

Standard Operating Procedure

REF SOP - 05 - Meeting and Conference Support Policy

Revised 7-22-10 - Original Date - November 3, 2008

Meetings, conferences, workshops, seminars, grand rounds, town halls, symposia, and other similar meetings are all accepted features of conducting research and education.

Additionally, certain events, such as retreats and board meetings as well as fundraising and public relations, are necessary for the conduct of business. Meals and refreshments may be considered for support only if they are incidental to the business purpose of such meetings.

Policy for Support

Various laws and regulations, the federal ethics standards, and the statute that authorizes Tampa VA Research and Education Foundation, Inc. (TVAREF) control the extent to which expenditures related to such events are appropriate for TVAREF support. Consequently, in order for such costs to be considered for direct payment or reimbursement by TVAREF, the following policy has been established.

1. In order to be eligible for TVAREF support, a meeting must have a documented research, education or TVAREF business purpose. TVAREF will not support "entertainment" expenses such as social activities, parties, ceremonial occasions or those that provide amusement.

- For a research-related meeting: A request for TVAREF support must include an explicit statement about the research rationale for the event; that is, its research related purpose and how it will further VA research. Accompanying documentation should include the program, agenda or topic of discussion, and a roster of attendees. When appropriate, the request should tie the meeting to an approved research project.
- For an educational program not related to research. Documentation should include an explicit statement of the purpose and how the program will further the VA's education and training mission.
- For other TVAREF business events: A request must include an explicit statement of how the meeting will further TVAREF's ability to facilitate research and education. Appropriate events include, but are not limited to, retreats, board meetings, annual membership meetings and investigator meetings, as well as fundraising and public relations events. Documentation should include the purpose, agenda, program or topic of discussion, and a roster of attendees.

2. Factors that TVAREF will consider when evaluating a meeting for support include:

- Whether at least one speaker makes a research presentation or presents educational instruction.
- Whether there is a non-VA and or non-TVAREF speaker or non-VA or non-TVAREF personnel are among the expected attendees.
- The frequency of similar meetings that may involve the same personnel.
- Irregularly scheduled meetings and those that occur no more than monthly may be eligible for support; weekly meetings will not.
- Whether the meeting involves at least one individual who is being recruited to conduct research or education at the VA.
- Whether the meeting lasts more than two hours or extends through a normal mealtime.

Regardless of the type of meeting, the documentation required in section 1 above is a prerequisite for TVAREF support.

3. Requests for TVAREF support will be reviewed and approved by the individual designated by the Board, generally the Executive Director or the Executive Director's designee. TVAREF will provide direct payment for reasonable meeting costs, or reimbursement based on submission of original receipts. In the event of disagreement, the request may be referred to a designated member of the Board of Directors or to the full Board as appropriate.

4. TVAREF encourages meeting organizers to obtain pre-approval of TVAREF support for meetings. Such approval is not mandatory, but events lacking pre-approval may be denied support or may receive only partial support. For meetings of significant size or cost, prior discussion and authorization by TVAREF management is highly recommended.

Additional Factors

- Only actual, reasonable costs will qualify for reimbursement.
- TVAREF does not pay for alcoholic beverages.
- Refreshments may be paid as part of a non-routine research or education meeting if incidental to the meeting. TVAREF will not pay for refreshments for regular staff meetings.
- Lunch or dinner expenses for a meeting with only VA staff cannot be reimbursed.
- Please note that luncheon or dinner meetings with invited speakers or research collaborators may be an appropriate expense for reimbursement through TVAREF. However, such an event should be reviewed prior to the event to make sure it is eligible for reimbursement.

Guest Lecturer Information

When members are providing honoraria, speaker fees, or travel reimbursement to invited guest lecturers, the following apply:

- Check Request Form must include the Social Security or Tax Identification Number and the address of the guest lecturer.
- Sufficient credentials should be provided to show the expertise of the speaker as the basis for providing an honorarium. For example, part or all of the speaker's CV.
- If the speaker is a VA employee, the decision tree in the following section must be filled out and provided to TVAREF before an honorarium can be paid.
- If the invited speaker is a non-resident alien TVAREF must be advised in advance in order to determine if an honorarium can be provided.
- TVAREF must file IRS 1099 for speaker fees and honoraria payments totaling \$600 or more in a single tax year.
- The payment of travel expenses associated with this category follows the same policy as for general travel by members. (see [Travel Policy](#)).

Honoraria and Speaker Fees

VA-affiliated nonprofits such as TVAREF are often asked to pay honoraria and speaker fees or to accept donations of honoraria. To assist the nonprofits to work through the sometimes complex issues related to compensation for outside speaking, writing and teaching, NAVREF offers the following decision tree in determining when honoraria and speaker fees may be paid to VA employees without putting the employee at risk of violating federal ethics regulations.

Please see below the NAVREF decision tree below.

Payment of Honoraria Decision Tree

1. Is the speaker a VA employee?

NO



Obtain the speaker's Social Security number and mailing address. Issue an IRS Form 1099 Misc. if total payment(s) to the individual in one calendar year are \$600 or more regardless of whether the check will be paid to the individual or to a nonprofit. See IRS Form 1099 Misc. instructions.

YES



2. Is the subject of the speaker's presentation related to the speaker's official VA duties? [See definition of "related"; at §2635.807(a)(2).]

NO YES UNCERTAIN



Have the speaker obtain a written opinion from a VA attorney or ethics official and then follow instructions for "yes" or "no."



Do not pay an honorarium or speaker fee regardless of whether the speaker is on annual leave or administrative leave/ authorized absence/official absence [5 CFR §2635.807] or intends to direct payment to a nonprofit. Exception: teaching certain courses offered by universities or sponsored and funded by the federal government [5 CFR 2635.807(a)(3)].

3. Is the speaker on off duty status (i.e., on annual leave)?

YES



Have the speaker complete and submit an IRS Form W-9, or obtain the speaker's Social Security number and mailing address, before issuing payment.

Obtain the speaker's Social Security number and mailing address. Issue an IRS 1099 Misc. if total payment(s) to the individual in one calendar year are \$600 or more regardless of whether the check will be paid to the individual or to a nonprofit.

NO



If the speaker is on duty (normal VA duty hours, administrative leave, authorized absence and official absence = "on duty" status), do not pay the speaker an honorarium or speaker fee. Payment would constitute dual compensation [§18 USC 209] regardless of whether the speaker directs payment to a nonprofit organization.

Following is a discussion of issues with nonprofits accepting honoraria as donation

NPC Acceptance of Donations of Honoraria and Speaker or Writing Fees

NAVREF discourages NPCs from accepting donations of honoraria, speaking fees, writing fees and consulting payments earned by VA employees. These potentially pose ethical problems, may impose an unexpected tax liability on the donor, and require the NPC to guard against use of the funds in ways that create an actual or perceived personal benefit for the donor.

1. **Ethical considerations:** VA investigators sometimes wish to have an honorarium or speaker fee directed to an NPC as a donation in lieu of accepting it personally. Some apparently do this in the belief that donating a fee to a nonprofit relieves them of the need to make sure the subject of their presentation is not related to their official VA duties or the need to take annual leave. However, federal ethics regulations at 5 CFR §2635.807 allow federal employees to earn fees for presentations related to their official duties only if they are teaching a course requiring them to make multiple presentations during a program of education or training sponsored and funded by the federal government or by an institution of higher education, an elementary school or an secondary school. As far as we have been able to determine, this is the only exception; there is no exception for turning the payment into a donation to a nonprofit.

2. **Tax implications:** Investigators sometimes also believe they will not be assessed personal income taxes on a speaker fee if they instruct the payer to send the check to a nonprofit. However, the IRS is likely to view as income amounts earned any time there is a quid pro quo - an exchange of goods or services for payment - or when an individual exercises control over dispensation of payment (called "constructive receipt"). Such payments may be taxable to that individual regardless of whether payment goes to a nonprofit or the individual accepts it personally.

3. **Personal benefit concerns:** Finally, investigators often wish to specify - or simply expect - that their donations of speaking fees, writing fees and consulting payments will be available to support their own research. In IRS terms, their expectation is that use of the gift is "restricted" to their own research. However, the IRS has asserted that such contributions could provide a prohibited actual or perceived personal benefit to the donor if the donor subsequently controls or even influences use of the gift. This also jeopardize the nonprofit's exempt status because no nonprofit assets may benefit an individual associated with the organization.

Recommendation: An NPC should accept such a restricted contribution only if the restriction does not require that the funds be used in a way that could potentially provide a personal benefit to the donor. Because an NPC could not meet this requirement in regard to PI contributions to their own research, NAVREF recommends against their acceptance. NPCs could accept speaker fees, etc., as "unrestricted" gifts and pool them for the general support of VA research at the VAMC, but it still would have to address the ethical and tax considerations described above. **Because these gifts impose on NPCs a considerable oversight and administrative burden, NAVREF recommends a policy against accepting gifts of speaking fees, writing fees and consulting payments as the safer course for both the NPC and the PIs.**

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