



Executive Policy Chapter 12, Research
Executive Policy EP 12.207, Research Corporation of the University of Hawaii
Effective Date: February 2024
Prior Dates Amended: N/A
Responsible Office: Office of the Vice President for Research and Innovation
Governing Board of Regents Policy: RP 2.202, Duties of the President; RP 12.210,
Research and Training Revolving Fund; RP 9.207, Outside Employment; EP 12.216
Research and Training Revolving Fund; AP 12.203 Service Orders to the Research
Corporation of the University of Hawaii
Review Date: Three-Year Review Cycle

I. Purpose

To specifically clarify the permissible activities that may be service ordered to the Research Corporation of the University of Hawaii (RCUH) pursuant to HRS §304A-112, as amended.

To clarify the employment status of University of Hawaii (UH) personnel supported by extramural contracts or grants received by UH or intramural funds administered by RCUH pursuant to a service order.

II. Definitions

- A. Extramural contracts or grants, in the context of this policy, are contracts or grants received by UH as grantee or contractor, where the sponsor of the contract or grant is external to UH, and the funds supporting the contract or grant activities are not state general funds legislatively appropriated to UH or tuition and fee revenue generated through UH educational programming. Examples of extramural contracts or grants include: federal research or training contracts, grants awarded to UH by federal agencies (excluding federal financial aid programs), contracts or grants awarded to UH by other state agencies, county governments, or non-governmental organizations, including both commercial and non-profit entities.
- B. Intramural funds are funds received by UH that are subsequently used at its discretion to fund activities consistent with the limitations and purposes for which the funds were received. The indirect overhead portion of federal contracts that are deposited into UH research and training revolving funds (RTRF) and SRRCs as defined below are examples of intramural funds. In the context of this policy, intramural funds exclude state general funds appropriated to UH or tuition and fee revenue generated through UH educational programming.

- C. Special Fund Research Recharge Center (SRRC) refers to a special fund that includes Specialized Service Facilities (SSFs), Recharge Centers and Core facilities. These are self-sustaining, income generating projects which provide goods or services to support contracts, grants or other sponsored agreements and intramurally funded activities on an ongoing basis primarily for UH affiliated customers.
- D. RCUH direct project refers to a contract, grant or other agreement made by a non-UH organization directly with RCUH as the direct grantee or contractor; using non-UH funds to support the contract or grant activities.
- E. Service order is an arrangement or a formal written request to RCUH to utilize RCUH services to assist UH in carrying out its research and training mission by procuring goods or services or hiring support staff.
- F. UH funds are extramural contracts or grants received by UH or intramural funds.
- G. UH employee refers to a person appointed or otherwise employed by UH pursuant to UH human resources policies and procedures and subject to applicable state employment laws, and/or any applicable collective bargaining agreement. For the purposes of this policy, UH employees include graduate assistants, casual hires, or student employees; in addition to the customary personnel categories of faculty, administrative, professional or technical staff, civil service staff, exempt civil service staff under HRS §76-16, and executives and managers exempt from civil service and excluded from collective bargaining.
- H. RCUH employee refers to a person appointed or otherwise employed pursuant to RCUH human resource policies and procedures, which are exempt from HRS Chapter 76 – Civil Service and HRS §78-1, Public Employment.
- I. Fee or fee generating activities refers to fees, which impact a student's cost of attendance, as defined under RP 6.203, Fees. Examples of fees include:
 - 1. Professional fees, which may be assessed to students enrolled in select undergraduate professional programs. See RP 6.203, Section III. A.1.
 - 2. Mandatory student fees that are generally assessed of all students. See RP 6.203, Section III.A.2.

3. Housing fees; course and laboratory fees; and related transaction and service fees. See RP 6.203, Section III.B.1. to Section III.B.3.

III. Executive Policy

A. General Policy

1. Service orders to RCUH shall be limited to extramurally funded contracts or grants or for intramurally funded activities that primarily support or facilitate extramurally funded contracts or grants.
2. UH employees shall not be permitted to simultaneously serve as employees of RCUH if UH funds are intended to be used to compensate them as RCUH employees. UH funds administered or managed by RCUH pursuant to a service order remain UH funds. Thus, UH personnel policies and procedures and applicable collective bargaining agreements continue to apply to UH employees.
3. RCUH employees supported by UH funds are subject to and must adhere to applicable RCUH and UH policies and procedures, in addition to any applicable federal and state regulations, as well as policies and procedures incorporated as a condition to receipt of the external award.

B. Specific Guidelines

1. Service Orders

- a. Unless authorized by the Hawai'i Legislature, state general funds appropriated to UH may not be expended by RCUH pursuant to a service order from UH.
- b. Intramural funds may be expended through RCUH pursuant to a service order from UH provided that the funds are used primarily to support or facilitate extramurally funded contracts or grants.
- c. Intramural fund service orders shall not be used to conduct tuition and fee generating activities. Tuition and fees and related expenditures shall be properly accounted for and expended through UH.

2. Employment

- a. UH employees shall not be hired concurrently through RCUH on UH funds.
 - (1) For UH employees that are 100% FTE, any extra service pay (e.g., overload, including teaching overload; summer salary; teaching night classes or during summer session; etc.) shall be paid based on UH compensation policies, including respective collective bargaining agreements, by UH.
 - (2) For UH employees that are less than 100% FTE, UH compensation policies shall be followed to compensate such individuals for any additional workload up to 100% FTE. Once the 100% threshold is met, UH compensation policies shall be applied to any extra service pay that the employee becomes eligible for once making 100% FTE. These employees shall be paid by UH.
- b. Employment on RCUH direct projects supported by non-UH funds.
 - (1) UH employees may work for and be compensated by RCUH on RCUH direct projects provided that the work has been authorized by UH officials in accordance with UH policies and procedures, including Regents Policy 9.207 Outside Employment and AP 9.240 – Record of Outside Employment and EP 12.214 – Conflicts of Interest and Commitment. In these situations, the UH employee is deemed to have “outside” employment, not “dual” employment as an RCUH employee.
- c. Employment of RCUH employees as UH lecturers. RCUH employees may be hired as lecturers on UH funds provided that the UH lecturer position does not interfere with their RCUH job duties.

IV. Delegation of Authority

There is no policy specific delegation of authority.

V. Contact Information

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VI. References

- A. Link to superseded Executive Policies in old format
<https://www.hawaii.edu/policy/archives/ep/>
- B. Link to Administrative Procedures in old format
<https://www.hawaii.edu/policy/archives/apm/sysap.php>

Approved:

David Lassner
President

Date