



# Symposium for Research Administrators

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# The Rules and Policies Impacting Research Agreements

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# Overview

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- The policies and/or rules that have been updated in the past few years.
- Where these policies and/or rules come from; who owns them.
- The UW processes for complying with the policies and/or rules.
- What can be done to help with the compliance processes.

# Change is the only constant

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- Agencies have updated the rules.
  - DOE and DoD have introduced limitations on foreign national participation.
  - DOE has updated it's IP policies to encourage US Manufacturing.
- The Board of Regents have adjusted the requirements for approval of agreements with for-profit entities.
- The State of Wisconsin has updated its rules regarding self-dealing.
- UW-Madison continues to try to work with the shifting demands of industry related to data ownership, intellectual property, and publications coming out of industry sponsored research at UW-Madison.

# The Policies

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# Foreign National Participation

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- Originate out of DOE and DoD (primarily DOE).
- Idea: the Feds want to know when foreign nationals are participating.
  - Approval?
  - Notice?
- Past Approach: Seek an exception from the OVCRGE.
  - Why? UW-Madison has an established Openness in Research Policy. This policy doesn't allow for restrictions on participation.
- New Approach: OVCRGE approval is only required if a foreign student is participating.
  - Why change? DOE and DoD are frequent sponsors, and UW is unlikely to turn away this money. Blanket exception for DOE and DoD.

# DOE and US Manufacturing

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- Comes out of DOE
- Idea: DOE wants to encourage US Manufacturing with inventions coming out of DOE Funding. DOE has the right to take away ownership of inventions for violations.
  - Further: ARPA-E has built on DOE's approach, taking away ownership of ALL inventions created under the award, not just those that violate US Manufacturing requirements.
- Past Approach: None, this didn't exist before.
- New Approach: Accept and document the requirement in WISPER.

# Board of Regent Approvals

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- Originates from Regent Policy Document 13-1.
  - Delegation of signature authority to University of Wisconsin Chancellors
- Idea: Agreements with for-profit entities over certain thresholds require additional approvals.
- Past Approach: Agreements between \$500K and \$1M required OLA approval. Agreements over \$1M required Board of Regent Approval.
- New Approach: Agreements between \$5M and \$10M require UW System President Approval. Agreements over \$10M require Board of Regent Approval. Exception for industry agreements that are federal pass-through subawards to UW-Madison.



# State of Wisconsin and Self-Dealing

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- This comes out of Wisconsin Statutes § 946.13 and Regent Policy Document 13-6.
- Idea: Wisconsin law prohibits individuals with certain financial or fiduciary relationships with commercial or nonprofit research entities from using their UW–Madison position to influence contracts between the University and the entity they have a relationship with.
  - However, the criminal statute does not apply to situations where UW has managed the situation with a management plan that meets Board of Regents requirements.
- Past Approach: A letter to the Board of Regents explaining our stance. The petition was rarely approved by the Board and was instead approved by them not acting on it within a 45-day window.
- New Approach: Implementation of Board approved management plan is enough to overcome criminality.

# Industry Requirements: Data, Publications, and Inventions

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- Potential Industrial Partners continue to adjust how they approach collaborations to ensure they maximize the return value in sponsoring research.
  - Requirements that the sponsor owns data.
  - Requirements that prohibit or complicate publications.
  - Requirements regarding sponsor ownership or access to inventions.
- UW Policies
  - Board of Regents disallow giving up ownership of research data (UWSA 342).
  - Board of Regents disallow sponsor prohibitions on publication (UWSA 342).

# Industry Requirements: Data, Publications, and Inventions Continued...

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- UW Approaches
  - UW-Madison doesn't give up ownership of intellectual property. Commingling concerns – conflicting sponsor promises.
    - Especially true given the vast amount of federal money and requirements that the feds impose; avoid jeopardizing UW's ability to receive federal money.
  - Consideration of WARF, who is our patent management organization.
- Policies and Approaches haven't really changed.
- Management of these policies and approaches has shifted a bit.
  - Looking to the OVCRGE for exceptions when our sponsors are requiring data ownership, limitations on publication (bans or lengthy delays), or invention access that puts UW in uncomfortable positions.

# How to Help

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# RSP's Role

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- RSP doesn't own these policies but works to orchestrate compliance.
  - Gather information for compliance via forms.
  - Shares information with relevant teams on campus.
    - PIs
    - Departments
    - Dean's Offices
    - OLA
    - OVCRGE
    - VCFA
    - COI Office
  - Presents the information to decision makers to make their decisions.

# RSP Needs Help

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- A lot of the information needed isn't available to RSP.
  - Estimated dollar amounts.
  - Involvement of others on the project.
  - What the project is.
  - Value of the project that overcomes the exceptional circumstance.
  - Pressing needs.
- For this information, RSP looks to the PIs and departments.

# How to Help

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- As much as you can, familiarize selves with the agreements.
  - Don't need to be experts. However, having a general understanding will help support PIs if/when we need to apply a policy.
- Help gather information quickly as needed. And if you see a policy on the horizon, begin asking questions early and gathering information early.
- Be sure individuals involved on the project are up-to-date on FCOI disclosures. Especially true if the person is not traditionally required to disclose.



# Questions?

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# Thank you!

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