

MEMORANDUM OF UNDERSTANDING BETWEEN A DEPARTING INVESTIGATOR AND THE UNIVERSITY OF KENTUCKY

This Memorandum of Understanding (MOU) documents an agreement between a departing investigator and the University of Kentucky regarding the closing of a research program and/or transfer of a research program to another non-profit institution.

Name of Investigator: _____

Receiving Institution
(if applicable): _____

Date: _____

Definition: For the purposes of this document, an “investigator” will be defined as a faculty member or research staff (e.g., Ph.D. at CAER or comparable institutes) that has an independent and extramurally funded research program.

Investigators who leave the University of Kentucky for another non-profit institution frequently desire to transfer grants, equipment, supplies, materials acquired from other third parties, and research animals in order to continue their research. This Memorandum of Understanding (MOU) documents specific agreements between the investigator and the University of Kentucky regarding these transfers as well as requirements for handling research records, intellectual property, hazardous materials that will be left behind, and the exit safety survey.

The MOU must be completed a minimum of 90 days prior to departure.

In preparation of this MOU, an investigator must comply with applicable UK Policies, including:

Disposal of Property	
Business Procedures	www.uky.edu/Regs/BPM/E-12-4.pdf
Administrative Regulations	
(AR II – 1.3-3) - Disposals	www.uky.edu/Regs/AR/ar056.pdf
(AR II – 1.3-4) - Contracts	www.uky.edu/Regs/AR/ar056m.pdf
Faculty Transfers	www.research.uky.edu/ospa/resources/factrans.htm
Equipment Transfers	www.research.uky.edu/ospa/resources/equiptrn.htm
Material Transfer Agreement	www.research.uky.edu/ip/forms.html
Laboratory Closeout	ehs.uky.edu/ohs/exit.html
Intellectual Property Regulations	www.uky.edu/Regs/AR/ar034.pdf
Animal Protocols	www.research.uky.edu/ori/univet
Data Retention	www.research.uky.edu/ori/data.htm
IRB Protocols	www.research.uky.edu/ori/humansubjects.html
Hazardous Materials	
Environmental Health/Safety	ehs.uky.edu/
Administrative Regulations	
(AR II – 1.1-14)	www.uky.edu/Regulations/AR/ar046.pdf

ITEM 1: Transfer of grants and contracts

Please check the appropriate box if the investigator is requesting the transfer of grants and/or contracts to another non-profit institution:

YES NO

If the answer is yes, please follow the instructions below:

If you are requesting the transfer of active grants and contracts from the University of Kentucky to another non-profit institution, AR II-1.3-3 and UK Business Procedures E-12-4 apply as well as any restrictions that the grant sponsors may impose. The Office of Sponsored Projects Administration (OSPA) requires a memorandum from the investigator, co-signed by the chair and dean, requesting the transfer of any grants or contracts. The memorandum should include a detailed listing of the agency/industry, title of the grant/contract, period of the award, UK account number, and current unexpended account balance. Investigators should understand that transfers are subject to University and sponsors' approvals. With this memorandum in hand and with these approvals, OSPA will work with an investigator to implement these transfers.

A copy of the signed memorandum should be appended to this MOU.

The University will not, however, transfer cash assets resulting from gifts and/or fee-for-service agreements. Such unexpended assets remain with the University.

ITEM 2: Transfer of research equipment purchased by active grants

Please check the appropriate box if the investigator is requesting the transfer of equipment purchase under *currently active grants* to another non-profit institution:

YES NO

If the answer is yes, please follow the instructions below:

University policy permits the release of equipment purchased by active grants held by an investigator to another non-profit institution. The investigator must be the principal investigator on the active grants in question. Investigators who are co-principal investigators or collaborators on active grants and who have purchased equipment on active grants cannot transfer equipment to another institution. The investigator must provide a list of the specific equipment, manufacturer, purchase date, property number, and grant numbers used to purchase this equipment. The list should be co-signed by the chair and dean. The list should then be forwarded to the Office of Sponsored Projects Administration (OSPA). After review, OSPA will forward the equipment list to the Executive Vice President for Research

(EVPR). The EVPR will verify the information on the list and forward the list to the Treasurer for final approval.

A copy of the list of equipment should be appended to this MOU.

ITEM 3: Transfer of research equipment purchased by expired grants or non-grant cost objects and equipment purchased in part with non-grant University funds

Please check the appropriate box if the investigator is requesting the transfer of equipment purchased under *expired grants* to another non-profit institution:

YES NO

If the answer is yes, please follow the instructions below:

Please note: Investigators should begin the process of seeking approval for the removal of equipment from campus well in advance of their intended departure date.

The University normally has ownership of the following equipment: [1] any equipment purchased wholly or in part with University funds and [2] equipment purchased from a grant or contract that is now closed. Investigators who are requesting the transfer of equipment in this category must provide a list of the specific equipment, manufacturer, purchase date, property number, and grant numbers or other cost objects used to purchase this equipment. The list should be co-signed by the chair and dean, acknowledging their willingness to release this equipment.

Per the guidelines listed below, under certain circumstances the University Treasurer and/or Board of Trustees may approve the release and/or sale of such equipment to a non-profit institution. The transfer or sale of equipment items valued at \$10,000 or more requires Board of Trustees' approval. Approval will generally require balancing the extent to which the equipment uniquely supports the investigator's research against the extent to which it would be of value to other University of Kentucky investigators. The EVPR will play the key role in making this value judgment.

Finally, equipment brought by investigators who transferred to the University of Kentucky from other institutions who now seek to transfer the equipment to a third institution, will be subject to the same process and requirements as outlined below.

Three stages of consideration are involved in processing a request for the transfer of equipment in this category:

- Continuing Needs Assessment. This assessment determines the institution's short- and long-term need for the specific equipment. The list described above is first evaluated at the department and college levels and subsequently by the EVPR who will make the recommendation for retention or release to the Treasurer. See Business Procedures E-12-4-d for detailed instructions.
- FMV Assignment. Any equipment designated for release and deemed to hold some value to the institution will be assigned a "Fair Market Value" (FMV). FMV is established by the Associate Vice President for Auxiliary Services in consultation with the EVPR and the Treasurer. The receiving institution must pay the declared FMV and all shipping costs. Any items provisionally designated "Retain" by a college, but clearly of importance to the investigator's continuing research, may, at the recommendation of the EVPR and the Treasurer, be reconsidered for release. Equipment in this exceptional category will also be assigned an FMV.
- Approval. The Treasurer and/or Board of Trustees will give final approval of an agreement from the receiving institution stating that the receiving institution will reimburse the University for the FMV and shipping costs for the equipment. **No equipment will be released for loading and shipment unless and until final approval for release is given.** Contract and Transaction approvals will be followed, as outlined in AR II-1.3-4.

A copy of the list of equipment should be appended to this MOU.

ITEM 4: Transfer of research supplies

This section of the MOU deals with supplies *other than* those that represent hazardous chemicals or biological agents. (See below for these types of materials.)

Please check the appropriate box if the investigator is requesting the transfer of such supplies to another non-profit institution:

YES NO

If the answer is yes, please follow the instructions below:

Please provide a reasonable list of the types of supplies (e.g., chemicals, glassware, etc.) and the approximate replacement cost of these items. A detailed item-by-item list is not needed. Please indicate the source(s) of funding for these purchases. If the supplies are declared surplus to the institution, they may be purchased by the receiving institution at a fair market value. The FMV is

determined by the Associate Vice President of Auxiliary Services in consultation with the EVPR and the Treasurer.

A copy of the list of supplies should be appended to this MOU.

ITEM 5: Transfer of hazardous chemicals and biological agents

Please check the appropriate box if the investigator is requesting the transfer of hazardous chemicals and biological agents to another non-profit institution:

YES NO

If the answer is yes, please follow the instructions below:

Any “dangerous materials” shipped within the country must comply with the U.S. Department of Transportation’s Hazardous Materials Regulations at <http://ehs.uky.edu/>.

The Radiation Safety Office must be contacted for transfer of radioactive materials. The UK radiation safety officer will arrange for shipment of the materials to the radiation safety officer at the receiving institution.

The institutional bio-safety officer must be contacted for transfer of biological agents or toxins. Federal requirements are complex and are different for different agents. For more information, see the web pages at <http://ehs.uky.edu/>.

Please note: Failure to comply with these rules, may subject the University of Kentucky, the receiving institution, and the investigator to significant civil and criminal penalties.

A copy of the list of hazardous chemicals and biological agents slated for transfer should be appended to this MOU.

ITEM 6: Laboratory, studio and office close-out inspection

Please attach a list (building and room numbers) of any laboratory (individual or shared), studio, and/or office space that the investigator will vacate. The investigator must comply with requirements outlined in the “Setup and Exit Safety Surveys for Laboratories” at <http://ehs.uky.edu/> which are approved by the Institutional Bio-safety Officer, Radiation Safety and Hazardous Materials Management.

A copy of the list of rooms that will be vacated should be appended to this MOU.

ITEM 7: Material Transfer Agreements (MTA)

Please check the appropriate box if the investigator is requesting the transfer of agents acquired under a Material Transfer Agreement to another non-profit institution and/or the return of agents acquired under a Material Transfer Agreement to the original institution:

YES NO

If the answer is yes, please follow the instructions below:

Reference: <http://www.research.uky.edu/ip/industry.html>

The investigator must develop a list of all MTAs executed while at the University of Kentucky and a notation as to whether the material acquired under the MTA was completely consumed, will be transferred to the new institution, or will be returned to the third-party provider. The investigator is responsible for providing a copy of each active MTA and a plan that is approved by the third-party provider for transfer of the material to the receiving institution. This information should be provided to the EVPR for evaluation and authorization for transfer.

A copy of all active MTAs should be appended to this MOU.

ITEM 8: Intellectual property

Please check the appropriate box if the investigator has developed intellectual property that requires disclosure *prior* to the investigator's transfer to another institution:

YES NO

If the answer is yes, please follow the instructions below:

Intellectual properties that have the investigator as an inventor or co-inventor remain the property of the University of Kentucky and all agreements remain in force after the investigator leaves the University. The investigator is responsible for reporting any future development of the intellectual property to the EVPR. In addition, intellectual property generated at the University should be reported to the Intellectual Property Committee for action before the investigator leaves the University.

The investigator is responsible for consulting with the Intellectual Property Office and providing an agreement about how all intellectual property issues will be handled after the investigator leaves the University. This agreement must be

approved and signed by the appropriate chair or director and dean and a copy of the agreement must be attached to this MOU.

ITEM 9: Retention of research data and experimental descriptions

University of Kentucky policy concerning the retention of experimental descriptions and research data is described at <http://www.research.uky.edu/ori/data.htm>. The University is required to be the custodian for experimental descriptions and research data for internally and externally funded research projects carried out at this institution for five years after disclosure of this information.

The investigator should provide a plan that describes how this requirement will be fulfilled and attach a copy of this plan to the MOU. Please consult with the Office of Research Integrity in developing this plan. The plan must be approved by the appropriate chair or director and dean and a copy of the plan must be attached to this MOU.

ITEM 10: Animal protocols

Please check the appropriate box if the investigator plans to transfer research animals to another institution:

YES NO

If the answer is yes, please follow the instructions below:

A plan must be developed indicating the current status and proposed disposition of any research animals. The departing investigator is responsible for ensuring that research animals are treated humanely and handled appropriately. DLAR should be contacted at least three months prior to the investigator's departure if the investigator expects to transfer animals to another institution. Animals will be transferred to the receiving institution by the veterinary staff of the two institutions and costs will be paid by the receiving institution or the active research grant. In some cases, especially with transgenic animals, the animals may need to be rederived or quarantined for long periods before they are allowed into the animal colony for research. This may take three to six months and should be considered when moving to a new institution.

A copy of the plan for moving and disposition of animals must be approved by the attending veterinarian and attached to this MOU. In addition, the Institutional Animal Care and Use Committee (IACUC) protocols will be cancelled on the day the investigator leaves the institution unless different arrangements are approved by the IACUC and appropriate chair or director and dean.

ITEM 11: Institutional Review Board (IRB) Protocols

University of Kentucky investigators who are principal investigators for human research protocols covered by active Institutional Review Board (IRB) protocols must develop a plan for closing or having the appropriate chair or director assign a new principal investigator. Approval of the new investigator requires approval of a modified IRB protocol. A copy of the plan for accomplishing this change must be approved by the IRB and appropriate chair or director and dean and a copy attached to this document.

I understand the provisions of this Memorandum of Understanding and will abide by the provisions of this agreement, as well as University of Kentucky policies including but not limited to ARII-1.3-3 (Disposal of Property), AR II 1.1-3 (Intellectual Property), UK Business Procedures E-12-4 (Property), and ARII 1.1-14-181 (Hazardous Materials).

Investigator

Date

Department Chair or Director

Date

Dean or Designee

Date

Executive V.P. for Research or Designee

Date

Treasurer, where required

Date