

Shared and Cooperative Use of Property

Purpose

This document describes the procedures used by the Research Foundation (RF) for managing shared and cooperative use of property.

"Shared use" can involve use of private and industrial property and property located at other universities by RF project directors to further their own project goals. It can also involve use of Research Foundation property by these same outside organizations to further their project goals. "Cooperative use" is a special case of shared use in which RF or University property is made available to private sector concerns under conditions which further the education, research, and/or service mission of the Research Foundation and University.

Background

It is economical to make use of property (e.g., high technology research equipment) owned by other universities and by industry whenever possible. The Research Foundation encourages use of outside facilities in projects that RF project directors pursue.

Similarly, it is economical for property owned by the Research Foundation to be made available for shared use by other private, industrial, and outside university projects when appropriate shared use arrangements can be established. This furthers the Research Foundation's ultimate mission of promoting education, research, and public service. However, shared use arrangements must not in any way inhibit or impede the primary project goals.

Cooperative use of property enables private sector concerns or individuals to gain access to RF and/or University property under conditions which further both the objectives of the company or individual and the education, research, and/or public service missions of the RF and University. Several factors should be considered in determining whether a proposed use arrangement is acceptable. The cooperative use should allow for the involvement of faculty, staff, and students in ways that add to their knowledge and professional skills and the external organization should be willing to reimburse the direct and indirect costs of using the property. If SUNY/RF personnel participate in the cooperative use and make contributions that lead to invention, the rights in invention may have to be shared by the external organization with the Research Foundation.

Federal Regulations for Shared Use

For federal property managed by the Research Foundation, OMB Circular A-110 specifies guidelines for shared use. Shared use must be approved by the federal sponsoring agency providing the property and the order of precedence for shared use shall be the following:

- first, other projects or programs of the federal sponsoring agency providing the property
- second, projects and programs sponsored by other federal agencies
- third, projects and programs that are not funded by a federal agency but that are approved by the Federal Government for shared use

Other Sponsors

The state has not adopted a formal policy towards shared use of its property, although shared use is permissible if reviewed and approved on an individual basis.

Other sponsors may allow or disallow shared use of their property. If allowed, they may have their own order of precedence for shared use. Their guidelines must be reviewed or, in the absence of specific guidelines, permission must be sought for shared use of property purchased with their funds or furnished directly by them.

Research Foundation Policy

The Research Foundation has not adopted a formal policy for shared use of property to which it holds title. Requests for shared use should be forwarded to the operations manager at the operating location and approval will be decided on a case by case basis.

Some of the considerations that influence this determination are the following:

- In the *Agreement between the State University of New York and the Research Foundation*, decisions about project goals and project performance are left to the project director's discretion. Therefore, the project director is the primary determinant of what is acceptable shared use.
- Use must be in compliance with restrictions imposed by federal and state laws, provisions of sponsored program contracts, and terms of financing agreements
- Equipment equivalent to RF equipment (or the services provided by such equipment) might also be available through local private industry on a cost-for-use or charge-for-service basis. If offering shared use of the Research Foundation property would impact on local private industry (by offering free or lower priced services), then the Research Foundation will, upon request to the Secretary-Treasurer, review the situation and may decide not to offer shared use.
- The Offices of Legal Affairs and Technology Transfer at central office provide assistance, upon request, in reviewing arrangements for shared and cooperative use of property and in defining patenting, licensing, and working agreements related to this shared property use. These agreements should be defined before shared and cooperative use begins.

Charges and Accounting

With approval by a federal sponsoring agency, charges for shared use of their property may be permitted. Charges for shared use of property owned by other sponsors may or may not be permissible and the sponsor guidelines must be reviewed in each case.

The Research Foundation may permit shared use charges for its property. Proposed charges must be reviewed by the Office of the Secretary-Treasurer for cost effectiveness. If charges are found to be cost effective, the operations manager can establish and manage an income or service and facilities account for the revenues.

Responsibilities

Operating Locations

The **RF operations manager** is responsible for ensuring that

- requests for shared and cooperative use of Research Foundation property are reviewed for compliance with sponsor, University, and Research Foundation guidelines.

- patenting, licensing, and working agreements related to shared and cooperative use are clearly defined before the proposed property use commences.
- income or service and facilities accounts are established and managed when charges are made for the property use (if found to be cost effective by the Office of the Secretary-Treasurer).

Central Office

The **Office of Legal Affairs** and the **Technology Transfer Office** at central office provide assistance, upon request, in reviewing arrangements for shared and cooperative use of property and in defining patenting, licensing, and working agreements related to shared and cooperative property use.

The **Office of the Secretary-Treasurer** is responsible for reviewing the cost effectiveness of proposed charges for shared and cooperative use of property.

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.

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