A Principles and Policies Guide for Sponsored Research Activity
THE UNIVERSITY OF TEXAS AT AUSTIN

INTRODUCTION
The University of Texas at Austin has prepared this Guide as a summary of selected fundamental principles and policies which govern the manner in which sponsored research activity is conducted at The University and to facilitate and expedite the negotiation of sponsored research agreements between The University and sponsors.

LEGAL IDENTITY
The University of Texas at Austin is an agency of the State of Texas and a component institution of The University of Texas System, governed by the UT Board of Regents. All sponsored research agreements and related contractual agreements such as visiting scientist agreements, nondisclosure agreements, teaming agreements, material transfer agreements, etc. must be executed by an authorized official of The University and in The University's legal name: "The University of Texas at Austin." Individuals, Departments or Organized Sponsored Research Units may not directly enter into sponsored activity agreements or legally bind The University.

SELECTED PRINCIPLES AND POLICIES
GOVERNING SPONSORED ACTIVITY AT THE UNIVERSITY OF TEXAS AT AUSTIN

PURPOSE
Routine tasks of a commonplace type that do not contribute to the advancement of knowledge or The University’s mission will not be undertaken. The University will not place its facilities or services in competition with services performed by the private sector. Therefore, tests, studies, and investigations of a purely commercial character are undertaken only when University facilities are unique for those services and no satisfactory facilities for such services exist elsewhere or are not reasonably available to the sponsor.

PUBLICATION POLICY
The University retains the right to publish and disseminate all work done under sponsored activity projects and cannot accept or undertake any sponsored project that provides for sponsor approval or undue control over the timing or content of University publications, or which prohibits the publication of the results of the project, except with limited restrictions.

PATENTS AND OTHER INTELLECTUAL PROPERTY
Title to inventions and discoveries, including copyrightable software, made or conceived by The University under a sponsored project is retained by The University. The University will grant to the sponsor a time-limited first right to negotiate an exclusive or nonexclusive royalty-bearing license, whose terms will include the requirement that the sponsor shall bear the expense of securing and maintaining patent protection for any licensed invention or discovery. Two
exceptions to this policy would be: 1) Federally funded research or sponsored activity which would be governed by appropriate federal regulations regarding data rights and patent rights and 2) Sponsored activity funded by nonprofit organizations, Universities, or State Agencies in which the University would normally grant the sponsor a nonexclusive royalty free license to use such inventions and discoveries for internal purposes only. OIE will work with faculty and industry to determine an appropriate intellectual property model to satisfy the objectives of all concerned.

As a State of Texas educational institution, The University is unable to enter into “works-for-hire” agreements in which the results of the sponsored activity are owned by the sponsor.

REASONABLE-EFFORTS NATURE OF SPONSORED ACTIVITY
Because research or sponsored activity results are unpredictable, The University performs its sponsored activities on a “reasonable efforts basis” with no stated warranties or guarantees. The University will not accept contract provisions that require a warranty or guarantee of the results, provide for penalties due to failure to make progress by firm deadlines, or provide for withholding of payment if the sponsor is not satisfied with the results. Any resulting contract or agreement is expected to be on a cost reimbursable basis, unless otherwise agreed upon.

USE OF THE UNIVERSITY’S NAME
It is a long-standing University policy that under no circumstances shall a sponsor be permitted to use its name in any publication or other published announcement to state or imply that The University approves or endorses any product or service of the sponsor. The University also requires that its name not be used in connection with any advertisement, press release, or other form of business promotion or publicity, or refer to a sponsored activity agreement, without its prior written approval.

INSURANCE AND INDEMNIFICATION
The University of Texas at Austin is self-insured for Worker's Compensation Insurance. The University is unable under Texas law to obtain Employer's Liability, Comprehensive General or Public Liability, and Comprehensive Automobile Insurance. The Texas Tort Claims Act provides for remedies against the State for legal proceedings for claimants in these areas.

The University, to the extent permitted by the Constitution and laws of the State of Texas, will agree to indemnify the sponsored activity sponsor for The University’s own negligent acts or omissions in the performance of the sponsored activity project. The sponsor will be expected to indemnify The University and The University of Texas System from any liability arising out of the activities carried out pursuant to the obligations of the sponsored program and for the sponsor’s use of the sponsored activity results obtained from the activities performed by The University under the sponsored program.

TERMINATION
In the event a funding agreement is terminated for any reason, the sponsor will be expected to reimburse the University for all costs incurred to the date of termination and for all non-cancellable obligations.
GOVERNING LAW
As an agency and institution of the State of Texas, The University of Texas at Austin cannot accept a provision that provides that the agreement is governed by the laws of another state.

OFFICE OF INDUSTRY ENGAGEMENT
The Office of Industry Engagement (OIE) serves as the coordinating office for sponsored projects funded solely by industry sources. All proposals for sponsored research projects submitted by The University of Texas at Austin to external, private funding sources must be submitted through OIE via the Office of Sponsored Projects, and all awards received for industry sponsored research must be processed by OIE.

OFFICE OF SPONSORED PROJECTS
The Office of Sponsored Projects (OSP) serves as the coordinating office for external Non-Industry funded sponsored activity projects submitted by The University of Texas at Austin. Non-Industry includes State and Federal government (including foreign), as well as foundations and other non-profit sponsors. All proposals to external Non-Industry funding sources for sponsored projects must be submitted through OSP and all awards received for Non-Industry sponsored research must be processed by OSP.

OFFICE OF INDUSTRY ENGAGEMENT versus OFFICE OF SPONSORED PROJECTS
The Office of Industry Engagement handles matters relating to sponsored research funded solely by private, industry sponsors with the exception of state-owned foreign oil companies.

Whereas, the Office of Sponsored Projects handles all other matters not solely funded by industry sponsors (“Non-Industry”); e.g., State and Federal funding (including foreign government, but excluding state-owned foreign oil companies which OIE handles), foundations, and other non-profit organizations.

FURTHER INFORMATION
For further information about the policies and procedures set forth in this Guide, or to request information on sample University agreements for use with sponsoring organizations, please visit the Office of Industry Engagement’s website located at https://research.utexas.edu/oie/ or call (512) 471-3866.

Additional information concerning the Office of Sponsored Projects, its personnel, sample forms, OSP Handbook and other information can be obtained by visiting the OSP’s web site located at https://research.utexas.edu/osp/. Additional information concerning The University of Texas at Austin may be obtained by visiting The University of Texas at Austin Home Page web site located at http://www.utexas.edu. Additional information concerning The University of Texas System may be obtained by visiting The University of Texas System web site at http://www.utsystem.edu.
OFFICE OF INDUSTRY ENGAGEMENT GENERAL INFORMATION:

Director: Bill Catlett  (512) 471-3866;  Industry@austin.utexas.edu

Campus The University of Texas at Austin
Overnight Delivery Office of Industry Engagement
Address 101 East 27th Street; Suite 5.200
Austin, Texas  78712

Mailing Address PO Box 7727
Campus Mail Code: A9300
Austin, Texas  78713-7727

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Proposal Review and Award Negotiation Staff
OFFICE OF INDUSTRY ENGAGEMENT

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For State and Federal Funding (including foreign), Foundations, and Other Non-Profits:
OFFICE OF SPONSORED PROJECTS GENERAL INFORMATION:

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