**POLICY**

It is the policy of the Upstate Carolina NCORP (UC-NCORP) to assure UC-NCORP leadership (key personnel) and Research Program Leads provide full disclosure regarding any exclusions or disqualifications of unfavorable information related to any criminally or civilly-charged activities performed while participating in NIH Awards.

**GUIDELINES**

HHS regulations published in 2 CFR 376 implement the government-wide debarment and suspension system guidance (2 CFR 180) for HHS’ non-procurement programs and activities. “Non-procurement trans-actions” include, among other things, grants, cooperative agreements, scholarships, fellowships, and loans. NIH implements the HHS Debarment and Suspension regulations as a term and condition of award. Accordingly, recipients of NIH grants (“primary covered transactions”), including sponsoring institutions for Kirschstein-NRSA individual fellowships, are required to determine whether it or any of its principals (as defined in 2 CFR 180.995 and 2 CFR 376.995) is excluded or disqualified from participating in a covered transaction (i.e., grant or cooperative agreement) prior to entering into the covered transaction, i.e., prior to the drawdown of funds which signals acceptance of the grant award. Recipients may decide the method and frequency by which this determination is made and may check excluded parties in SAM, although checking SAM is not required.

Prior to the drawdown of funds for each grant award, recipients must report to the funding IC if the recipient or any of its principals:

* Are presently excluded or disqualified;
* Have been convicted within the preceding three years of any of the offenses listed in 2 CFR 180.800(a) or had a civil judgment for one of those offenses within that time period;
* Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 CFR 180.800(a); or
* Have had one or more public transactions (Federal, State, or local) terminated within the pre-ceding three years for cause or default.

Disclosure of unfavorable information by recipients under this requirement will not necessarily cause NIH to deny participation in the grant. NIH will consider the information when determining whether to enter into the covered transaction. NIH will also consider any additional information or explanation that recipients elect to submit with the disclosed information. However, if it is later determined that a recipient failed to disclose information that it knew at the time it accepted the NIH grant award, NIH may (a) terminate the transaction for material failure to comply with the terms and conditions of the award or (b) pursue any other available remedies, including suspension and debarment.

Recipients must immediately report to the NIH funding IC if at any time during the project period, including periods of no-cost extension, they discover that they (a) failed to disclose information prior to the drawdown of funds or (b) due to changed circumstances the recipient or any of its principals for the grant now meet the reporting criteria.

“Lower tier” transactions (e.g., consortiums, subcontracts, consultants, collaborators, and contractors that require the provision of goods or services that will equal or exceed $25,000) also are subject to the HHS regulations. Prior to entering into a lower tier covered transaction with a participant (as defined in 2 CFR 180.980), recipients must verify that the person (as defined in 2 CFR 180.985) is not excluded or disqualified. Recipients may not enter into any transaction with a person who is disqualified from that transaction unless an exception under the disqualifying statue, Executive Order, or regulation has been obtained from HHS.

Recipients must require participants at the next lower tier to (a) comply with the HHS Debarment and Suspension regulations as a condition of participation in the transaction and (b) pass the requirement to comply with the HHS Debarment and Suspension regulations to each person involved in the covered transaction at the next lower tier. Likewise, before entering into such a transaction lower tier participants and contractors under grants (where the contract requires the provision of goods or services that will equal or exceed $25,000) must report to the recipient if it or any participants are presently excluded or disqualified.

Recipients also are required to assure compliance for each trainee under a Kirschstein-NRSA institutional research training grant, or other similar NIH-supported institutional training grant, before their appointment.

Organizations or individuals that are suspended, debarred, or voluntarily excluded from eligibility cannot receive NIH grants, be paid from NIH grant funds, whether under a primary or lower-tier transaction (including trainees on NIH-supported training grants), or otherwise participate during the period of suspension, debarment, or exclusion. Because individuals who have been debarred, suspended, declared ineligible, or voluntarily excluded from covered transactions may not receive Federal funds for a specified period of time, charges made to the NIH grants for such individuals (e.g., salary) are unallowable.

**PROCEDURE**

Principal Investigators and Research Program Leads:

* Annually prior (July) to new grant year, SAM will be queried for the UC-NCORP Principal Investigators
* Documentation of query and result will be saved in UC-NCORP database

Affiliate Investigators:

* It is UC-NCORP affiliates responsibility to report to UC-NCORP Regulatory office within 24 hours of knowledge if an investigator is excluded or disqualified as defined in 2CFR 180.995 and 2CFR 376.995
* Any investigator found to be excluded or disqualified will be suspended and reported to the Leadership Council

At the time of hiring a new contractor, and annually for those who exceed the $25,000.00 threshold, SAM will be checked to ensure the contractor is not on the Debarment and Suspension listing.

**REFERENCES:**

NIH Grant Policy Statement, October 2018, 4.1.6 Debarment and Suspension

**ASSOCIATED FORMS:**

Policy # 1004: NIH Grant Policy Statement Affiliate Assurances

Form# 1004F: NIH Grant Policy Statement Affiliate Assurances Form

**COMMITTEE APPROVAL:**

Policy and Procedure Committee