

University-Industry Research Agreements

This is a summary of broad principles applicable to research and service agreements between the University of Maryland Center for Environmental Science (UMCES) and industrial and commercial organizations. The guide was prepared by the Office of Research Administration and Advancement and is intended to facilitate our relationship with your organization. The principles set forth in this guide reflect the university's position as a publicly supported educational institution and will hopefully minimize and/or reduce modifications to any future agreements between our organizations.

Introduction

UMCES has a history of cooperation with industry in the support of research that is consonant with the University's missions of teaching, research, and public service. Cooperative efforts are encouraged because they produce mutual benefits as well as benefits to society. Industry support contributes to the education of scientists and also to the development of technologies that can be put to practical use by society. Facilitating the transfer of technology is an important goal of the cooperative industry-university relationship.

Our industrial sponsored research projects maintain a balance between industry's search for useful knowledge to be applied toward the development of products, processes and services and the University's pursuit of research as an integral part of the educational process. A valuable benefit of industry-university cooperation is to provide additional research and thesis opportunities for students.

Benefit to Industry

By being involved with UM and its programs, you will:

- Benefit from the teaching and research activities of UMCES
- Increase your visibility as an employer of UMCES graduates
- Increase your visibility as a leader in university partnerships
- Assure the quality of UMCES's programs as a valuable resource for the future
- Stimulate research on environmental topics of relevance to your corporate objectives

University Corporate Identity

As Maryland's premier research institution aimed at advancing scientific knowledge of the environment, UMCES is one of 12 institutions within the University System of Maryland.

Preambles of contracts should read "University of Maryland Center for Environmental Science, a public corporation and instrumentality of the state of Maryland, headquartered in Cambridge, Maryland 21613.

UMCES EIN: 526002033

UMCES DUNS: 021463831

General Business Address: Office of Research Administration and Advancement
University of Maryland Center for Environmental Science
P. O. Box 775
Cambridge, MD 21613-0775

Authority to Contract

While initial discussions between industrial sponsors and UMCES faculty or senior research staff occur in a variety of ways, projects should not be undertaken unless a carefully defined research proposal, including a budget, has been submitted through UMCES internal review procedures and a funding agreement has been negotiated and signed by the authorized representatives of both parties.

Authority to negotiate and execute awards for research on behalf of UMCES is delegated to the Office of Research Administration and Advancement (ORAA).

Publication Policy

It is the policy of UMCES that instruction, research, and services will be accomplished openly and will lead to the publication and dissemination of the results of academic and research activities. The University nonetheless recognizes the legitimate proprietary concerns of industrial sponsors.

Where appropriate, publications may be reviewed by sponsors in order to protect patent rights. Similarly, on those occasions where the University has accepted a sponsor's proprietary information as necessary background data for a research project, the sponsor may review proposed publications in order to identify any inadvertent disclosure of that data. Procedures would normally allow at least thirty days for such reviews.

Patent Policy

A basic aim of the University's intellectual property policies is to promote the progress of science and technology, to assure that discoveries and inventions are used to benefit the public.

UMCES has an interest in all inventions of our personnel which are conceived of or first actually reduced to practice as part of or as a result of a University-administered program of research; activities within the scope of the inventor's employment by the University; or activities involving the use of UMCES time, facilities, or materials. This includes all funded research projects whether from public or private sources. UMCES has a right to ownership of any invention in which it has an interest. In cases, where joint inventorship results from collaborative agreements with industrial sponsors, joint ownership terms are negotiated as appropriate. The University will normally grant the right of first refusal to the sponsor for an exclusive or nonexclusive license for non-commercial purposes. Further information about the University's patent, copyright and licensing policies can be obtained by contacting:

Ms. Angela Richmond
Director of ORAA
UMCES
410-221-2015
arichmond@umces.edu

Costs

Contracts with sponsors are performed on a "no-profit / no-loss" basis. Therefore, research projects are to incorporate both direct and indirect costs in the research budget.

The UMCES indirect costs (F&A) agreement can be found at:

http://www.umces.edu/sites/default/files/pdfs/oraa/UMCES_Rate2012.pdf

Liability, Risk and Best Efforts

Since research by its nature is unpredictable and without guarantee of successful results, UMCES research is conducted on a "best efforts" basis. However, research projects are organized in a manner that is sensitive to the differing time constraints of sponsors.

As an educational institution and a state agency, the University receives no fee or profit on its research. For this reason, and also because it is inconsistent with the best efforts principle, the University cannot accept contract provisions that guarantee results, impose penalties for failure to make progress by firm deadlines, or provide for withholding of payment if the sponsor is not satisfied with the results.

As an instrumentality of the State of Maryland, state laws prohibit the University from accepting provisions that require that we indemnify and hold harmless the sponsor or carry liability insurance in addition to the types and levels established by the State Treasurer.

Project Administration

The collegial environment and effective management within UMCES laboratories assures the highest standards of performance in all research projects. University policies pertaining to health and safety (such as those governing protection of human subjects, bio-safety, occupational and environmental protection and animal welfare) are applicable to all research conducted at the University. Projects are also conducted in conformance with equal opportunity and affirmative action principles. The University has strong financial management programs that insure careful control and accountability of all expenditures.

Conflicting Interests or Obligations

The Maryland Public Ethics Law and UMCES Conflict of Interest Procedures, and all other relevant rules and regulations of the State of Maryland govern requirements for investigator financial disclosures.

The University does not accept contracts with blanket provisions that preclude the UMCES investigator from performing research for others in related areas.

Termination

In the event that the sponsor for any reason terminates a funding agreement, the sponsor will be expected to reimburse UMCES for all costs incurred to the date of termination and for all uncancellable obligations.