

University of Alabama at Birmingham

POLICY CONCERNING USE OF UAB RESOURCES BY EXTERNAL ENTITIES

February 12, 2001

(Replaces policy entitled "Use of University Resources
by External Entities" dated July 31, 1986)

See also the following UAB documents:

Policy entitled *Execution and Review of Contracts for the University of Alabama at Birmingham*

Conflicts of Interest Policy

Graduate School Policy Concerning Student Participation in Proprietary Research

"Checklist for Use of UAB Research Facilities by External Entities"

Office of Occupational Health and Safety *Policy for Research Conducted at UAB by External Entities.*

Definitions

For purposes of this policy, "UAB resources" are defined as nonexpendable equipment, physical facilities (including UAB space leased to external entities), computer and networking services, research resources, and UAB personnel.

"External entities" are those companies, organizations, and agencies whose income is not deposited into UAB accounts. Even though agency (ledger 9) accounts are UAB accounts, for purposes of this policy, those agencies are considered to be "external entities."

Policy Statement

Use of UAB resources by external entities is allowed only if UAB's costs are recovered and if the stipulations of this policy are followed. A written agreement between UAB and the external entity must be executed covering use of the UAB resource. Use of UAB resources by external entities must in no way interfere with UAB's instruction, research, or service activities and must be consistent with those activities and with the UAB mission.

Use of UAB Resources for Research and Development Activities

The conduct of research by external entities in UAB space and the participation of UAB students, faculty, and staff in that research require disclosure to, and prior approval by, appropriate departmental and school authorities. Identification of UAB resources in applications for federal grants and contracts award programs such as Small Business Innovation Research (SBIR) and Small Business Technology Transfer Research (STTR) requires approval of UAB prior to submission. Applications must be submitted to the Office of Grants and Contracts Administration for review. The Office of Grants and Contracts Administration will forward a copy of the external entity application to the Office

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of Occupational Health and Safety for review. Failure to obtain prior approval constitutes improper use of UAB's name. If personnel on such applications are current UAB employees, a plan for reduction of UAB effort must be included with the request for approval. External entities using UAB resources for research and/or development are subject to, and must comply with, UAB policies and procedures for protection of human subjects, guarding against conflicts of interest, use of animals in research, use and disposal of hazardous materials, and all other applicable UAB policies and procedures. The Animal Resources Program and the Office of Occupational Health and Safety must be consulted in advance for applicable policies, procedures, and costs. (See also the *Graduate School Policy Concerning Student Participation in Proprietary Research* and/or the Office of Occupational Health and Safety *Policy for Research Conducted at UAB by External Entities.*)

Charges for Use of UAB Resources

The charges for use of the resource must be set at an amount equal to all direct and overhead costs associated with providing the resource and with making use of it. Those funds shall go to the unit incurring the costs. Before agreements are entered into with an external entity for the use of UAB resources and as part of processing the "Contract/Agreement/Affiliation Approval Checklist" (see the UAB policy entitled *Execution and Review of Contracts for the University of Alabama at Birmingham*), the Associate Vice President for Financial Affairs will review, and must approve, the charge structure being proposed in order to ensure that all UAB costs are being recovered.

Charges in excess of full-cost recovery (in excess of direct and overhead costs) must be based on the fair market value of the use of the resource. All money received in excess of full-cost recovery shall go to the unit which made the resource available for use by the external entity.

External entities should not use UAB *expendable* resources while using a nonexpendable resource unless the full cost for replacement of the expendables is included in the charges for use of the UAB nonexpendable resource. Except in situations such as ones in which materials are obtainable only through UAB, external entities should provide their own expendables when using UAB resources.

Likewise, if UAB provides services related to use of the UAB resource (for example, an equipment operator), the costs for those services must be specified and must be included in the agreement.

Agreements for Use of UAB Resources

Agreements for the use of UAB resources by external entities (including rental agreements for extended use of UAB space) must be processed and signed according to the UAB policy entitled *Execution and Review of Contracts for the University of Alabama at Birmingham* and the latest Board of Trustees signature authority resolution. See the *Execution and Review of Contracts for the University of Alabama at Birmingham* policy for stipulations concerning agreements for the short-term use of UAB facilities.

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In addition to stipulations of the *Execution and Review of Contracts for the University of Alabama at Birmingham* policy, the “Checklist for Use of UAB Research Facilities by External Entities” also must be executed for the use of UAB *research* space and facilities by external entities.

Agreements with external entities which extend beyond the end of the fiscal year must include a statement that they may be canceled at the end of each fiscal year without further obligation by UAB. Agreements also should include a provision that the agreement may be canceled with a certain number of days written notice.

All agreements must include a statement by the external entity agreeing to indemnify UAB and to hold UAB harmless against any claims or damages resulting from use of the UAB resources. The external entity must provide (1) proof of property insurance to cover any property the entity brings onto UAB premises and (2) liability insurance with limits of not less than \$2,000,000 naming UAB as an additional insured.

No agreement may be assignable by the external entity to a third party without written agreement by UAB.

Exclusions

This policy does not apply to UAB-sponsored volunteer activities such as the United Way Loaned Executive program, consulting services, patent income, computer software income, nor policies and procedures related thereto.

This policy does not apply to the use of UAB resources by principal investigators who are performing externally sponsored services on behalf of UAB.

This policy does not apply to the use of UAB resources by consultants, contractors, or others who have been engaged by UAB and who are working on behalf of UAB including, but not limited to, computing and networking projects.

Implementation

The Vice President for Financial Affairs and Administration is responsible for procedures to implement charges and agreements relevant to this policy.

The Provost's Office is responsible for implementing procedures relevant to research and the use of UAB research facilities by external entities.