

**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
- 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 officials 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 initiation of disciplinary action. 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>). Each year, the DEC is required to report on all referrals made during the prior calendar year, using form NIH-2802 Annual Report of Referrals for Non-Compliance With Ethics Requirements (Summary of Form NIH-2850).
- Reference:** 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 (links below).
NIH Manual Chapter web site: <http://www1.od.nih.gov/oma/manualchapters/>
NIH Ethics Program web site policies page: <http://ethics.od.nih.gov/policies.htm>

Procedure:

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 the NIH Ethics Management Information System (EMIS), which will count the actions and complete the form in a printable format. Each option is described below.

Manual Production of 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 sent to supervisors 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. Complete the report by entering Comments (optional), your name, signature and date.
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, NEO, Building 2, Room BE-15G, MSC 0201.

EMIS Production of the Report

1. Ensure that all data are entered in EMIS for all NIH-2850 referrals during the year covered by the report.
2. Open EMIS, and choose *Reports* in the blue horizontal navigation bar.
3. In the section labeled General Reports, locate *NIH-2802 Annual Report of Referrals for Non-Compliance With Ethics Requirements*. Click on *Run* in the left column. Enter the year covered (i.e., type in the previous calendar year, four digits, e.g., 2011) and click on *Run Report*. Users with multiple IC roles will also need to designate their IC.
4. The report will open in web page format. Click “Export to Word” to open the report in Word. Note that it will look like form NIH-2802. View and/or save an electronic copy of the report. Print the report.

EMIS compares the year you indicate with the Date Submitted field in each NIH-2850. For the year you indicate, the EMIS report counts the number of referrals for each reason. Every NIH-2850 submitted during the chosen calendar year is included.

5. Complete the report by entering Comments (optional), and the DEC’s name. The DEC will sign and add the signature date where indicated.
6. Attach copies of all NIH-2850s included in the report. Sort the NIH-2850s by the reason for referral, then alphabetical by employee, and chronological for each employee if there are multiple referrals for one employee for the same reason. For example, all referrals for financial disclosure are together, sorted alphabetically. If an employee has more than one financial disclosure referral, put them in chronological order.
7. Submit the entire package to: NIH Ethics Office, ATTN: Deputy Director, NEO, Building 2, Room BE-15G, MSC 0201.

ADDITIONAL INFORMATION

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

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