I. USE OF UNIVERSITY FACILITIES

The University of Maryland is a state educational institution with a broad mission of teaching, research, and public service. This policy ensures that University facilities are reserved primarily for carrying out the University’s mission including, but not limited to, instruction and research, while allowing non-University use only where such use supports the University’s public mission.

II. PURPOSE AND SCOPE OF POLICY

A. The purpose of this policy is to:

1. Guarantee that University Facilities licensed to Non-University Users for research-related activities are used in accordance with the mission and purpose of the University and the University’s policies.

2. Provide an incentive to support development of new commercial ventures based on University-held patents and technologies.

3. Encourage cooperation with private sector companies that are licensing University intellectual property.

4. Ensure that Non-University Users permitted to use University Facilities do so in compliance with all applicable federal, state and local laws and regulations, including without limitation the policies and procedures of the University, and with the appropriate approvals and safeguards to limit risks to student, staff, faculty and visitors.

B. This policy applies only to University Facilities, as defined in Section III herein.

III. DEFINITIONS

A. “Facilities Use License” means a legally binding agreement providing for the terms and conditions for the use of a University Facility by a Non-University User.

C. “Non-University User” means any individual (other than University students or employees acting within the scope of their University studies or employment) or entity, except for the University or entities that are wholly owned or controlled by the University. Non-University Users must have a University Sponsor to request use of University facilities.

D. “Research” means the systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. It includes basic research, an inquiry aimed at increasing scientific knowledge, and applied research, an effort aimed at using basic research for solving problems or developing new processes, products, or techniques.

E. “Universal waste”, as defined in Title 40 CFR Part 273 and used herein, means any of the following hazardous wastes that are subject to the universal waste requirements of this 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.

F. “University” means the University of Maryland, College Park.

G. “University Facility” means any building owned or controlled by the University, including but not limited to classrooms, laboratories and office space. Excluded, however, are off-campus commercial buildings owned by the University and leased to private companies unaffiliated with the University.

H. “University Sponsor” means a University faculty or staff member who supports the Non-University User’s use of University facilities.

IV. GENERAL POLICY PROVISIONS

A. Prior written approval from the University is required for Non-University Users to use University Facilities. The Non-University User, through its University Sponsor, must complete Exhibit A, Application for Use of University Facilities by a Non-University User, as amended from time to time.

B. The Non-University User that proposes to use University Facilities must demonstrate that such use contributes to the public educational and research mission of the University.

C. The use of University Facilities in connection with University incubator programs, such as those operated by the Maryland Technology Enterprise Institute (“Mtech”) and the Technology Advancement Program Building (“TAP Program”), will comply with the provisions of this policy.

D. University Facilities shall not be used by Non-University Users except under circumstances where such Facilities are not required, in the short term, for the
University's public uses. Priority for use of University Facilities shall be given to University personnel and students acting within the scope of their University studies and/or employment.

E. Once the application has been approved, the Non-University User of University Facilities shall be required to abide by the terms set out in a formal Facilities Use License Agreement, which will comply with policies and procedures of the University and incorporate the operating policies and procedures of its individual units. The Non-University User is not authorized to use University Facilities without a Facilities Use License Agreement signed by an authorized University representative.

V. APPLICATION, REVIEW, AND APPROVAL PROCESS

A. Non-University User wishing to use a University Facility must submit, through its University Sponsor, a written application requesting such use. The application is attached as Exhibit A to this policy and may be amended from time to time.

B. The application shall be submitted to the University representatives, in the order set forth in the attached Application.

1. The Department Chair (or equivalent) of the Department or Unit with which the Non-University User is cooperating and in which the proposed licensed space is located. As necessary, the Department Chair or other designated University representative shall notify any applicable University units (e.g., COI Committee, IACUC, IRB) about the submitted application.

2. The Dean of the School or College in which the Department/Unit is located.

3. The Executive Director, or his/her designee, of the Department of Environmental Safety, Sustainability and Risk (ESSR).

4. The Vice President for Research or his/her designee.

5. The Senior Vice President and Provost or his/her designee.

6. The Director of the Department of Facilities Planning or his/her designee.

7. The Facilities Council, as required.

C. The University representatives shall indicate their approval for the Non-University User’s use of University Facilities by signing the submitted application.

D. Once the application is approved, the Vice President for Administration & Finance has final authority to approve the Facilities Use License Agreement, with respect to specific terms and conditions.
E. Once approved by the University representatives, the Assistant Director of Space Planning and Leasing will be responsible for finalizing the Facilities Use License Agreement with the Non-University User. Any changes to the standard University Facilities Use License Agreement must first be reviewed and approved by the Office of General Counsel. The term of the License Agreement shall not exceed one year but may be renewed for additional one-year terms, in the University’s sole discretion.

F. Any changes to the approved application must be resubmitted as a revised application for review and approval in accordance with Section V.B. The Non-University User shall not implement any changes unless and until the revised application is approved by the University.

VI. ACCOUNTING AND OVERSIGHT ISSUES

A. Any payments required to be made under a Facilities Use License Agreement shall be deposited to a specified account established for each Facilities Use License Agreement by the Vice President for Administration & Finance.

B. In finalizing the Facilities Use License Agreement, special care shall be taken to minimize tax consequences to the University. If the requested space is located in a building built (or renovated) in whole or in part using tax exempt bonds that remain outstanding, the licensed space (combined with any other building space dedicated to a private use in that building) shall not exceed more than five percent (5%) of the total building, unless otherwise approved by the Vice President for Administration & Finance.

C. Prior to entering into a Facilities Use License Agreement, the University shall exercise due diligence to determine that the proposed use does not cause the University to breach any existing grant agreement, covenant, bond trust indenture, or any other existing agreement, policy, or law governing the use of the University Facility.