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UNIVERSITY OF HAWAII

OFFICE OF THE VICE PRESIDENT FOR RESEARCH  
UNIVERSITY OF HAWAII

MEMORANDUM

April 24, 2006

TO: Richard F. Cox  
Director, Office of Technology Transfer and Economic Development

FROM: James R. Gaines *James R. Gaines*  
Interim Vice President for Research

SUBJECT: Review and Negotiation of Sponsored Industry Research<sup>1</sup> Agreements

Effective immediately, the Office of Technology Transfer and Economic Development (OTTED) shall be responsible for the review and negotiation of sponsored industry research agreements between the University of Hawaii and an external, private industry sponsor, as defined in the attached memorandum dated April 24, 2006. As the reviewer and negotiator for sponsored industry research agreements, I authorize you and your staff to review and negotiate such agreements and any related amendments on my behalf. Signature authority will remain with the Vice President of Research.

I expect you and your staff to review each proposal and the resulting agreement, conduct a basic risk assessment, and ensure that any project that results in an award will include terms that are in compliance with University policies, laws and regulations, and any applicable sponsor(s) policies. Issues of concern and to be negotiated include but are not limited to the following:

1. Scope of Work
2. Budget
3. Cost Sharing/Matching
4. Subcontractor Commitments
5. Facilities Use
6. Indirect Cost Rate/Waivers
7. Conflicts of interest
8. Use of Human Subjects
9. Use of Vertebrate Animals

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<sup>1</sup> The term "research" may include other sponsored activities pursuant to the determination of the Vice President for Research.

10. Environmental Health and Safety Approvals
11. Indemnification/Insurance
12. Risks & Hazardous Working Conditions (e.g., HIV, pathogens, watercraft, etc.)
13. Publication Rights
14. Nondisclosure Requirements (also Freedom of Information Act and Hawaii Revised Statutes, Chapter 92F)
15. Intellectual Property Rights and Patent Disclosures
16. Warranties
17. ITAR/EAR
18. HIPAA
19. Technical Reporting Requirements
20. Financial Reporting Requirements
21. Equipment Inventory/Reporting

Please check with me on any questions with respect to risk and/or legal issues prior to consultation with the Office of General Counsel and/or Risk Management.

Prior to acceptance of an agreement, it shall be OTTED's responsibility to consult with the Principal Investigator(s) and Fiscal Officer(s), as necessary, on any changes in the Agreement to the Scope of Work, Budget and Commitments that vary from the proposal. In addition, OTTED shall also be responsible for any follow-up required by the institution for any post-award changes and any required reports and/or deliverables contained in agreements negotiated.

OTTED shall also be responsible for providing the necessary information to be included in the sponsored research and training awards report to the Board of Regents ("BOR Report"). OTTED shall also provide two summaries: 1) awards received during the month, categorized by agency and 2) cumulative awards received during the current fiscal year, categorized by agency.

For inclusion in the BOR Report, information must be provided to ORS one week prior to the "Deadline for Items to the President" in the attached Board of Regents' Monthly Meetings and Deadlines schedule. A report should be transmitted even if no awards are received. This information should be provided in hard copy and an electronic WordPerfect file. Two cover letters should be included, 1) to the BOR and 2) to the President (samples attached). OTTED shall be responsible for providing any revisions to its monthly BOR report in hard copy and an electronic WordPerfect file for inclusion in the BOR Annual Report.

OTTED shall be also responsible for providing a monthly report of all proposals submitted to external sponsors.

As these reports are compiled with the ORS and UH Hilo data, please contact Charles Miller at 956-8259 to ascertain what data needs to be collected and the format in which the data must be obtained and transmitted.

Richard Cox  
April 24, 2006  
Page 3 of 3

The Office of Research Services shall continue to review, negotiate, and execute all other extramurally sponsored agreements not specified on the April 24, 2006 memorandum.

#### Attachments

c: Secretary of the Board of Regents  
President  
Vice President for Legal Affairs and University General Counsel  
Director of Risk Management  
Office of Research Services