NATIONAL INSTITUTES OF HEALTH
NIH Ethics Program

Procedure for Form NIH-2802 Annual Report of Referrals for Non-Compliance
With Ethics Requirements (Summary of Form NIH-2850)

Report: NIH-2802 Annual Report of Referrals for Non-Compliance with Ethics Requirements (Summary of Form NIH-2850)

Form: Form NIH-2802, most recent version, available on the NIH Ethics Program web site, on the forms page: http://ethics.od.nih.gov/forms.htm#refer

Due: Due January 31 of each year

Period Covered: Previous calendar year.

Content: Report number of referrals, not number of employees. If an employee has been referred more than once, each referral counts as one instance.

Background: When ethics office staff identify non-compliant behavior and are unable to obtain compliance from the employee, the Institute/Center (IC) Deputy Ethics Counselor (DEC) will officially refer that employee to his/her supervisor for assistance in obtaining compliance and possible disciplinary action. That referral is accomplished using form NIH-2850 Referral for Non-Compliance with Ethics Requirements. See the separate referrals procedure, available on the NIH Ethics Program web site, on the Procedures page (http://ethics.od.nih.gov/procedures.htm#refer). The DEC then is required to report each year on all referrals made during the previous calendar year, using form NIH-2802 Annual Report of Referrals for Non-Compliance With Ethics Requirements (Summary of Form NIH-2850).

Reference: See NIH Manual Chapter 2400-08, Managing Employee Non-Compliance with Government Ethics Requirements, available on the NIH Manual Chapter web site and on the NIH Ethics Program web site, on the policies page.

Procedure for Preparing the Report:

Every January, each IC Ethics Offices will submit an annual report showing the number of NIH-2850 forms initiated during the previous calendar year. Form NIH-2802 serves as the annual report. The report may be manually completed or produced using EMIS, which will count the actions and complete the form in a printable format. Also see the EMIS Help Page for instructions for producing this report: http://ethics.od.nih.gov/EMIS2/EMIS2-Help.htm

Manually Producing the Report

1. Review all NIH-2850s submitted during the previous calendar year.

2. Count all referrals according to the cells on the table on the form, i.e., number of referrals for each reason, the number received back, and the number of those reviewed by the DEC after receiving the form back from the supervisor.

3. Complete all questions on the report, including entering the correct numbers in the appropriate cells in the table.

4. Insert any comments (optional), and sign the report.

5. Attach copies of every referral sent during the previous year and included on the annual report, regardless of whether final DEC review is complete. Sort the NIH-2850s by the reason for referral, i.e., all referrals for financial disclosure are together, all referrals for awards are together, etc.

6. Submit the entire package to:
    NIH Ethics Office, ATTN: Deputy Director, Building 2, Room BE-15, MSC 0201.

Using EMIS to Produce the Report

1. Ensure that all data are entered in EMIS for all NIH-2850 referrals.

2. Open EMIS, choose *Reports* in the blue horizontal navigation bar.

3. In the section labeled User Reports, locate *NIH-2802 Annual Report of Referrals*. Click on "Run". Choose the year covered (i.e., type in the previous calendar year, for digits, e.g., 2008) and continue.

    Note: Users with multiple IC roles will also have to designate their IC.

4. The report will open in Acrobat pdf format. Print the report. You may also save the electronic copy of the report.

    EMIS will count the number of reports for each reason based on the Date Submitted. Therefore, every NIH-2850 submitted during the chosen calendar year

5. Complete question number 5 (insert your name, sign, and date).

6. Attach copies of all NIH-2850s included in the report. Sort the NIH-2850 by the reason for referral, i.e., all referrals for financial disclosure are together, all referrals for awards are together, etc.

7. Submit the entire package to:
    NIH Ethics Office, ATTN: Deputy Director, Building 2, Room BE-15, MSC 0201.

ADDITIONAL INFORMATION

Questions may be directed to the NIH Ethics Office specialist for your IC (301-402-6628), or to the web documents mentioned above.