

AUDIT REPORT

Operation Fast Start Audit: Vice President for Research and Innovation

March 2024

OFFICE OF AUDIT AND CONSULTING SERVICES
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Executive Summary – Operation Fast Start: Vice President for Research and Innovation

Observations

Report Rating

7

High

We recently completed an audit of the areas reporting to the Office of the Vice President for Research and Innovation (VPRI). The background, audit objective, and scope and methodology are detailed on page 18. Overall, the audit identified the following observations and recommendations which, if addressed, will improve the control environment and enhance efficiency and effectiveness among several areas under the VPRI.

OBSERVATIONS	RECOMMENDATIONS	RATING	PAGE
1. Patent Reporting was not Consistently in Compliance With Federal Requirements	We recommend the Office of Innovation and Commercialization (I&C) develop processes to promptly disclose inventions to the Federal government, including specific internal timelines to help ensure all Federally required milestones are met. Additionally, I&C should evaluate its need for additional resources to help ensure compliance with the act.	High	4
2. Licensing Agreements Were not Consistently Tracked and Managed	We recommend I&C reconcile all licensing information and develop a single listing for tracking licensing agreements. Additionally, a complete accounting by licensing agreement should be compiled to show all related costs, royalties, and payments to inventors.	High	6
3. Lab Utilization was not Regularly Measured and Assessed	We recommend that the VPRI, based on feedback from the Core Facility Program, develop a strategic plan including short- and long-term goals for these core facilities that align with academic departments' needs and the vision of UTA's future research. This should include the establishment of goals and KPIs that are regularly measured and assessed to monitor utilization and assist in decisions related to labs and equipment.	High	8
4. Physical Access to Labs was not Consistently Terminated on a Timely Basis	<p>We recommend Mav Express continue to implement the following actions, which has already been initiated:</p> <ul style="list-style-type: none"> Implementing a streamlined data retrieval approach by extracting patron information directly from the primary data sources, leveraging MyMav for student records and PeopleSoft HR for employee data. Proactively initiate periodic access reviews by departments by preparing access reports and sending them to the departments for review. 	High	12

Executive Summary – Operation Fast Start: Vice President for Research and Innovation (continued)

OBSERVATIONS	RECOMMENDATIONS	RATING	PAGE
5. The Executive Director Position for the UTA Research Institute (UTARI) has Been Open for an Extended Period	We recommend the VPRI immediately conduct a national search to find a permanent Executive Director to further the mission and objectives of UTARI.	Medium	14
6. The Institutional Lab Safety Board (ILSB) did not Accomplish its Mission	We recommend the VPRI reevaluate the purpose and usefulness of the ILSB and determine whether the ILSB should continue its current mission; or determine whether there is a more efficient and effective way to accomplish these goals.	Medium	15
7. Subrecipient Risk Assessment Tool did not Include a Scoring Rubric	We recommend the Office of Grants and Contracts Services (OGCS) develop a scoring rubric that aligns with UTA's risk appetite and document it with the risk assessment tool. Other factors considered that would affect the risk rating should be documented in the notes section of the risk assessment to justify a departure from the scoring rubric.	Medium	17

Further details can be found on the following pages. Other less significant opportunities were communicated to management separately.

Background

When intellectual property (IP) is created with the use of UTA or UT System resources or support, it must be disclosed to UTA in order to obtain patent protection for the IP. If approved by the UTA Intellectual Property Committee (IPC) and the President, the IP information is forwarded to legal counsel under contract with UTA to secure patent protection. For IP created from Federally funded research, UTA must also comply with the Bayh-Dole Act. This Act allows the Federal government to maintain certain rights in the IP and includes specific requirements and timeframes regarding disclosure of the IP to the government, title election, patent filing, and reporting. This is completed within a Federal system called iEdison.

Generally, utility patents expire after 20 years from the application filing date and requires increasing renewal fees at years 3, 7, and 11 in order to maintain patent protections. Sometimes, UTA decides not to renew a patent due to these costs and the utilization of the patent. As of August 2023, UTA had obtained a total of 393 patents, dating back to 1987. Between September 2021 and May 2023, 42 patents were issued.

Observations

Our review of 5 Federally funded patents found:

- For 3 of 5 (60%) patents, UTA did not disclose the IP to the Federal government within two months of disclosing the IP to UTA. One of the inventions was not disclosed, and the other two were disclosed 14 and 15 months after disclosure to UTA.
- For 2 of 5 (40%) patents, UTA did not elect to retain title to the IP within two years from disclosure to the Federal government. One invention was not disclosed, and one was elected 4.7 years after disclosure.
- For 3 of 3 (100%) applicable patents, non-provisional applications were filed after the 10 months had passed. All 3 applications were filed one year after the provisional application was filed.
- For 4 of 5 (80%) patents, an international patent application was not filed within 10 months from when the initial patent application was filed. I&C management stated that international patent applications are not filed for every invention due to the high cost. For 3 of the items, no international patent application was filed, and the other one was filed 11.8 months after the initial patent application was filed. If an international patent is not pursued, the Act requires UTA to notify the Federal agency at least 60 days prior to the deadline, but this notice was not sent for the 3 items.
- For 4 of 5 (80%) patents, UTA did not promptly confirm the rights of the government by uploading confirmatory licenses into the iEdison system. For one invention, the rights were not confirmed, and for 3 inventions it took between 773 and 2,823 days to submit the confirmatory license.

- For 4 of 5 (80%) patents, at least one employee who contributed to the IP did not sign an agreement to promptly disclose inventions. VPRI management stated that this is addressed through the signed offer letter as they require adherence to the Handbook of Operating Procedures and Board of Regents Rules. However, we found that:
 - Some offer letters are older and do not reference the HOP or BOR rules. One offer letter referenced the Graduate Assistantship Policy, which no longer exists.
 - One inventor was a visiting scholar and the offer letter doesn't mention the HOP/BOR rules or require a signature.
 - Offer letters are not maintained for post doctoral students or research assistants.

Additionally, the Act requires periodic reporting on the utilization of IP; however, this was not done for any inventions during our audit period. Office of Innovation and Commercialization (I&C) management stated that iEdison sends notifications for pending utilization reports and as of 12/6/2023 there were over 300 pending notifications but have not had the bandwidth to work on them. Additionally, early versions of the iEdison was difficult to use and had many technical issues, which made compliance with the reporting requirements difficult.

Adhering to the Act's provisions is crucial for protecting the rights and interests associated with federally funded inventions. Non-compliance with the Act can lead to the loss of patent rights, termination of funding, legal and financial liability, damage to the relationship with the Federal agency, and loss of ability to commercialize.

Recommendation:

We recommend I&C develop processes to promptly disclose inventions to the Federal government, including specific internal timelines to help ensure all Federally required milestones are met. Additionally, I&C should evaluate its need for additional resources to help ensure compliance with the act.

Management Response:

The Center for Entrepreneurship and Technology Development (CETD) will create and implement standard operating procedures to ensure compliance with Federal reporting requirements for all newly disclosed inventions. Additionally, CETD will identify and contract with a consulting firm to assist in resolving the existing reporting backlog.

Target Implementation Date: February 28, 2025

Responsible Party: Executive Director, Center for Entrepreneurship and Technology Development

Background

There are no direct financial benefits from ownership of a patent unless it is used in a licensing arrangement or the direct manufacture and sale of a product or process. A royalty payment is typically specified in the license agreement, where the owner conveys to a company or individual the right to operate under the patent in exchange for payments based on a negotiated percentage of sales or other distribution of the patented item or use of a patented process.

All contractual negotiations and documentation representing The University of Texas at Arlington are handled by the VPRI. In addition, The University of Texas System Office of General Counsel assists in the negotiation of license agreements and formation of new companies.

Income derived from inventions or discoveries by UTA is split 50/50 between the inventor and UTA once licensing and patent costs are recaptured. Co-inventors share equally in the royalties from commercialization of the invention, unless a previously written agreement to the contrary has been executed and provided to the University.

Observation

I&C uses several methods for tracking licenses, including an online database, a folder for licensing agreements, and spreadsheets for invention disclosures, expenditures, and royalties. However, none of these sources contained a complete listing of licensing agreements or accounting by invention, patent, or license. Additionally, some agreements license multiple inventions, and some inventions are licensed to multiple organizations, adding to the difficulty of reconciling these different sources. Due to these factors, we were unable to arrive at a single complete listing of licenses and were unable to determine whether:

- Licensing payments were accurate and in accordance with the licensing agreement
- Patent costs were recouped by UTA prior to the inventors receiving payment.
- Payments to the inventors were properly calculated and distributed.

Per I&C management, records in the online database are tied to the Agreements, but there are more agreements than what is in the database. A review of licenses compliance has been on their to-do list for many years, but they have not had enough staff to perform this review.

Maintaining a single comprehensive listing of all licenses helps ensure proper tracking and accounting of all licensing agreements. Additionally, it helps ensure UTA is appropriately compensated per the licensing agreements and royalty distributions to inventors are accurate.

Observation 2

Licensing Agreements Were not Consistently Tracked and Managed (Continued)

Recommendation:

We recommend I&C reconcile all licensing information and develop a single listing for tracking licensing agreements. Additionally, a complete accounting by licensing agreement should be compiled to show all related costs, royalties, and payments to inventors.

Management Response:

CETD will create and implement standard operating procedures to update the UT System supplied management system, Sophia, for all new CETD license agreements, including their financial terms. Additionally, CETD will identify and contract with a consulting firm for the purpose of auditing all costs, royalties, and payments to inventors associated with current licenses. CETD will work with the consulting firm to provide a complete accounting by licensing agreement to show all related costs, royalties, and payments to inventors.

Target Implementation Date: February 28, 2025

Responsible Party: Executive Director, Center for Entrepreneurship and Technology Development

Observation 3

Lab Utilization was not Regularly Measured and Assessed

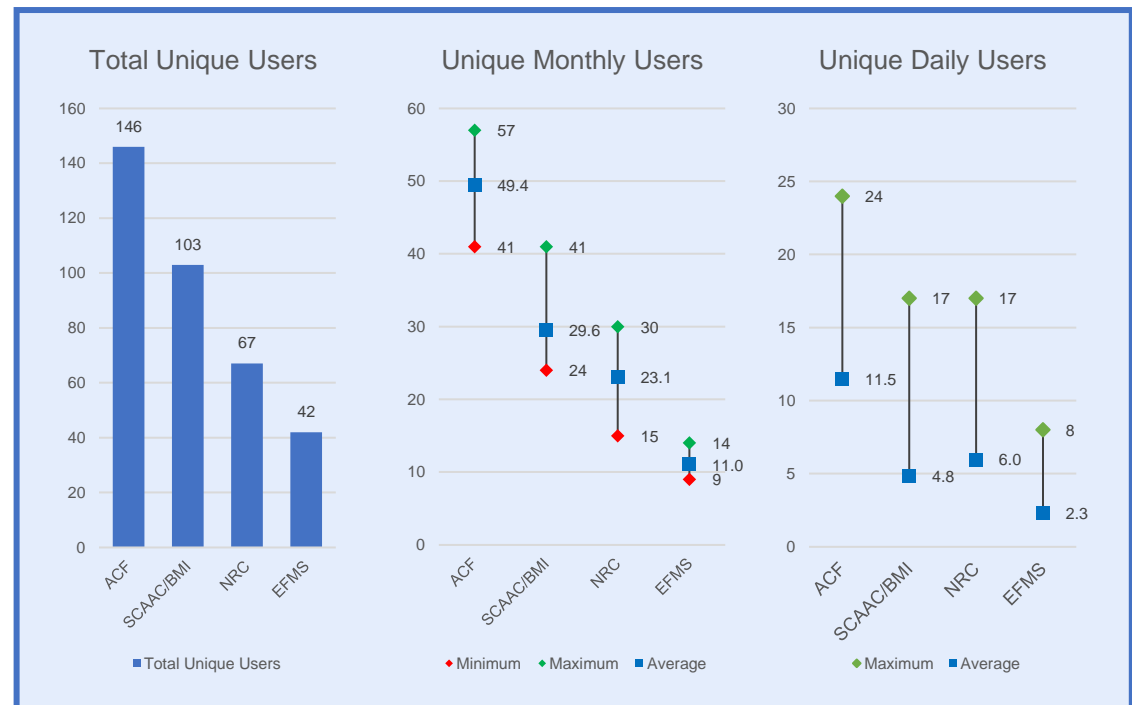
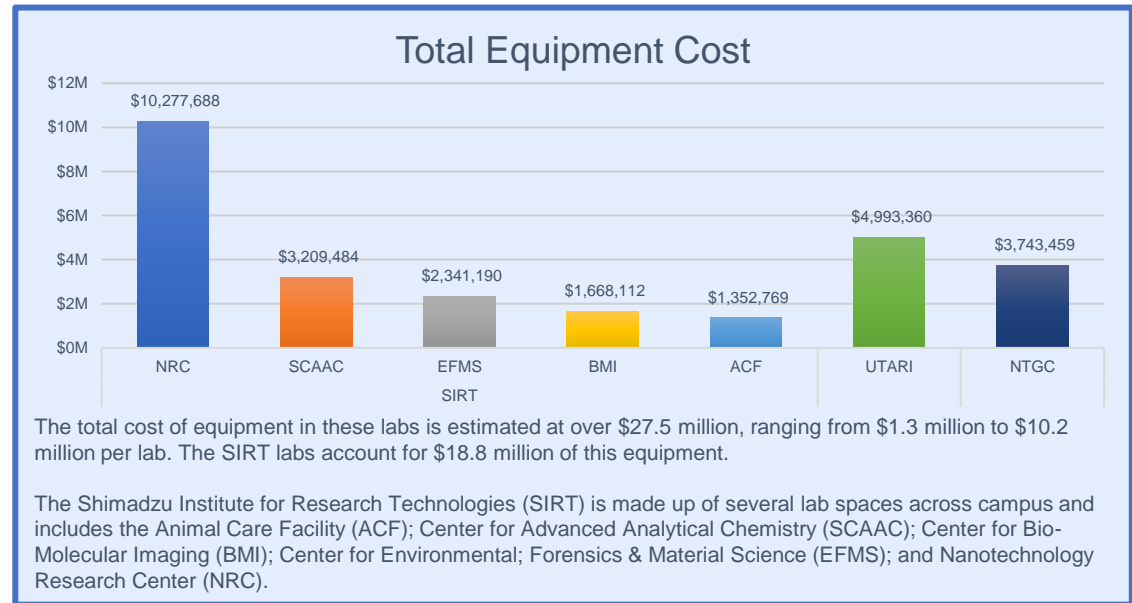
Over time, UTA invested in various shared research centers, institutes, and laboratories, which are managed by the Office of the Vice President for Research and Innovation (VPRI). These shared spaces were intended to enhance productivity and collaboration by providing utilization to various academic colleges, departments and disciplines. For this audit, we focused on the Shimadzu Institute for Research Technologies (SIRT), UT Arlington Research Institute (UTARI), and the North Texas Genome Center (NTGC).

Due to the significant costs (equipment, maintenance, facilities and supervision) of these shared resources, measuring and monitoring usage is important to help ensure UTA's investments are being efficiently and effectively utilized. **See Total Equipment Cost graph.**

Shimadzu Institute for Research Technologies

The SIRT labs are a centralized research resource primarily used by faculty and students. Between September 2021 and May 2023, there were 311 unique users of the Shimadzu labs, averaging 107 unique users a month. However, this ranged between 11 and 49 unique monthly users per lab. **See Unique User graphs.**

Additionally, an analysis of equipment reservation data for the SCAAC and BMI labs showed an average of 29 and 2 hours a month, respectively, and 10 of 15 (66%) pieces of equipment were utilized less than 10% based on a 2,080 hour year. Similarly, the NRC can accommodate approximately 100 people, and was used for a total 6,511.5 hours. However, even calculated at a modest capacity of 25, this equates to approximately 7.5% usage.



Observation 3

Lab Utilization was not Regularly Measured and Assessed (Continued)

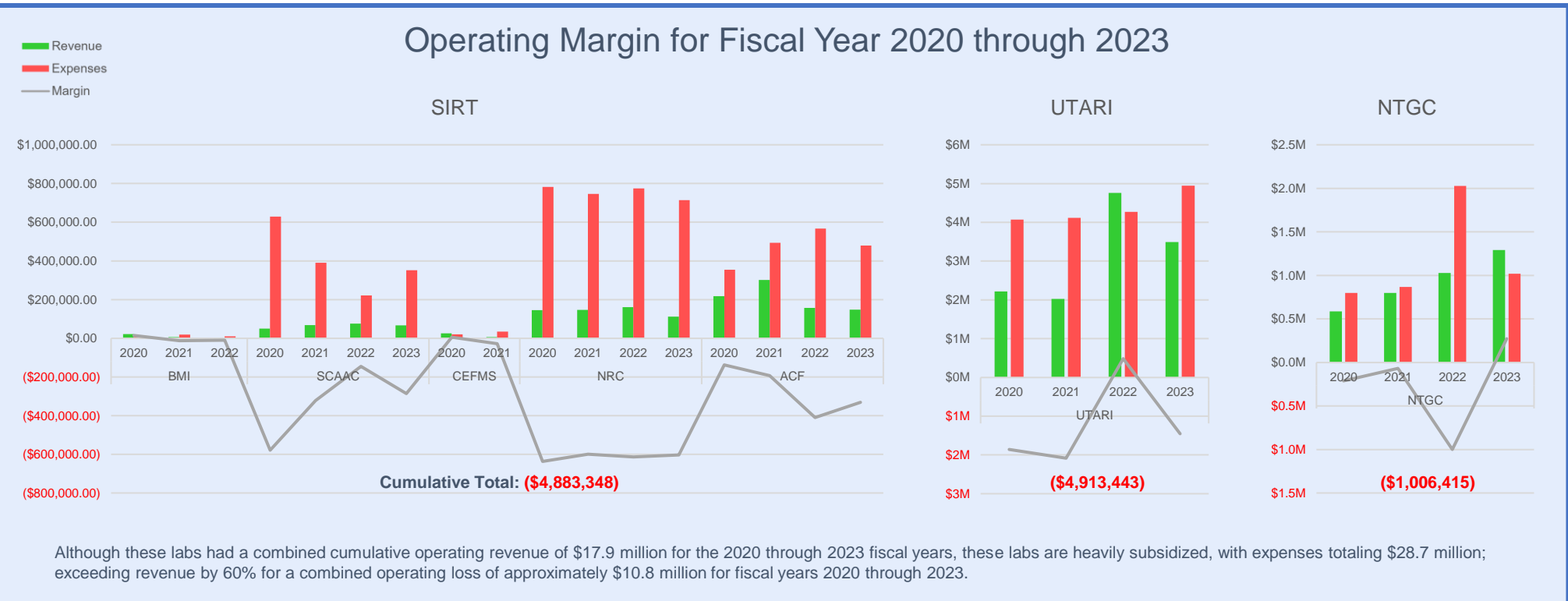
UTA Research Institute

The UT Arlington Research Institute (UTARI) is an applied research facility enabling early state product development that leads to commercialization. An analysis of equipment reservation data showed this equipment was used for an average of ten hours a month between September 2021 and April 2023, and 21 of 27 (78%) pieces of equipment were utilized less than 10% based on a 2,080-hour year. However, it appears that not all usage was captured in the reservation system.

The Interim Executive Director stated that their success is the research dollars they bring in, and UTARI's operating revenue was nearly \$12.5 million for the 2020 through 2023 fiscal years; however, \$5.3 million (56%) was attributable to faculty projects or contracts and grants revenue.

North Texas Genomic Center

The North Texas Genome Center is primarily a service lab that provides genome sequencing capabilities for biotech and health research. Our review of NTGC's financial data showed that expenses exceeded revenues by 27% for the 2020 through 2023 fiscal years. Additionally, external revenues accounted for 69% of total revenue.



Observation 3

Lab Utilization was not Regularly Measured and Assessed (Continued)

Overall, these labs appear to be significantly underutilized and are heavily subsidized by other sources of revenue. Importantly, goals and key performance indicators (KPIs) were not in place to track shared space and equipment utilization, collaboration, and progress towards goals. Additionally, regular measurement assessment was not performed to determine whether UTA core facilities were being adequately utilized.

While income or profits is not the primary goal of these labs, efforts should be made to increase usage of these resources and increase revenues to reduce the reliance on other funding sources. Having goals, KPIs and regular measurement assessments is a critical control to help ensure these shared assets are appropriately managed.

Recently, the VPRI started a Core Facility Program that is modeled after similar programs at other universities. This is essentially a faculty oversight committee to review lab utilization and make recommendations to better align these resources, as well as provide input regarding lab and equipment decisions.

Recommendation:

We recommend that the VPRI, based on feedback from the Core Facility Program, develop a strategic plan including short- and long-term goals for these core facilities that align with academic departments' needs and the vision of UTA's future research. This should include the establishment of goals and KPIs that are regularly measured and assessed to monitor utilization and assist in decisions related to labs and equipment.

3.A. Management Response:

Establishment of a Core Facilities Program has been initiated by the VPRI with a goal of closing the alignment gap between campus core facilities, investments in the facilities, and the university strategic plan. An initial task force was enabled in the Fall 2024 semester to begin this process and it provided a report to the VPRI in January 2024.

The follow up, as suggested in the report, will be to create a permanent Core Facilities Steering Committee, with representatives from across the campus, to help address these issues and establish goals and KPIs as suggested.

Target Implementation Date: December 15, 2024

Responsible Party: Executive Director, Shimadzu Institute for Research Technologies

Observation 3

Lab Utilization was not Regularly Measured and Assessed (Continued)

3.B. Management Response:

UTARI's success is highly dependent on strategic planning activities for bringing in research funding. The Executive Director, who plays a critical role in this process, will review and update current KPI's and goals to align with UTA's strategic vision and increase the amount of funding received from outside sources.

Target Implementation Date: December 15, 2024

Responsible Party: Executive Director, UTA Research Institute

Observation 4

Physical Access to Labs was not Consistently Terminated on a Timely Basis

As a Carnegie R-1 institution, there are research laboratories across campus, including research centers and institutes that are shared among faculty and students of the academic departments. These labs contain numerous pieces of expensive and sensitive equipment and research. Securing access to these labs is crucial to prevent unauthorized entry and to safeguard assets and information. When an employee no longer requires access to a lab, their access should be promptly terminated. For these shared centers and institutes, the employee's academic department must grant the access and revoke it when it is no longer needed.

However, access was not consistently removed for employees who separated from UTA between September 2021 and August 2023 with access to SIRT (comprised of five different labs), UTARI, and NTGC. Specifically, access was not removed on a timely basis for:

- 92 of 141 (65%) SIRT employees. For 41 employees (45%), access remained active, and the remaining 51 employees' (55%), access was canceled an average of 182 days after their termination.
- 50 of 102 (49%) UTARI employees. For 2 employees' (4%) access remained active, and the remaining 48 employees' (96%) access was canceled an average of 70 days after their termination.
- 1 of 1 (100%) NTGC employees. Access was canceled 185 days after their termination.

The Executive Director for IT for Campus Operations stated that many of these employees remained on campus as employees in other departments, students, residents, or affiliates and their card would have remained active. However, instances arose where the granting department did not revoke access to the labs, and with the cards still active, the lab access remained.

For employees who completely severed ties with the university, the Mav Express system would automatically deactivate their cards as a fail-safe measure against the department's failure to revoke access. However, this safeguard failed in late spring of 2023 due to a combination of factors. Importantly, this failure in the system was identified by Mav Express and they are actively working to address the issue.

Removing employee access to lab spaces at the end of their employment reduces the risk of unauthorized access and helps safeguard equipment and research.

Observation 4

Physical Access to Labs was not Consistently Terminated on a Timely Basis (Continued)

Recommendation:

We recommend Mav Express continue to implement the following actions, which has already been initiated:

- Implementing a streamlined data retrieval approach by extracting patron information directly from the primary data sources, leveraging MyMav for student records and PeopleSoft HR for employee data.
- Proactively initiate periodic access reviews by departments by preparing access reports and sending them to the departments for review.

Management Response:

- We will continue efforts on a new data retrieval process, extracting information from primary sources.
- We will continue to proactively initiate periodic access reviews by departments by preparing access reports and sending them for review.

Target Implementation Date:

- October 31, 2024, for the new data retrieval process.
- May 31, 2024, for the access review reports. Twice annually, thereafter.

Responsible Party: Assistant Vice President, Auxiliary Enterprises

Observation 5

The Executive Director Position for UTARI has Been Open for an Extended Period

To facilitate the work of a department, the Staff Employment Procedure allows for any permanent classified employee, during emergencies or other special circumstances, to be temporarily assigned to other duties. This temporary assignment is not to exceed six months in a twelve-month period.

However, we noted that the Executive Director for the UTA Research Institute left UTA in October of 2019 and the Director of UTARI has been Interim Executive Director since that time (over 4 years). The Interim Executive Director stated that this has impacted their focus on strategic activities. The Vice President for Research and Innovation stated that they are currently working on revising position descriptions for both the Director and Executive Director positions in anticipation of a search.

Having a permanent Executive Director helps provide stability and allows for strategic planning, continuity, and organizational growth. A permanent position would bring sustained leadership and commitment to UTARI's overall success.

Recommendation:

We recommend the VPRI immediately conduct a national search to find a permanent Executive Director to further the mission and objectives of UTARI.

Management Response:

The VPRI is currently finalizing the duties and responsibilities for the UTARI Executive Director position description. Once these requirements have been finalized, the position will be posted to begin the search.

Target Implementation Date: April 1, 2024

Responsible Party: Vice President for Research and Innovation

The Institutional Lab Safety Board (ILSB) was created in 2020 in response to a Lab Safety audit. This board is charged with the governance of lab safety and reports directly to the Vice President for Research and Innovation. Their mission is to create a climate of responsibility and includes faculty members and subject matter experts to advise, improve, and support lab safety. To do this, the ILSB focused on benchmarks for safety goals, sanctions for substandard behavior, training requirements for research-adjacent faculty and staff, and lab safety coordinators to oversee compliance with various safety requirements. Additionally, the ILSB was to collaborate with Environmental Health and Safety (EH&S), where EH&S would provide data for the Laboratory Evaluation Program, and the ILSB would address PI unresponsiveness, advise on any difficulties, and/or enforce sanctions for substandard behavior.

The ILSB met monthly from November 2020 through May 2021 and reconvened for meetings in September, November, and December 2021. During this time, the ILSB collaborated to complete the following:

Sanctions

- Standard Operating Procedures detailing sanctions

Training Requirements

- Training matrix (guide to training requirements)
- Identification of Administrative Assistants and new PIs in various research-adjacent departments
- Email for new faculty members in research-adjacent departments introducing the ILSB, including its objectives and members

Lab Safety Coordinators (LSCs)

- LSC assignments in the University of Texas at Arlington Research Institute (UTARI)
- List of LSC responsibilities

However, they since have not met consistently and did not finish developing processes and criteria for the four focus areas. For example, we noted that specific benchmarks for safety goals were not established, and the roles, credentials, and lab criteria for LSCs have not been defined.

Recommendation:

We recommend the VPRI reevaluate the purpose and usefulness of the ILSB and determine whether the ILSB should continue its mission; or determine whether there is a more efficient and effective way to accomplish these goals.

Observation 6

The Institutional Lab Safety Board did not Accomplish its Mission (Continued)

Management Response:

The Office of the VPRI will review and explore alternative solutions with EH&S to improve and enforce laboratory safety and related requirements.

Target Implementation Date: August 1, 2024

Responsible Party: Associate Vice President, Research Administration

Observation 7

Subrecipient Risk Assessment Tool did not Include a Scoring Rubric

Researchers regularly collaborate with colleagues outside of UTA due to the complex nature of projects and the specialized skills needed to accomplish the project objectives, necessitating the need for subrecipient agreements. For research that is Federally funded, regulations require that pass-through entities evaluate each subrecipients' risk of noncompliance in order to determine the appropriate level of monitoring.

At the time of the award, the Office of Grants and Contracts Services (OGCS) performs a subrecipient risk assessment and assigns a risk rating. If the subrecipient is rated as high risk, specific requirements are added to the subrecipient agreement to mitigate those risks. To facilitate this process, OGCS utilized a risk assessment tool developed by a third party. The guidance provided with the tool states that institutions should devise a methodology for using the scores to assess risk that works with their institutional culture. The guidance also provides examples of simple and complex scoring methodologies.

However, we noted that OGCS had not documented a scoring rubric or the specific values for categorizing the level of risk. In our review of three subrecipient risk assessments, two (67%) risk assessments did not have a risk rating. Although the risk assessments had a score, it did not show what level of risk was determined.

OGCS management stated that they were relying on the example guidance for ranking the risk assessment scores and that the risk rating determined for each subrecipient was clear to their staff. They also consider other factors, in addition to the score, when determining risk ratings.

A scoring rubric helps ensure consistency in rating subrecipients and that the level of risk aligns with UTA's risk appetite. Additionally, this helps ensure that subrecipients are appropriately monitored based on their level of risk.

Recommendation:

We recommend OGCS develop a scoring rubric that aligns with UTA's risk appetite and document it with the risk assessment tool. Other factors considered that would affect the risk rating should be documented in the notes section of the risk assessment to justify a departure from the scoring rubric.

Management Response:

OGCS will develop a scoring rubric that will be used to assign categories of risk for subrecipients.

Target Implementation Date: March 1, 2024

Responsible Party: Senior Director, Office of Grants and Contracts Services

Background, Audit Objective, and Scope & Methodology

Background

UTA filled several key leadership positions in the last year. To help new management get an overview of the control environment of their respective department(s), the Office of Audit and Consulting Services is performing Operation Fast Start reviews. The risk assessment and audit scope were developed after auditors met with key leadership reporting to the Office of the Vice President for Research and Innovation to discuss areas of concern.

Audit Objective

The objective of the audit was to assist new UTA leaders to quickly identify administrative control opportunities, system security and unit specific concerns in their areas. Specifically, we determined whether:

- UTA was in compliance with Federal requirements for patents and licenses, appropriately paid under licensing terms, and maintained a complete listing of patents and licenses.
- The control environment over research misconduct appeared sufficient.
- The core labs and equipment within were sufficiently utilized.
- The Institutional Lab Safety Board was providing value and addressed the original need for the board.
- Account reconciliation and approval and posting open positions was completed timely.
- Physical access controls at the core facilities were operating effectively.
- UTA's grant award tracking was complete and accurate and whether controls over grant awards were operating effectively.

Audit Scope and Methodology

The scope of the audit was from September 2021 through August 2023. Audit methodology included interviewing key personnel, reviewing processes, performing analytical procedures and testing of supporting documentation.

The audit was conducted in conformance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*. Additionally, we conducted the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Both standards are required by the Texas Internal Auditing Act, and they require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The Office of Audit and Consulting Services is independent in both standards for internal auditors.

We appreciate the outstanding courtesy and cooperation received from the Offices of the Vice President for Research and Innovation, UTA Research Institute, Shimadzu Institute for Research Technologies, Innovation and Commercialization, Grants and Contracts Services, Environmental Health and Safety, and Mav Express during this audit.

Ranking Criteria – Operation Fast Start: Vice President for Research and Innovation

Ranking Criteria

All findings in this report are ranked based on an assessment of applicable qualitative, operational control and quantitative risk factors, as well as the probability of a negative outcome occurring if the risk is not adequately mitigated. The criteria for these rankings are as follows:

Priority	An issue identified by an internal audit that, if not addressed on a timely basis, could directly impact achievement of a strategic or important operational objective of UTA or the UT System as a whole.
High	A finding identified by an internal audit that is considered to have a medium to high probability of adverse effects to UTA either as a whole or to a significant college/school/unit level.
Medium	A finding identified by an internal audit that is considered to have a low to medium probability of adverse effects to UTA either as a whole or to a college/school/unit level.
Low	A finding identified by an internal audit that is considered to have minimal probability of adverse effects to UTA either as a whole or to a college/school/unit level.

None of the findings from this review are deemed as a “Priority” finding.

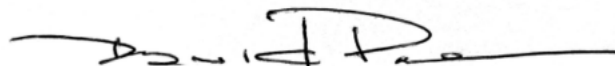
Distribution – Operation Fast Start: Vice President for Research and Innovation

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