

RESEARCH MATERIALS TRANSFER POLICY

Date of Initial Approval: 9/16/2020

Date Revised: 7/18/2024

Category: 1.0 Academic Programs

Responsible Department: Research and Scholarly Activity (RSA)

Stakeholders Involved in Review (list by position name): Research Advisory Council, Provost, Provost Advisory Council, Leadership Council

PURPOSE & SCOPE

Rocky Vista University (RVU) is committed to complying with all laws and regulations applicable to the shipment and receipt of research material. This policy is applicable to all students, faculty, or staff and is to be applied whenever physical materials, especially when the materials may be classified as intellectual property, are to be shared via shipment of materials between collaborators.

POLICY STATEMENT & POLICY

- a. All research materials shipped from RVU must have a signed Material Transfer Agreement (MTA), and some may need an export license for international shipping. Certain materials cannot be sent to restricted or banned parties or embargoed countries, with significant penalties for violations, including fines and criminal charges. Non-compliance will lead to disciplinary action and potential criminal penalties.
- b. A Material Transfer Agreement ("MTA") is a legal contract that documents the terms for a transfer of tangible research material from one party to another for use in research that is independent of the providing party. MTAs specify the rights, obligations, and restrictions of both parties with respect to issues such as:
 - Use of Material
 - Confidential Information
 - Research Results
 - Publication
 - Inventions (patentable or not)
 - Warranty and Liability
- c. All research material shipped from RVU to another party must be accompanied by a signed Material Transfer Agreement (MTA). Some types of material require an additional export license if shipped outside of the United States. There may be other restrictions, such that certain material cannot be shipped to restricted or banned parties or embargoed countries. Penalties for violating export control laws are significant and may include personal fines and criminal charges. Anyone found in violation of this policy or applicable laws will be subject to disciplinary action. Non-compliance with this policy could result in criminal penalties.

ROLES & RESPONSIBILITIES

RVU employee or student	Initiate the MTA
Vice Provost of RSA	Receive MTA requests, Draft the MTA, Negotiate MTA, Receive complaints of non-compliance, Ensure Compliance
Provost	Assist in Adjudicating any Appeals based on the Research Ethics and Misconduct Policy
President/CEO	Sign MTA

RELATED PROCESSES, PROCEDURES, AND/OR DEFINITIONS

- Appendix 1:
 - To Transfer Material from RVU to an External Party:
 - E-mail the following information to director.research@rvu.edu
 - Requesting Principle Investigator's (PI) name and email
 - Name of requesting PI's department
 - Itemized description of all material
 - Was the material developed solely by RVU?
 - Has the material been published?
 - The VP of RSA will work closely with the individuals involved in the shipment process to ensure the terms and conditions of each MTA are in compliance with all applicable laws, regulations, academic principles and any pre-existing contractual or funding obligations.
 - The VP or RSA will draft and email the MTA based on the emailed information to the requesting PI. Once signed by both parties, a copy of the fully executed MTA will be distributed and the material can be sent.
 - To Receive Material from an External Party:
 - Obtain an MTA from the other party and e-mail it to the VP of RSA, who will review, negotiate (if necessary) and process the MTA for signatures.
 - The MTA will be sent to the President/CEO for signature.
 - Once signed by both parties, a copy of the fully executed MTA will be distributed.
 - Research Collaboration with External Parties:
 - If the exchange of material between parties meets any of the following criteria, a collaboration agreement, sometimes referred to as an "IRB Authorization Agreement" (IAA) or a "Collaborative Research Agreement" (CRA) will typically be necessary. An award of funding to be shared by two or more parties generally does not eliminate the need for an IAA or CRA between the parties. E-mail the VP of RSA if any of the following apply:
 - The research project was developed by individuals at more than one organization
 - Individuals at two or more organizations will contribute in some way to the research project (e.g., hands-on research, data analysis, experimental design)
 - The research will involve a bi-directional transfer of research materials
 - Results generated by one organization will be shared with an individual at another organization
 - Results will be published jointly with authors from another organization
 - If a member of the RVU community has knowledge of a policy violation, suspicions will be reported to the Vice Provost of Research and Scholarly Activity. The VP or RSA will initiate an investigation following the policy and procedure of the Research Ethics and Misconduct Policy
- Appendix 2: Research Ethics and Misconduct Policy, Intellectual Property Policy, Institutional Data Use

*Nothing in this Policy limits the authority of the university to issue, amend, or withdraw a policy.

POLICY REVISION HISTORY

9/16/2020	Initial Creation
07/18/24	Revised with minor changes