provisions are complied with.

2 Expenses other than those posted in the Notice of Grant Award must be admissible, intended for the project, assignable, reasonable and necessary. Settlement must follow standard principles.

3 Transfers must be set out in writing in the budget plan and must be checked as part of the reporting process.
III. Additional terms

Art. 7 Cases of doubt
The University Board of Directors shall decide in cases of doubt.

Art. 8 Duty to inform
The managing directors of NIH projects shall undertake to make all persons who work on these projects aware of these directives.

IV. Effective date

Art. 9 Effective date
These directives shall be effective immediately and replace the directives of 7 July 2009.

Bern, 21 October 2014

On behalf of the University Board of Directors:

Prof. Dr M. Täuber, Rector