



VIII-14.00(A) UNIVERSITY OF MARYLAND POLICY ON THE USE OF UNIVERSITY FACILITIES BY EXTERNAL USERS FOR RESEARCH-RELATED ACTIVITIES

(Approved by the President April 21, 2011; Amended and approved on an interim basis March 1, 2019; Amended and approved April 24, 2020)

I. Introduction

The University of Maryland (the University) is a state educational institution with a broad mission of teaching, research, and public service. University facilities are reserved primarily for carrying out the University's instructional and research missions. In order to support its public mission, the University allows external use of its facilities to serve the citizens of the state of Maryland by developing new commercial ventures, including those based on University-held patents and technologies, and by engaging private sector companies that may be licensing University intellectual property. This policy ensures that such use aligns with the University's mission and purpose and is conducted in accordance with relevant University policies.

II. Definitions

- A. "External User" means any individual acting outside the scope of their University responsibilities as an employee or a student, and/or any entity other than the University, including faculty start-ups and other privately-owned companies.
- B. "Facilities Use License" means a legally binding agreement establishing terms and conditions for the use of a University Facility by an External User.
- C. "Facilities Use Application" means the application used to gather information necessary to consider and establish a Facilities Use License.
- D. "Hazardous Materials" include chemical, biological, and/or radioactive materials and hazard-generating equipment.
- E. "Regulated Waste" includes hazardous waste as defined in Title 40 of the Code of Federal Regulations (CFR) Part 261.3, and universal waste as defined in Title 40 CFR Part 273, which includes any of the following hazardous wastes that are subject to the universal waste requirements of 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. The state of Maryland regulates additional materials as hazardous waste (e.g., PCBs) in COMAR 26.13 and 26.15.
- F. "Research-Related Activity" means a systematic investigation - including research and development, testing, and evaluation - designed to develop or contribute to generalizable knowledge, and activities that directly support that investigation.

- G. “University Facility” means any building owned or controlled by the University reserved primarily for educational and research use, including but not limited to classrooms, laboratories, incubator spaces, and other academic and related administrative space.
- H. “University Sponsor” means the unit head responsible for ensuring the oversight of the space used by the External User for the Research-Related Activity. The University Sponsor is also responsible for any necessary day-to-day communications with the External User.

III. Policy

- A. The Vice President for Research is responsible for administering this policy.
- B. University Facilities are reserved primarily for University activities. When University Facilities are not required for University activities, they may be made available to External Users for Research-Related Activities.
- C. Use of University Facilities should be in compliance with any existing sponsored agreement, restrictive covenant, bond issuance, trust, indenture, regulations or any other existing agreement or document affecting the use of University Facilities, and all applicable policies, regulations, and laws, including the policies and procedures of the University.
- D. Use of University Facilities requires appropriate prior approvals and safeguards to limit risks to students, staff, faculty, visitors, and the environment.
- E. Priority for use of University Facilities should be given to University employees or students acting within the scope of their employment or studies.
- F. Prior written approval from the University is required for External Users to use University Facilities for Research-Related Activities. University Facilities may not be used without an approved and fully signed Facilities Use License.
- G. The External User that proposes to use University Facilities must demonstrate that such use aligns with the public, educational, and research missions of the University.

IV. Responsibilities of External Users

- A. External Users must abide by the content of the completed Facilities Use Application, the terms of the Facilities Use License, and any documented guidance provided by University regulatory and oversight bodies, as applicable.
- B. External Users must comply with applicable University policies and procedures, as well as any operating policies and procedures of individual units, as specified in the Facilities Use License.

- C. External Users will be responsible for compliance with federal, state, and local laws and regulations.
- D. External Users are subject to the oversight of University regulatory bodies, as applicable.

V. Facilities Use Application

- A. External Users who are interested in using a University Facility and have the support of an appropriate University Sponsor may submit a Facilities Use Application to the Division of Research.
- B. The Facilities Use Application may include:
 - 1. The specific space requested for use and a description of the proposed Research-Related Activity;
 - 2. An indication of whether the proposed Research-Related Activity involves special equipment, Hazardous Materials, Regulated Waste, research subjects, or use of animals;
 - 3. An acknowledgement that the External User has reviewed the University's Conflict of Interest Policy and has obtained any necessary written approval from the University's Conflict of Interest Committee;
 - 4. Any request for research affiliate status, as applicable; and
 - 5. A business plan for the proposed Research-Related Activity.
- C. Each submitted Facilities Use Application must be reviewed by the Vice President for Research, or designee.

VI. Application Review Process

- A. The Vice President for Research, or designee, will review the Facilities Use Application and ensure the Facility Use Application is complete and has been reviewed by the applicable administrators prior to the approval of a Facilities Use License.
- B. The following administrators are responsible for considering the elements of the Facilities Use Application that are relevant to their expertise, and for determining whether the proposed Research-Related Activity meets the requirements specified in this policy.
 - 1. The University Sponsor should indicate support for the Research-Related Activity. They should also indicate whether the space is available and sufficient to accommodate the Research-Related Activity being proposed.

2. The Dean of the School or College in which the proposed space is located should verify that the space is available and that the Research-Related Activity will not disrupt normal University activities or conflict with existing agreements.
 3. The Vice President for Administration & Finance, or designee, should review the proposed space and verify that licensing the space would not compromise the University's financial obligations, including without limitation related bond issuances.
 4. If deemed necessary by the Vice President for Research, or designee, the Executive Director of the Department of Environmental Safety, Sustainability, and Risk, or their designee, should:
 - a. Review the proposed Research-Related Activity and list of Hazardous Materials that the External User intends to use, and identify if any Hazardous Materials may not be used in the proposed space;
 - b. Inform the Vice President for Research, or designee, on the scope of the Environmental Health & Safety Program required by the External User and indicate whether it is recommended that the External User be required to employ or contract with a qualified environmental health and safety professional; and
 - c. Indicate whether the External User must develop a Regulated Waste disposal plan, obtain an EPA ID number, and identify a qualified Regulated Waste disposal company to dispose of any Regulated Waste.
 5. As part of the application review process, the Vice President for Research, or designee, will:
 - a. Determine whether a conflict of interest mitigation plan has been approved by the Conflict of Interest Committee, if necessary;
 - b. Determine whether regulatory oversight is required for the Research-Related Activity proposed by the External User; and
 - c. Review any associated request(s) for research affiliate status and verify whether such a status is permitted by University policies and is consistent with relevant federal and state laws.
- C. The Vice President for Research will certify that the Facilities Use Application is complete and recommend whether the application should advance to the licensing process. If any of the above administrators decline to approve, the Vice President for Research will not submit the Facilities Use Application to the Senior Vice President and Provost.

- D. The Senior Vice President and Provost will verify that the Research-Related Activity supports the mission and purpose of the University, certify the use of the academic space for the proposed purpose, and approve the Facilities Use Application.
- E. The completed and approved Facilities Use Application should be forwarded to the Division of Administration & Finance to draft and complete the Facilities Use License.

VII. Facilities Use Licenses

- A. The Vice President for Administration & Finance, or designee, is responsible for overseeing the completion and signing of the Facilities Use License and has final authority to approve and sign the license.
- B. The Division of Administration & Finance will work with the External User to finalize the Facilities Use License based on the standard University template. Facilities Use Licenses must be reviewed and approved by the Office of General Counsel.
- C. Facilities Use Licenses should incorporate all relevant terms and conditions for use of a University Facility by an External User.
- D. The initial term of the Facilities Use License shall be for one year. The term may be renewed for additional one-year terms at the sole discretion of the University, if the External User is in compliance with the Facilities Use License. The Senior Vice President & Provost and the Vice President for Administration & Finance will have final approval regarding renewals.

VIII. Implementation of Facilities Use Licenses

- A. Upon finalizing a Facilities Use License, and prior to occupancy of the space, the External User must provide the Vice President for Research and the Vice President for Administration & Finance with proof of compliance with the terms and conditions specified in this policy related to compliance and oversight.
- B. Any payments required to be made under a Facilities Use License should be deposited to a specified account established for each Facilities Use License by the Vice President for Administration & Finance.

IX. License Renewal Process

- A. In accordance with the terms of the Facilities Use License, the External User must notify the University whether or not the user will seek a renewal of the Facilities Use License. The University has sole discretion on whether to renew a Facilities Use License.
- B. The Vice President for Research will oversee a review process to determine whether or not the renewal of the Facilities Use License is appropriate. The Division of Research may make renewal contingent upon the resubmission of a revised and/or updated

Facilities Use Application.

- C. The Vice President for Research will recommend whether the renewal application should be submitted to the Senior Vice President and Provost and then proceed with the renewal process.
- D. The Senior Vice President and Provost will verify that the Research-Related Activity aligns with the mission and purpose of the University and approve the renewal of the Facilities Use Application.
- E. The completed and approved Facilities Use Application for renewal should be forwarded to the Division of Administration & Finance to draft and complete the Facilities Use License.
- F. The Vice President for Administration & Finance will have final approval authority for the renewal of an existing or revised Facilities Use License. The External User may not implement any changes until a renewal of the Facilities Use License is authorized.

X. Expiration and Termination of Facilities Use Licenses

- A. The University will implement procedures to provide notice to the External User about the pending expiration of the Facilities Use License and ensure that any space occupied under a Facilities Use License is properly vacated at the end of the term in good and secure condition.
- B. The closeout and separation process to be completed by the External User, and supervised by the University Sponsor and the Division of Research, will involve, as necessary:
 - 1. Resolution of any financial obligations to the University;
 - 2. Removal of all Regulated Waste or other Hazardous Materials;
 - 3. Formal closeout of any University-regulated compliance protocols and/or clearances;
 - 4. Inspection of University Facilities or equipment to identify any damage for which the External User is responsible; and
 - 5. Any additional processes and procedures identified in the Facilities Use License.
- C. The University may elect to terminate a Facilities Use License for any violation of the terms and conditions of the Facilities Use License or for any reason it deems appropriate with adequate notice.