

Appendix 1: Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities (VIII-14.00[A])



VIII-14.00(A) UNIVERSITY OF MARYLAND POLICY ON USE OF UNIVERSITY OF MARYLAND FACILITIES BY NON-UNIVERSITY USERS FOR RESEARCH-RELATED ACTIVITIES (Approved by the President April 21, 2011; Amended and approved on an interim basis by the President March 1, 2019)

I. USE OF UNIVERSITY FACILITIES

The University of Maryland is a state educational institution with a broad mission of teaching, research, and public service. This policy ensures that University facilities are reserved primarily for carrying out the University's mission including, but not limited to, instruction and research, while allowing non-University use only where such use supports the University's public mission.

II. PURPOSE AND SCOPE OF POLICY

A. The purpose of this policy is to:

1. Guarantee that University Facilities licensed to Non-University Users for research-related activities are used in accordance with the mission and purpose of the University and the University's policies.
2. Provide an incentive to support development of new commercial ventures based on University-held patents and technologies.
3. Encourage cooperation with private sector companies that are licensing University intellectual property.
4. Ensure that Non-University Users permitted to use University Facilities do so in compliance with all applicable federal, state and local laws and regulations, including without limitation the policies and procedures of the University, and with the appropriate approvals and safeguards to limit risks to student, staff, faculty and visitors.

B. This policy applies only to University Facilities, as defined in Section III herein.

III. DEFINITIONS

- A. "Facilities Use License" means a legally binding agreement providing for the terms and conditions for the use of a University Facility by a Non-University User.
- B. "Hazardous waste" means hazardous waste as defined in Title 40 of the Code of Federal Regulations (CFR) Part 261.3.

- C. “Non-University User” means any individual (other than University students or employees acting within the scope of their University studies or employment) or entity, except for the University or entities that are wholly owned or controlled by the University. Non- University Users must have a University Sponsor to request use of University facilities.
- D. “Research” means the systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. It includes basic research, an inquiry aimed at increasing scientific knowledge, and applied research, an effort aimed at using basic research for solving problems or developing new processes, products, or techniques.
- E. “Universal waste”, as defined in Title 40 CFR Part 273 and used herein, means any of the following hazardous wastes that are subject to the universal waste requirements of this part 273: (1) Batteries as described in §273.2; (2) Pesticides as described in §273.3; (3) Mercury-containing equipment as described in §273.4; and (4) Lamps as described in §273.5.
- F. “University” means the University of Maryland, College Park.
- G. “University Facility” means any building owned or controlled by the University, including but not limited to classrooms, laboratories and office space. Excluded, however, are off-campus commercial buildings owned by the University and leased to private companies unaffiliated with the University.
- H. “University Sponsor” means a University faculty or staff member who supports the Non-University User’s use of University facilities.

IV. GENERAL POLICY PROVISIONS

- A. Prior written approval from the University is required for Non-University Users to use University Facilities. The Non-University User, through its University Sponsor, must complete Exhibit A, Application for Use of University Facilities by a Non-University User, as amended from time to time.
- B. The Non-University User that proposes to use University Facilities must demonstrate that such use contributes to the public educational and research mission of the University.
- C. The use of University Facilities in connection with University incubator programs, such as those operated by the Maryland Technology Enterprise Institute (“Mtech”) and the Technology Advancement Program Building (“TAP Program”), will comply with the provisions of this policy.
- D. University Facilities shall not be used by Non-University Users except under circumstances where such Facilities are not required, in the short term, for the

University's public uses. Priority for use of University Facilities shall be given to University personnel and students acting within the scope of their University studies and/or employment.

- E. Once the application has been approved, the Non-University User of University Facilities shall be required to abide by the terms set out in a formal Facilities Use License Agreement, which will comply with policies and procedures of the University and incorporate the operating policies and procedures of its individual units. The Non-University User is not authorized to use University Facilities without a Facilities Use License Agreement signed by an authorized University representative.

V. APPLICATION, REVIEW, AND APPROVAL PROCESS

- A. Non-University User wishing to use a University Facility must submit, through its University Sponsor, a written application requesting such use. The application is attached as Exhibit A to this policy and may be amended from time to time.
- B. The application shall be submitted to the University representatives, in the order set forth in the attached Application.
 - 1. The Department Chair (or equivalent) of the Department or Unit with which the Non-University User is cooperating and in which the proposed licensed space is located. As necessary, the Department Chair or other designated University representative shall notify any applicable University units (e.g., COI Committee, IACUC, IRB) about the submitted application.
 - 2. The Dean of the School or College in which the Department/Unit is located.
 - 3. The Executive Director, or his/her designee, of the Department of Environmental Safety, Sustainability and Risk (ESSR).
 - 4. The Vice President for Research or his/her designee.
 - 5. The Senior Vice President and Provost or his/her designee.
 - 6. The Director of the Department of Facilities Planning or his/her designee.
 - 7. The Facilities Council, as required.
- C. The University representatives shall indicate their approval for the Non-University User's use of University Facilities by signing the submitted application.
- D. Once the application is approved, the Vice President for Administration & Finance has final authority to approve the Facilities Use License Agreement, with respect to specific terms and conditions.

- E. Once approved by the University representatives, the Assistant Director of Space Planning and Leasing will be responsible for finalizing the Facilities Use License Agreement with the Non-University User. Any changes to the standard University Facilities Use License Agreement must first be reviewed and approved by the Office of General Counsel. The term of the License Agreement shall not exceed one year but may be renewed for additional one-year terms, in the University's sole discretion.
- F. Any changes to the approved application must be resubmitted as a revised application for review and approval in accordance with Section V.B. The Non-University User shall not implement any changes unless and until the revised application is approved by the University.

VI. ACCOUNTING AND OVERSIGHT ISSUES

- A. Any payments required to be made under a Facilities Use License Agreement shall be deposited to a specified account established for each Facilities Use License Agreement by the Vice President for Administration & Finance.
- B. In finalizing the Facilities Use License Agreement, special care shall be taken to minimize tax consequences to the University. If the requested space is located in a building built (or renovated) in whole or in part using tax exempt bonds that remain outstanding, the licensed space (combined with any other building space dedicated to a private use in that building) shall not exceed more than five percent (5%) of the total building, unless otherwise approved by the Vice President for Administration & Finance.
- C. Prior to entering into a Facilities Use License Agreement, the University shall exercise due diligence to determine that the proposed use does not cause the University to breach any existing grant agreement, covenant, bond trust indenture, or any other existing agreement, policy, or law governing the use of the University Facility.

Appendix 2: Exhibit A

EXHIBIT A APPLICATION FOR USE OF UNIVERSITY FACILITIES BY NON-UNIVERSITY USER

This Facility Use Application (“FUA”) is the first step to obtaining a Facility Use License (“FUL”). In order to use University facilities, a non-University entity must have a signed FUL in place.

Applicant Information	
UMD Requester Name:	Date:
UMD Sponsor Name (dept. chair):	
Non-University User Name:	
Contact Name & Title:	
Address:	
Phone:	Email:

Space Requested	
Building Name:	Room Number(s):
Proposed Activity: (Or attach written proposal and/or provide additional details for consideration)	

Special Requirements	
Use of Specialized Equipment: <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable, attach a list of specialized equipment (<i>e.g.</i> , specialized utility and Heating, Ventilation, Air Conditioning (HVAC) requirements to be supplied by the applicant) and source of original purchasing funds.	
Export Control: <input type="checkbox"/> Yes <input type="checkbox"/> No Will your company be developing or working with technologies listed on the Commerce Control List of the Export Administration Regulations, 15 CFR Part 774 (<i>i.e.</i> military/commercial use technologies), or the US Munitions List of the International Traffic in Arms Regulations 22 CFR Parts 120-130 (<i>i.e.</i> military technologies)?	
Use of Hazardous Materials: <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable, attach a detailed inventory of proposed chemical, biological, and/or radioactive materials to be stored and their proposed maximum quantities and storage locations, along with a detailed waste disposal plan. This includes all flammable, toxic, corrosive, and reactive materials and compressed gases. (NOTE: Some types of materials are subject to significant regulation and restrictions including, but not limited to: DHS Chemicals of Interest, Select Agents, Biosafety Level 3 Agents, explosives, pyrophorics, cryogenics, fireworks, highly toxic gases, DEA controlled substances, elemental mercury, PCBs, and asbestos.)	
Regulated Wastes: <input type="checkbox"/> Yes <input type="checkbox"/> No If applicable, attach a list of all regulated wastes to be disposed and/or discharged via sanitary sewer and/or released to the air. Indicate maximum quantities and frequencies and provide a detailed waste disposal plan. If applicable, provide EPA ID number. The University is not permitted to remove this waste.	
Use of animal subjects: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide IACUC protocol number:	Use of human subjects: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide IRB protocol number:

Conflict of Interest

I have reviewed and am in compliance with the University's Conflict of Interest Policy.

I have reviewed and have no conflicts. *I have reviewed and have/may have a conflict.*

If you have a potential or actual conflict, attach written approval from the University's Conflict of Interest Committee.

Institutional Conflict of Interest

I have reviewed and am in compliance with the University's Institutional Conflict of Interest Policy.

Yes *No* *N/A*

If you disclosed an institutional conflict, attach any written approvals from the University's Institutional Conflict of Interest Committee.

Affiliate Status or Non-Paid University Appointment

I am requesting University Affiliate status.

Yes *No*

If you are requesting affiliate status, select the requested status. Note that Research Affiliate status requires separate MOU with the Division of Research. Access to laboratories and specialized equipment requires Research Affiliate status.

- Basic Affiliate – may need Directory ID, no other campus-based privileges
- Regular Affiliate – Directory ID plus access to other campus-based privileges (parking, library, etc.)
- Research Affiliate – Directory ID plus access to other campus-based privileges *and* laboratories or specialized equipment
- M-Square Affiliate – access to campus-based privileges per Policy VI-28.00(A)
- Employee Designee Affiliate – access to campus-based privileges per Policy VI-27.00(A)
- Non-Paid Appointment, U.S. national or permanent resident
- Non-Paid Appointment, foreign national

Business Plan & Existing Agreements

(1) Attach a brief business plan for the proposed use of University Facilities and demonstrate your connection to the public educational and research mission of the University.

(2) Attach agreements with the University Office of Technology Commercialization, Office of Research Administration, and/or Mtech, if any, or check the following box for *None*:

Certificates of Insurance

I understand that certificates of insurance need to be delivered with the signed License Agreement.

Yes *No*

Required Intake Meeting with Division of Research, Facilities Planning, ESSR

Prior to routing this Facility Use Application for signatures, the UMD Requester and Non-University User must meet with Academic Affairs, Division of Research, Facilities Planning, and Environmental Safety, Sustainability, and Risk (ESSR). You may schedule this meeting via email to cronrath@umd.edu. Have you completed this meeting? *Yes* *No*

(Review and Approvals Summary follows on the next page.)

Review and Approvals		
<p><i>Department Chair, as sponsor, <u>must attach a written justification and approval for use of space by the Non-University User, along with copies of notices sent to applicable University units (e.g., COI Committee, IACUC, IRB).</u></i></p> <p>Approval of this application is not approval to use University facilities. Non-University User must have a signed Facilities Use License ("FUL") prior to using University resources and/or facilities.</p>		
REQUIRED SIGNATURES (obtain in the order listed):		
Department Chair <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Dean <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Executive Director, ESSR <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
VP Research <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Provost <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Director of Facilities Planning <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
Facilities Council <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:
VP Admin & Finance <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved* <input type="checkbox"/> Denied		Date:

**Attach a list of conditions that must be met before the application can be approved.*

Final Determination on Application

APPROVED: _____ DENIED: _____ DATE: _____

Approved Application Submitted to Institutional Conflict of Interest Committee (coi@umd.edu)

BY: _____

DATE: _____



**Review of the Interim Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities
(Senate Document #18-19-32)
Campus Affairs Committee | Chair: Jo Zimmerman**

The Senate Executive Committee and Senate Chair Lanford request that the Campus Affairs Committee review the interim University of Maryland Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities.

Specifically, the Campus Affairs Committee should:

1. Review the interim University of Maryland Policy on Use of University of Maryland Facilities by Non-University Users for Research-Related Activities ([VIII-14.00\[A\]](#)).
2. Review [Exhibit A](#) - Application For Use of University Facilities by Non-University User associated with the interim policy (VIII-14.00[A]).
3. Review similar policies and facilities use agreements at Big 10 and other peer institutions.
4. Consult with a representative of the Division of Research.
5. Consult with a representative of the Office of the Senior Vice President & Provost.
6. Consult with the University Research Council.
7. Consult with a representative of the Department of Environmental Safety, Sustainability and Risk (ESSR).
8. Consult with a representative of the Department of Facilities Planning.
9. Consider whether the interim policy appropriately reflects current practice.
10. Consider whether the provisions in the interim policy and Exhibit A clearly outline the expectations of non-Universities entities in accordance with all applicable federal, state, and local laws, as well as University policies and procedures.
11. Consider whether the policy should include provisions on roles and responsibilities for the oversight of non-University entities to ensure accountability and compliance with all applicable federal, state, and local laws and regulations, as well as University policies and procedures.
12. Consider whether any of the content, responsibilities, and/or institutional oversight elements that are expressed or implied in Exhibit A should be incorporated into the policy language.
13. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
14. If appropriate, recommend whether the interim policy should be revised.

We ask that you submit a report to the Senate Office no later than **January 15, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.