Essential Information on UAB Policies & Procedures

Role of UAB Employees in UAB Startup Entities:

If a UAB employee wishes to be involved with a UAB Startup Entity, prior approval must be obtained before any external activity can be undertaken. Appropriate roles for UAB employees in a UAB Startup Entity are scientific or technical roles (chief scientific officer, chief technical officer, scientific advisor/ consultant). In general, approval will not be provided if an employee plans to undertake a managerial role such as a chief executive officer, president, vice president, chief financial officer, chief operating officer or principal officer of a UAB Startup Entity.

Conflict of Commitment/External Activity Reporting:

UAB employees' primary commitment of time and intellectual energies should be to the education, research and scholarship programs of the university. All university employees are required to obtain approval from their department chairs and dean for any external activity, including a UAB Startup Entity. As set forth in HR Policy 128, full-time faculty are limited to twenty (20) typical working days per year and no more than five (5) per quarter for all approved external activities, Full-time faculty exceeding this 20-day limit per year are expected to use nights and weekends, vacation, university or personal holidays. Faculty with nine (9) month appointments may use designated time off.

Use of UAB Students:

An approved UAB Startup Entity may employ graduate students, post-doctoral students and trainees while they are studying/conducting research at UAB if (a) the employment benefits the student's education/research in his/her academic field of study; (b) the employment does not interfere with the student's ability to complete or publish the student's dissertation or other academic manuscripts; and (c) the student's department manages the relationship between the faculty member and the student to avoid conflicts that may interfere with the student's education/research and ensures that the student's Individual Development Plan (see below) is adhered to. If a student is being taught and/or supervised by a faculty member who has an ownership or financial interest in the company, prior to the student's employment, the student, the faculty member, the chair of the student's department and the Graduate School Dean will create and approve an Individual Development Plan (IDP) that delineates appropriate engagement with the company (www.uab.edu/idp). The faculty member must also (a) ensure that the student's obligations to the company do not interfere with his/her academic obligations and (b) evaluate the student's academic work in a manner that is completely independent of the student's performance for the company.

Use of UAB Resources:

The use of UAB resources by external entities requires disclosure to, and prior approval by, appropriate departmental and school authorities. The charges for use of the resource must be set at an amount equal to all direct and overhead costs associated with providing the resource and making use of it. Use of UAB resources are governed by a contract between

UAB and the external entity, and the UAB Associate Vice President for Financial Affairs must approve the charge structure.

Use of UAB Researchers:

A UAB Startup entity may wish for UAB researchers to conduct a project for the company. This is accomplished through an agreement that is negotiated, reviewed and processed through the UAB Office of Sponsored Programs. Projects should be appropriate for the university setting. For example, routine tests and work that are readily available through commercial entities are generally not appropriate to be conducted at UAB. UAB is required by federal regulation, state law and UAB policies to own any intellectual property developed by its employees and students. However, a research agreement negotiated with UAB allows the sponsoring company to negotiate a license to use any IP developed by UAB while performing the research project.

Alabama Ethics Law:

The Alabama Ethics Law applies to public officials and public employees, including full and part-time UAB employees. Generally, the Alabama Ethics Law requires UAB employees to avoid conflicts of interest and refrain from using public property for personal gain. Unless the business is conducting work at UAB through a negotiated agreement, a UAB employee may not use or cause to be used UAB equipment, facilities, time, materials, human labor, or other UAB property under his/her discretion or control for the private benefit or business benefit of the employee except as otherwise provided by law or pursuant to a lawful employment agreement. Likewise, a UAB employee may not use his/her position with UAB to obtain personal gain for himself/herself, a family member or any business with which the employee is associated.

UAB SBIR/STTR Program Guidance:

Plans for proposed research to be conducted at UAB under the SBIR or STTR programs must be reviewed and approved by the UAB PI's division director, department chairs or deans before the SBC submits the application to the federal sponsor. The entire proposal (not just the UAB subcontract/portion of the research) must be reviewed and approved by UAB, including the budget. Thorough budget planning is essential, as is the inclusion of all relevant costs associated with the project. This includes direct costs such as personnel salaries, equipment, supplies and materials, as well as indirect costs such as facilities and administrative expenses.

The review will be based on the following criteria:

- The proposed work has scientific merit.
- The work constitutes good use of UAB research facilities.
- The work does not compromise the faculty member's academic responsibilities or the staff member's responsibilities.
- The subcontract is for a unique and specific scope of work distinct from the research funded by other outside entities, and for work that does not overlap with the UAB faculty member's other research efforts.

 Budgets will reflect full cost recovery (direct and indirect) for the portion of the research project to be conducted at UAB, including the UAB PI and other personnel time.

The SBC PI and the UAB PI completing the subaward portion of the research may not be the same individual. The SBIR/STTR policy, instructions and project percentage requirements/effort make clear that establishing a separation of entities and roles is important. Having the same person on both sides of the collaboration blurs the respective parties' roles, responsibilities and commitments. If UAB faculty are committed 100 percent institutionally to the university, they will not have the effort available to meet the effort requirement of service as the SBC PI for the purposes of SBIR/ STTR. UAB faculty members that want to serve as SBC PIs must be prepared to reduce their time commitment to UAB to less than 100 percent.

An Allocation of Rights agreement for Project IP must be put in place between the SBC and UAB in order for UAB to issue a Letter of Support to the SBC for the proposal.

If the SBC's proposed project will use UAB-owned background intellectual property, the SBC must contact the HIIE as soon as possible to begin negotiation of an agreement. A background IP agreement must be in place prior to UAB's acceptance of the subaward.

The SBC's portion of the research should be conducted only at the SBC's research facilities, not at UAB or the UAB PI's laboratory.

UAB provides service and support for the UAB side of the research, i.e. letter of intent for collaboration, subcontract execution, etc. but is unable to assist the SBC with the company portion of an SBIR/STTR or other company proposal for research.

If you have any questions about any of this information, please email innovation@uab.edu.