



## POLICY

### **Title:** Use of University Research Facilities and Equipment by External Parties

#### Policy Statement

The University may, when appropriate, make its Research facilities, land and equipment (collectively "Research Facility or Facilities") available for use by external entities or persons as long as the use does not disrupt regular academic, laboratory, or research programs of the University and the Research Facility is not needed by University faculty, students, or other employees at the requested time. The University reserves the right in its sole discretion to refuse use of its Research Facilities.

#### Reason for the Policy

Permitting the use of University Research Facilities by External Parties has the potential to strengthen the University's research through enhanced collaboration, as well as provide enhanced public service. This policy is intended to clarify the circumstances in which external entities or persons may responsibly utilize the University's Research Facilities without hindering the primary educational and research missions of the University.

#### Applicability of the Policy

This policy applies to requests for use of all or part of a University Research Facility for business or research, regardless of length of term. The Office of the Vice President for Research (OVPR) is responsible for administering the use requests for Research Facilities, except as stated herein. Department Chairs, Deans, or their designee are responsible to ensure the External Party's compliance with this Policy and with the terms herein. For non-research use of any other University facility or equipment, see UOP Lease, License and Use of Real Property.

#### Definitions

**External Party:** Any non-UVM entity, including affiliated organizations, who may request use of or be party to any agreement or arrangement for use of University Research Facility.

**Host:** a UVM Recognized University Group or Organization that elects to organize, facilitate or manage the External Party's use of Research Facilities which is designated by the approving Chair or Dean.

**Requester:** Recognized University Group or Organization, or External-Party requesting use of University Research Facility.

Research Facility: Buildings, laboratories, land and structures, including machinery and equipment, used or to be used primarily for research or experimentation of any kind.

Temporary: Any term less than one year (365 days).

## Procedures

External Parties may apply to use University Research Facilities by submitting a request to the chair of the academic department responsible for the Research Facility or Equipment. The Department Chair, Dean, or designee will ensure the External Party's compliance with this Policy.

1. The requester must specify if any hazardous materials, controlled substances, biological select agents or toxins, and/or genetically altered materials will be used. If so, the requester must submit an acceptable plan for the control of the materials and compliance with state and federal law before the University will approve use.
  2. The requester must agree to enter into and agree to comply with the requirements specified in the Research Facility and Equipment Use Agreement ("Agreement"), including safety training requirements.
  3. The requester must agree to maintain liability insurance as approved by the University's Department of Risk Management; and
  4. The requester must agree to indemnify and hold the University harmless for all expenses and liability arising from the External Party's activities; and
  5. The requester must agree to reimburse the University for any property damage and clean-up or hazardous waste related expenses, including disposal, shipping, and penalties, caused by or imposed as a result of the External Party's activities.
  6. The requester must agree to reimburse the University for any operating costs as outlined in the Agreement.
- A. The Department Chair will recommend approval or disapproval to the Dean and will request approval from OVPR. Requests approved for use of University Research Facilities greater than or equal to 365 days will be forwarded to Real Estate Operations for development of an appropriate agreement. Requests approved for use of University Research Facilities less than 365 days will be memorialized in an appropriate Research Facilities and Equipment Use Agreement prior to granting access. Any modifications to the standard form Agreement will require the approval of the OVPR and Office of General Counsel.
  - B. An approved External Party or the Host must schedule use through the appropriate individual responsible for the facility.
  - C. If an External Party's needs include non-Research Facility space such as classrooms, meeting rooms, or other general-purpose space, the External Party shall follow the general (non-research related) procedures identified in the University's Facilities and Grounds Use for Events and Activities Policy. Requests for classrooms, meeting rooms, or other general-purpose space must be directed to University Event Services.
  - D. The University will not subsidize any External Party individual or business with University funds. The fees charged for use, and the collection of those fees, will be determined and managed through the appropriate offices as directed by the OVPR in coordination with the Division of Finance. Assessed fees will cover both the direct and indirect costs of the space, facility or equipment and will be used to reimburse the accounts that cover those costs. If the space, facility or equipment used is covered by a University Income/Expense approved rate agreement, that agreement will govern. The Agreement will identify fees assessed.

- E. External Parties performing research in a University of Vermont facility are subject to all applicable University of Vermont policies and procedures.
- F. Any misrepresentations contained in the request or agreement, any use of the facilities for purposes other than those stated, or any failure to comply with University policies and procedures or the terms of the Agreement will be grounds for immediate cancellation of the Agreement.
- G. OVPR will share final electronic documentation with all parties to the Agreement and notify Senior Leadership along with all appropriate University individuals, including UVM's Space Planner and University Controller. The space will remain assigned to the responsible unit and identified as such on the annual space inventory. Hard copies will be kept in the office of the responsible Chair or Dean.
- H. To the extent the facility is a Bond-financed UVM Facility, this Agreement shall require the UVM Vice President for Finance and Administration prior approval. All agreements with External Parties who sponsor research in UVM Bond-financed facilities shall comply with applicable IRS safe harbor requirements (currently, IRS Revenue Procedure 2007-47) or shall be approved by the Vice President for Finance and Administration after consulting with Office of General Counsel. See Post-Issuance Compliance Policy for Tax-Exempt and Tax-Credit Bonds.

## Contacts

<b>Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):</b>	
<b>Title(s)/Department(s):</b>	<b>Contact Information:</b>
Office of the Vice President for Research	353 Waterman (802) 656-2918 <a href="https://www.uvm.edu/ovpr">https://www.uvm.edu/ovpr</a>

## Forms/Flowcharts/Diagrams

- [Research Facilities and Equipment Use Agreement](#)

## Related Documents/Policies

- [Code of Conduct and Ethical Standards](#)
- [Conflict of Interest and Conflict of Commitment Policy](#)
- [Contract Approval and Signatory Authority](#)
- [Facilities and Grounds Use for Events and Activities Policy](#)
- [Income/Expense Activity: Policies and Procedures Manual](#)
- Lease, License and Use of Real Property [link forthcoming]
- [Post-Issuance Compliance Policy For Tax-Exempt and Tax-Credit Bonds](#)

## Regulatory References/Citations

- [Occupational Safety and Health Act \(OSHA\)](#)
- [The OSHA Laboratory Safety Guidance](#)
- Title 21 Code of Federal Regulations, PART 1300-AND – Controlled Substances Act

## Training/Education

Training/education related to this policy is as follows:

<b>Training Topic:</b>	Lab Safety Training: Depending on the use agreement, laboratory safety and hazardous waste management trainings specific to UVM may be required and provided at <a href="https://www.uvm.edu/riskmanagement/train-and-inform-lab-personnel">https://www.uvm.edu/riskmanagement/train-and-inform-lab-personnel</a> .		
<b>Training Audience:</b>	External Parties	<b>Delivered By:</b>	Environmental Health & Safety
<b>Method of Delivery:</b>	On-Line.	<b>Frequency:</b>	Prior to Approving Use

Additional lab-specific training is required and will be specified in the Agreement. Use of the lab by an External Party will not be permitted until training required under the Agreement has been successfully completed.

### About this Policy

<b>Responsible Official:</b>	Vice President for Research	<b>Approval Authority:</b>	President
<b>Policy Number:</b>	V. 6.g.1	<b>Effective Date:</b>	October 3, 2022
<b>Revision History:</b>	<ul style="list-style-type: none"> <li>• V.6.7.1 approved May 04, 2006</li> <li>• V.6.7.2 approved December 10, 2018</li> <li>• V.6.7.2 Use of University Research Facilities and Equipment by External Users replaced by V.6.g.1 Use of University Research Facilities and Equipment by External Parties on October 3, 2022</li> </ul>		

*University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#).*