

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 grants to another non-profit institution.

Name of Investigator: _____ UK Unit: _____

Receiving Institution (if applicable) _____

Last day of UK appointment _____

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 often want to transfer grants, equipment, supplies, materials acquired from other third parties, and research animals in order to continue their research. This 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.

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

Business Procedure

E-12-4 Disposal of Property

<http://www.uky.edu/EVPFA/Controller/files/BPM/E-12-4.pdf>

Administrative Regulations

AR 8:1 Property Disposal

<http://www.uky.edu/regs/files/ar/ar8-1.pdf>

AR 8:3 Contract & Transaction

<http://www.uky.edu/regs/files/ar/ar8-3.pdf>

AR 6:3 Environmental Health

<http://www.uky.edu/regs/files/ar/ar6-3.pdf>

AR 7:6 Intellectual Property

<http://www.uky.edu/regs/files/ar/ar7-6.pdf>

Faculty & Equipment Transfers

<https://www.research.uky.edu/office-sponsored-projects-administration/award-administration>

Material Transfer Agreement

<https://www.research.uky.edu/office-technology-commercialization/material-transfers-and-confidential-disclosures>

Laboratory Closeout

<https://ehs.uky.edu/docs/pdf/>

[bio lab laboratory exit and closing procedures 0001.pdf](https://ehs.uky.edu/docs/pdf/bio_lab_laboratory_exit_and_closing_procedures_0001.pdf)

Animal Protocols

<https://www.research.uky.edu/office-attending-veterinarian/iacuc-policies-procedures-and-guidelines>

Data Retention

<https://www.research.uky.edu/research-misconduct/data-retention-and-ownership-policy>

IRB Protocols

<https://www.research.uky.edu/office-research-integrity/policies-guidance>

Environmental Health/Safety

ehs.uky.edu/

This MOU must be completed, reviewed and approved not less than 90 days prior to departure from campus. No transfers shall be executed until this MOU receives final approval from the Vice President for Research (VPR).

Questions about this material should be directed to Office of Sponsored Projects Administration (OSPA).

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 8:1 and UK Business Procedures E-12-4 apply as well as any restrictions that the grant sponsors may impose. OSPA requires this MOU signed by the investigator, chair and dean, requesting the transfer of any grants or contracts. Attach 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 signed MOU in hand, OSPA will work with an investigator to implement the transfers.

NOTE: If you are PI of a grant that will not be transferred and will continue after you leave, please indicate those grants on the attached list as well.

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 purchased with funds from *currently active grants* that are being transferred 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 on an active grant when that grant is being transferred 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 and the eBARs report of the items. The list must be attached to this MOU and must be co-signed by the chair and dean. OSPA will review the list for completeness. It will be forwarded with this MOU to the VPR for review and approval; the VPR will forward it to the Treasurer for final approval.

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 on *expired grants or with non-grant funds* 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 must be attached to this MOU and be co-signed by the chair and dean. Also attach a copy of the eBARs report of the items. Signatures of the chair and dean indicate that the equipment is surplus to the needs of the department and college and they are willing to release it.

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. 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 VPR will play the key role in making this value judgment. All necessary approvals must be obtained prior to removal of the equipment from campus. Removing university property without appropriate approvals is considered theft.

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 VPR who will make the recommendation for retention or release to the Treasurer. See Business Procedures E-12-4-2.d for detailed instructions.

- Estimated Value Assignment. Any equipment designated for release and deemed to hold some value to the institution will be assigned an estimated value. This estimated value is established by General Accounting based on the greater of the net book value or 10% of original acquisition cost. The receiving institution must pay the declared estimated value 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 VPR and the Treasurer, be reconsidered for release. Equipment in this exceptional category will also be assigned an estimated value in the same manner.
- 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 8:3.

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:

To the best of your ability, please provide a 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.

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 be in compatible, U.S. Department of Transportation (DOT) containers and must comply with DOT’s Hazardous Materials Regulations at <https://ehs.uky.edu/>. Contact the Environmental Management Department at 323-6280 for further information.

The Radiation Safety Office must be contacted for transfer of radioactive materials. The Radiation Safety Officer will arrange for shipment of the materials to the radiation safety officer at the receiving institution. Any licensing issues must be resolved in advance.

The institutional Biosafety 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 <https://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 <https://ehs.uky.edu/> which are approved by the Institutional Biosafety Officer, Radiation Safety Officer, Environmental Management Department, and the Occupational Health and Safety Department. All hazardous materials must be in properly labeled containers that are compatible with the material. Any unwanted chemicals must be removed via the Chemical Redistribution Program or submitted for Hazardous Waste Disposal as outlined on the survey web site. A survey checklist can be found on the website.

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:

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 VPR 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. 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 <https://www.research.uky.edu/research-misconduct/data-retention-and-ownership-policy>. 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. 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. The Attending Veterinarian 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.

Certification:

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 AR 6:3 (Environmental Health and Safety).

Investigator

Date

Approvals:

Department Chair or Director

Date

Dean or Designee

Date

Director, Office of Sponsored Projects Administration

Date

Vice President for Research

Date

Treasurer, where required

Date

MOU Form for Departing Investigators rev 5/27/21
Office of Sponsored Projects Administration