Overview

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Industry Agreements - What
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- Agreements with businesses to perform research for them or to provide a service or activity for the business

- Sponsored research or other activities funded by a business for others, usually a grant.
Industry Agreements - When
Industry Agreements – When

Business provides funding for Research, Scholarship, or Creative Activity (RSCA)—through a grant program or other source of the company’s funds. May be provided by an award document or an agreement.

Business wants you to:

- perform research for the business,
- provide research equipment, laboratory space, or personnel,
- provide services within the mission of SJSU (train personnel, edit a video, paint a mural, test a sample).
Industry Agreements – When Continued...

- Mission of SJSU

“To enrich the lives of its students, to transmit knowledge to its students along with the necessary skills for applying it in the service of our society, and to expand the base of knowledge through research and scholarship.”
Scope could include tasks such as:

- Helping a business solve a specific problem
- Designing a system
- Collaborating on research
- Evaluating their program progress
- Providing specific expertise (consult)
Industry Agreements - How
Industry Agreements - How

- Contact your SJSU Research Foundation Sponsored Programs Manager—as soon as the potential industry partner contacts you or before you approach an industry partner. (See OSP Directory)

- If you plan to approach an industry partner for a donation or contribution—no strings attached and no deliverables required, contact the University Advancement Corporate and Foundation Relations Officers. (Diane Satriano: 4-3410, Eric Bonesteel: 4-1493)
Industry Agreements – How Continued...

*Sponsored Programs Manager*

- provides guidance through the processes
- assists with the development of the proposal budget
- serves as liaison between the principal investigator and the industry contacts
- helps guide the scope of work document
- negotiates terms and conditions
Industry Agreements – How Continued...

- Sponsored Programs Manager also prepares the routing package with the internal Routing Form, your Scope of Work, Budget, and any documents required by the sponsor.

- The routing process takes at least seven days. The package goes to the PI, Co-PIs, chair(s), dean(s), manager, SJSURF Director of Sponsored Programs, SJSU Fiscal Office, and the SJSU AVP of Research, as well as anyone else named in the proposal.
Industry Agreements – How Continued...

- Once the proposal is signed off the Sponsored Programs Manager can provide the documents to the industry sponsor.

- At this point, if they have not already begun doing so, the industry contact and Sponsored Programs Manager begin negotiating the agreement and reviewing terms and conditions.

- Once the agreement is ready your Sponsored Programs Manager routes it to the SJSURF Director of Sponsored Programs for signing.
Industry Agreements – How Continued...

- Once the agreement is **fully-executed**—signed by both parties—then it is transitioned from the Sponsored Programs Manager to a Sponsored Programs Analyst for **account opening**.

- You will be notified when the account is open, and at this point the project can begin. **The project or activities must not start until the agreement is fully executed.** This means **no one has authorization to start working until the agreement is fully executed and the start date arrives.**
Industry Agreements - Do
Industry Agreements – Do

- Contact SJSURF
  - as soon as the thought forms or discussions begin

- Create a Scope of Work
  - one page document, more or less, describing what you and your SJSU team will do

- Create a Budget Draft
  - or email a list of potential budget items related to the Scope of Work to your Sponsored Programs Manager who will create the first budget draft
Industry Agreements – Do Continued...

Budget will usually include:

- Personnel, Salary, Fringe Benefits, including students
- Equipment
- Materials and Supplies
- Travel
- Subagreements, Independent Contractors
- Legal costs, Intellectual Property Commercialization
- Services – Printing or Duplication
- Facility and Administrative Costs
Industry Agreements – Do Continued...

- Allow your Sponsored Programs Manager to negotiate terms and conditions

Terms and Conditions **must** include:

- Performance Period (Start and End Date)
- Amount of Funding
- Payment Clause
- Scope of Work or Deliverables
- Indemnification Clause
- Termination Clause
Industry Agreements – Do Continued...

Terms and Conditions and related documents might include:

- A Non-Disclosure Agreement (NDA) or
- Confidentiality Clause
- Intellectual Property Waiver or Clause
- Work for Hire Agreement
- Publication Restriction Clause
- Materials Transfer Agreement
- Copyrights
- Insurance Clause
- Export Control Requirements
Industry Agreements – Don’t
Industry Agreements – Don’t

- Do not approach an industry sponsor without first alerting your Sponsored Programs Manager or Corporate and Foundations Relation Officer.

- Do not agree to do something that is not within the mission of SJSU.

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Industry Agreements – Don’t
Continued...

- Do not provide a budget to an industry sponsor without prior review.

  Budgets must first be reviewed by SJSURF or SJSU C&FR, and proposals are required to be routed on campus for SJSU review.

- Do not try to underbid your work in order to obtain the agreement.

- Do not attempt to negotiate terms and conditions.
Industry Agreements – Don’t Continued...

- Do not start the project or tell anyone they are hired without a fully-executed agreement and opened SJSURF account.

- Do not plan on using animal subjects or human subjects, or performing identifiable surveys, or gathering data from humans without IACUC or IRB review.

- Do not sign an agreement.
Successful Industry Agreements
Successful Industry Agreements

- The sponsored programs manager was contacted at the beginning of the process.
- The budget included all potential and required costs.
- The Scope of Work adequately and fully described what the SJSU team will do for the receipt of the funds.
- The proposal was routed and reviewed by the required signers prior to the negotiation of terms and conditions.
- Terms and conditions were negotiated by SJSURF.
Learn More!

Spring 2015
OSP Workshops

MLK Library 255/257
11:30am – 1:00pm