

A Guide for Industry

Research Agreements

with the



University of Maryland, Baltimore County

This guide is a summary of the broad principles applicable to research agreements between the University of Maryland, Baltimore County (UMBC) and industrial and commercial organizations. The principles set forth in this guide reflect the university's position as a publicly supported educational institution. This brief presentation of information about UMBC has been prepared by the Office of Sponsored Programs (OSP) and is intended to facilitate our research relationship with your organization.

Introduction

The University of Maryland, Baltimore County (UMBC) 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, engineers, and others 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.

One of the primary purposes of UMBC is to carry out research to advance the frontiers of science and technology and to further educational programs. Instruction and research are interdependent; both suffer when dealt with separately. Maryland's research projects should be of intellectual interest to the faculty and be conducted under the direction of the faculty.

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

University Identity

UMBC is a public institution of higher education. It is a constituent institution of the University System of Maryland, an agency of the State of Maryland. UMBC for business and legal purposes should be identified as “University of Maryland, Baltimore County.”

Authority to Conduct Business

While initial discussions between industry sponsors and UMBC faculty or senior research staff occur in a variety of ways, no program or project may be established or undertaken unless a carefully defined research proposal, including a budget, has been submitted through the university’s internal review procedures, and an acceptable funding agreement has been negotiated and signed by the authorized representatives of both parties.

Authority to negotiate, execute and modify agreements for conducting research on behalf of UMBC is delegated to the Office of Sponsored Programs (OSP). The authorizing official for UMBC is the Assistant Vice Provost for Research.

Publication Policy

It is the policy of UMBC 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 will enter into no agreement that bars an investigator(s) from publishing or otherwise disclosing the findings publicly.

UMBC recognizes the legitimate proprietary concerns of industrial sponsors and will endeavor to protect their confidential data as required.. Where a sponsor's proprietary information has been accepted as necessary background data for a research project, the sponsor may review proposed publications in order to identify any inadvertent disclosure of that data. Manuscripts will be submitted to the sponsor thirty-(30) days prior to journal submission with the possibility of an additional delay of up to sixty (60) days to allow for the filing of patent applications.

Patent Policy

A basic aim of UMBC’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, promote economic development, and to provide appropriate royalty revenues to the university and inventor.

UMBC 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 university time, facilities, or materials. This includes all funded research projects whether from public or private sources.

UMBC has a right to own 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 to the

sponsor the first opportunity to negotiate an exclusive or nonexclusive license to any inventions made as a direct result of the funded research. Further information about patent, copyright and licensing policies can be obtained by contacting:

UMBC Office of Technology Development
1000 Hilltop Circle
Baltimore, MD 21250
(410) 455-1414
Fax: (410) 455-1130
Web: <http://www.umbc.edu/otd>

Costs

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

Liability, Risk and Best Efforts

Since research by its nature is unpredictable and without guarantee of successful results, 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, contract provisions cannot be accepted 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 agency of the State of Maryland, the university cannot accept contract provisions requiring that we indemnify and hold harmless the sponsor or carry liability insurance in addition to the types and levels established by the Maryland State Law.

Project Administration

The collegial environment and effective departmental management within UMBC assures the highest standards of performance in all research projects. The university's 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. Projects are also conducted in conformance with equal opportunity and affirmative action principles.

Conflicting Interests or Obligations

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

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

Termination

In the event a funding agreement is terminated by the sponsor for any reason, the sponsor will be expected to reimburse the university for all costs incurred to the date of termination and for all uncancellable obligations incurred prior to termination.

APPLICABLE LAW

Being an agency of the State of Maryland, UMBC and its research agreements must be governed and construed by Maryland State Law. No foreign state jurisdiction in the event of a dispute will be accepted.

Information

For further information, contact:

UMBC Office of Sponsored Programs
1000 Hilltop Circle
Baltimore, MD 21250
(410) 455-3140
Fax: (410) 455-1130
Web: www.umbc.edu/ospa/