



## RESEARCH ASSOCIATES

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### 1. PURPOSE

The purpose of this directive is to establish the policy for appointing and managing Research Associates (RAs). For information about other types of academic appointees, please consult [SD 701](#), *Smithsonian Institution Academic Appointments with Stipend*, and [SD 709](#), *Smithsonian Institution Internships*.

### 2. DEFINITIONS

**Academic Appointment:** A Fellowship, Internship, or RA appointment.

**Academic Appointment Council:** Smithsonian staff who work with academic appointees — mostly those who coordinate Intern, Fellow, or RA appointments within the units.

**Appointee:** The newly appointed or reappointed RA.

**Appointment Letter:** A letter that the Office of Fellowships and Internships (OFI) sends each newly appointed or reappointed RA, containing information that sets forth the terms of the appointment between the Smithsonian Institution (SI) and the RA.

**Grant Sponsor:** A Smithsonian employee who accepts responsibility for the management of a grant or contract, in cases where the RA who is designated as the principal investigator (PI) cannot be hired as a Smithsonian employee. For example, while an RA may be awarded a grant for which he/she has applied as a PI, in some cases that grant may not include funding for the RA to be hired as a Smithsonian employee. In such a case, the grant sponsor would assume

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## 2. DEFINITIONS (continued)

responsibility for managing the grant on behalf of the Smithsonian while the RA remained an academic appointee but not an employee of the Smithsonian.

**Host Unit:** The unit to which the sponsor, and any RAs he/she nominates, is assigned.

**Research Associate:** The academic appointment title of RA confers a formal, scholarly SI affiliation to a researcher who is not an employee of the Smithsonian. The designation of RA is distinct from the other types of academic appointments such as Fellow and Intern (see the [Academic Appointment Type Differences Chart](#) on the [OFI website](#)).

An RA:

- has professional status (usually a terminal degree or equivalent experience) in the occupational field related to his/her appointment;
- may not also be a Smithsonian employee during the period of his/her appointment;
- is not eligible to receive stipend payments through his/her status as an RA;
- does not hold another type of Smithsonian academic appointment (e.g., Fellowship or Internship) during his/her appointment as an RA. However, with approval from OFI, an appointee may put his/her RA appointment on hiatus in order to accept a Fellowship appointment (and all the responsibilities that come with it). After the Fellowship concludes, the appointee may resume his/her status as an RA; and
- is in residence to conduct scholarly research and/or work collaboratively with Smithsonian staff and/or is otherwise regularly engaged in the scholarly activities of the Smithsonian.

**RA Appointment Form:** This is a standardized form that a sponsor sends to OFI through his/her respective unit's academic appointment coordinator, along with the appointee curriculum vitae (CV), to complete the RA appointment process. This form may include agreements related to various terms of appointment (e.g., media release, intellectual property [see the "Policy" section on pages 4–6], and Equal Employment Opportunity [EEO] rights and responsibilities) that appointees must sign.

**Research Staff Member:** A Smithsonian employee engaged in research.

**Sponsor:** A Smithsonian research staff member who, with his/her unit director's approval, nominates an outside researcher for appointment as an RA. This term is distinct from an RA "grant sponsor" in that all RAs have sponsors, but only RAs who apply for grants under certain

## 2. DEFINITIONS (continued)

circumstances have grant sponsors (see definition of “Grant Sponsor”). In those special circumstances, the roles of sponsor and grant sponsor may be filled by the same Smithsonian employee or by two Smithsonian employees. Sponsors should be aware of the statutory prohibitions against appointing, employing, promoting, or advancing a relative or advocating such actions for a relative (5 *United States Code* [U.S.C.] § 3110). See SD 103, *Smithsonian Institution Standards of Conduct*, [Appendix 2](#).

## 3. APPOINTMENT PROCEDURES

Smithsonian research staff may nominate an outside researcher for the title of RA by submitting an RA nomination form that has been approved by his/her unit director, along with a copy of the prospective appointee’s CV, to OFI.

New RA appointments are made for a period of no more than three years, but may be renewed for an indefinite number of additional three-year terms.

Unit directors may approve the use of titles other than “Research Associate” for RAs within their units, as appropriate.

RA appointments are official when they are approved by OFI, which prepares and sends an appointment letter to all new RA appointees, along with an information packet that includes the “Research Associate Standards of Conduct” from this directive and the [Equal Opportunity Rights and Responsibilities Packet](#).

OFI maintains a database of all RAs and reminds host unit administrative staff when an appointment is nearing completion.

RAs may be reappointed for an additional term of three (3) years when a sponsor resubmits to OFI an RA Appointment Form that has been approved by his/her unit director, along with a copy of the appointee’s CV. With the necessary approvals, RAs may be reappointed without any limit on the number of reappointments made. RA reappointments are official when they are approved by OFI, which prepares and sends a reappointment letter to all renewed RA appointees, along with an information packet that includes “Research Associate Standards of Conduct” from this directive and the [Equal Opportunity Rights and Responsibilities Packet](#).

## 4. POLICY

### General Principles

An RA is not an employee of the Smithsonian. Specific terms of each appointment are governed by the appointment letter, which sets forth terms and conditions of the relationship between the Institution and the appointee.

RA appointments shall not exceed three (3) years initially; however, appointments may be renewed with approval from the host unit director for a period not to exceed three (3) years at a time.

Except where specific programs require otherwise, SI RAs may hold any citizenship.

There are generally three (3) circumstances under which an RA appointment may end:

1. The host unit does not renew an RA appointment when it expires.
2. The host unit director requests in writing to OFI that an RA appointment end because he/she has determined that an appointee has breached the RA Standards of Conduct (see the “Research Associates Standards of Conduct” section) or other applicable SI policies.
3. The RA is either unable or unwilling to continue his/her appointment.

### Grants and Contracts

RAs may be engaged as contractors to the Smithsonian only as follows. The terms of any contract award must be unrelated to the RA appointment.

Contract awards must be in accordance with [SD 314, Contracting](#), and the applicable parts of the *Procurement and Contracting Procedures Manual*, which ensure appropriate protections for SI property, including but not limited to intellectual property, and include the appropriate language for protecting personally identifiable information as defined in [SD 118, Privacy Policy](#).

In the event an RA assumes the role of a contractor, the terms of the contract supersede those of the RA appointment, which will be suspended for the duration of the contract. When such a contract concludes, the RA appointment automatically resumes.

#### 4. POLICY (continued)

With written approval from the department chair (or equivalent position), the host unit director, and the Office of Sponsored Projects (OSP), or the Smithsonian Astrophysical Observatory (SAO) Sponsored Programs and Procurement Department (SPPD) in cases involving SAO, an RA may apply as a PI for external grants and contracts, using the Smithsonian as a home institution. If the RA has a paid position at another organization while serving as a Smithsonian RA, the RA must discuss with the department chair, unit director, and OSP (at SAO, with the SPPD) whether it would be more appropriate to submit the grant/contract proposal through his/her employer and include a subaward to the Smithsonian in the proposal budget for the work that would be done at the Smithsonian.

If an RA is awarded an external grant that is intended to pay his/her salary and benefits at SI, then that RA will become a trust employee of the Smithsonian until that funding is exhausted. As a trust employee, he/she will no longer hold the title of Research Associate. In cases where the RA does not become an employee, the SI employee who is the grant sponsor for the RA appointment will assume responsibility for proper management of the grant or contract award.

If serving as a PI or a Co-PI on an award granted to the Smithsonian, an RA is required to complete an annual Financial Disclosure statement ([SI Form 1085](#)) that is available on the [OGC Financial Disclosure webpage](#).

Contact the OSP or, in the case of the SAO, the SPPD for assistance or with questions regarding RAs applying for external sponsored funding.

#### Intellectual Property Rights

RAs retain copyright ownership of their original research and related content (e.g., text, photographs, illustrations, audio, video, research, graphs, recordings, databases, etc.) that they generate during their appointments as RAs at the Smithsonian, including research that is based on and/or derived from the collections, resources, equipment, facilities and staff expertise (“Smithsonian Content”). However, RAs shall confirm that Smithsonian Content is not subject to Smithsonian and/or third-party rights or restrictions before they use, reproduce or publish such Smithsonian Content. RAs retain the Right of First Publication of articles and related data based on research conducted during the appointment for a period not to exceed three years from the completion of that appointment. Thereafter, the Smithsonian reserves the right to make such research based on Smithsonian Content available to the public, in any manner, to read, analyze and download in accordance with applicable Smithsonian policy. Rights to inventions or discoveries, which may be patentable or commercially licensable, are governed by [SD 102, \*Disclosing, Protecting and Commercializing Inventions\*](#).

#### 4. POLICY (continued)

When federal funding, collections, or labs and equipment are provided by the Smithsonian for an RA's research, publications and data resulting from the research may be subject to the ["Smithsonian's Plan for Increased Public Access to Results of Federally Funded Research."](#)

When publishing those federally supported research results in journals or as book chapters, the RA should ensure the publisher will permit the author to or otherwise make the publication available to the public, in any manner, to read, analyze, and download in accordance with that plan.

Under the terms of their appointments, RAs are required to enter into an RA Intellectual Property Agreement developed by the Office of General Counsel (OGC), in which, among other things, they grant the Smithsonian permission to use and reproduce research generated by the RA, to the extent it includes Smithsonian Content, for educational, research, museum and non-commercial purposes, subject to the RA's Right of First Publication.

#### 5. RESPONSIBILITIES

**Smithsonian research staff** are responsible for:

- complying with this directive when sponsoring RAs and serving as a liaison between the RA and other offices within the Smithsonian Institution to ensure that the RA is acting consistently with the appointment letter, complying with the standards of conduct for RAs, and is otherwise adhering to applicable Smithsonian policies; and
- agreeing to accept responsibility, when acting as a grant sponsor, for managing an RA's grant or contract in cases where the RA is designated as the PI but cannot be hired as a Smithsonian employee.

**Unit directors** are responsible for:

- reviewing and approving/denying nominations;
- ensuring that RAs understand SI policies applicable to them, such as, but not limited to, the RA Standards of Conduct and policies prohibiting discrimination and workplace harassment; and
- approving the renewal of an RA's appointment in their units.

## 5. RESPONSIBILITIES (continued)

Unit administrative staff are responsible for:

- sending appointments (and supplementary documentation) to OFI for appointments to be registered;
- working with OFI to coordinate the reappointment of an RA; and
- providing financial oversight consistent with all rules and regulations pertaining to any grants or contracts related to activities of an RA their unit hosts.

The **Office of Fellowships and Internships** (OFI) is responsible for:

- maintaining a database of all RAs;
- confirming new and renewed appointments with unit staff;
- sending appointment letters and information packets to newly appointed and reappointed RAs; and
- sending reminders to host unit administrative staff when appointments are nearing completion.

## 6. RESEARCH ASSOCIATE STANDARDS OF CONDUCT

RAs must comply with these standards of conduct. If there is any doubt that an activity or planned activity is in compliance, the RA should immediately seek the advice of his/her host unit director or the director's designee.

Failure to comply with the following standards is cause for revoking the RA appointment.

An RA must:

- follow standards for conducting research in the discipline, such as those for collecting and import permits and using live animals or human subjects (see [SD 604](#), *Misconduct in Research*; [SD 605](#), *Animal Care and Use*; [SD 606](#), *Research Involving Human Subjects*; [SD 607](#), *Responsible Conduct of Research Training*; [SD 608](#), *Financial Conflict of Interest for National Science Foundation [NSF]-, National Institutes of Health [NIH]-, and Public Health Service [PHS]-Sponsored Projects*); and [SD 611](#), *Export Compliance and Trade Sanctions Related to Research, Export and Museum Activities*

## 6. RESEARCH ASSOCIATE STANDARDS OF CONDUCT (continued)

- adhere to the funding source disclosure requirements otherwise applicable to SI staff in [SD 103](#), *Smithsonian Institution Standards of Conduct*, Section 9(b), when the RA is publishing research findings under the Smithsonian RA affiliation;
- adhere to [SD 103](#), *Smithsonian Institution Standards of Conduct*, Section 13(c), and provide an annual and any ongoing disclosures required by the [SI Form 1085](#) if the RA is a PI or co-PI on an SI grant;
- adhere to applicable Smithsonian policy and/or written agreements between the RA and the Smithsonian regarding ownership and use of intellectual property generated as a result of the RA's position, and be familiar with the provisions and processes set forth in all applicable directives, such as [SD 102](#), *Disclosing, Protecting, and Commercializing Inventions*, and [SD 609](#), *Digital Asset Access and Use*;
- adhere to [SD 118](#), *Privacy Policy*, to ensure the protection of personally identifiable information (PII) and [SD 119](#), *Privacy Breach Notification Policy*, when reporting any suspected or confirmed breaches of PII;
- adhere to the rules set by the Smithsonian Institution Libraries and unit libraries when using their resources and facilities;
- be aware of and guided by the generally accepted professional standards and codes of ethics applicable in his/her professional field(s);
- exhibit appropriate professional conduct and behavior, respect others, and cooperate in the enforcement of the prevention of workplace harassment as set forth in Chapter 5 of [SD 214](#), *Equal Opportunity Handbook*; and
- adhere to the SI *Scientific Diving Policy* ([SD 120](#)) when applicable.

An RA must not:

- misrepresent his/her relationship with the Institution, particularly in any way representing himself/herself as an employee of the Smithsonian;
- directly or indirectly profit from, or permit others to profit from, information obtained through his/her Smithsonian appointment, which is or would be unavailable to external scholars or the general public;



## 6. RESEARCH ASSOCIATE STANDARDS OF CONDUCT (continued)

- solicit or accept any gift that is or appears to be offered because the RA holds a Smithsonian academic appointment or may have influence within the Smithsonian;
- use official Smithsonian letterhead and similar materials, mailing privileges, or equipment, or supplies for anything not related to official SI business;
- solicit or promote the sale of any goods or services on Smithsonian premises through the use of Smithsonian resources or facilities, including email;
- operate Smithsonian motor vehicles or off-road equipment unless the host unit determines that such use qualifies as official Smithsonian business as described in [SD 421](#), *Motor Vehicle Management*, which provides that authorized operators may drive a motor vehicle or off-road equipment on Smithsonian official business only;
- reproduce copyrighted material (owned by the Smithsonian or a third party) in the absence of specific approval to do so from the rights-holder(s) unless permitted by fair use; and
- receive, spend or commit funds, such as grants or contracts to the Institution or grants from within the Institution, without the approval and active fund management of his/her host unit's administrative staff.

An individual with access to collections should be aware of the issues addressed in the respective unit's collections management policy and [SD 600](#), *Collections Management*. Access to and use of collections must be approved in advance by the appropriate unit staff member in accordance with established policy and procedures. An RA working directly with SI collections must disclose any personal activity that may create or seem to create conflicts of interest, such as collecting or dealing in similar objects, materials, or specimens.

## 7. CONTACT INFORMATION

Please contact the OFI [website](#) for more information and answers to questions about RAs.

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<b>CANCELLATION:</b>	SD 205, March 27, 2015
<b>INQUIRIES:</b>	Office of Fellowships and Internships (OFI)
<b>RETENTION:</b>	Indefinite. Subject to review for currency 36 months from date of issue.

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