

# 700.00 Rules for Research Facilities/Equipment

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## 710.00 Use by Faculty, Staff and Students

Faculty, enrolled students under the supervision of faculty and other employees of Montana State University, who are acting within the course and scope of their employment, may be assigned to use research facilities/equipment on the Montana State University campus upon receiving appropriate approval from the Department Head, Dean or direct supervisor.

- A. Research facilities include laboratories and other facilities used for the conduct of creative activities/research, but do not include the Library or any regular classrooms.
- B. Research equipment includes highly specialized or complex equipment such as NMR, Mass Spec Unit, Computer main frame, etc.

## 720.00 Use by Non-Affiliated Groups

Non-affiliated groups may use research facilities/equipment only if the use will not disrupt regular academic, laboratory or research programs of the University; the facility/equipment is not needed by University affiliated faculty, students or other employees at the time requested. For purposes of this policy, faculty, staff or students performing consulting work or otherwise providing a service for an entity other than the university are considered non-affiliated groups. These will be contracted through Conference Services.

- A. Non-affiliated groups may apply to use the facilities/equipment by submitting a written request to the Department Head of the department responsible for the facilities/equipment.
- B. The requester must specify if any hazardous materials, controlled substances or genetically altered materials will be used. If so, the requester must also submit an acceptable plan for the control of the materials and compliance with state and federal law before the university will approve the Research Facilities/Equipment Use Agreement.
- C. The requester must agree to:

1. Maintain liability insurance to cover the user's activities on campus in an amount no less than One Million Dollars (\$1,000,000) unless a lesser amount of insurance is approved by Legal Counsel;
  2. Indemnify and hold the University harmless for any damages arising from the user's activities conducted in University facilities;
  3. Reimburse the university for any damages, clean-up or hazardous waste related expenses, including disposal, shipping, damages, and/or penalties, caused by or imposed as a result of user's use of University's facilities/equipment.
- D. The Department Head will recommend approval/disapproval to the Dean and Vice President for Research, Creativity & Technology Transfer or his/her designee. If approval is granted by the Dean and Vice President, the parties will enter into an appropriate [Research Facilities/Equipment Use Agreement](#) . This sample agreement is most appropriate for long term use. It may be appropriate to modify the agreement for short term use of facilities or equipment. Modifications may be made with the approval of Legal Counsel or the Vice President for Research, Creativity & Technology Transfer or his/her designee.
- E. An approved user must schedule use through the appropriate individual responsible for the facility and the Department Head.
- F. The University will not subsidize any individual or business with state funds, nor will it allow a user to gain an unfair competitive advantage over other businesses. The fees charged for use will be assessed by the Department Head in consultation with a representative from Vice President for Research, Creativity & Technology Transfer and will depend on the type of facilities or equipment used. Fees charged will be comparable to the prevailing market rates for space, personnel, supplies, services and equipment use.
- G. Fees will be paid to a Vice President for Research, Creativity & Technology Transfer's designated account to be administered by Grants and Contracts. The fees will be disbursed as follows:
1. Twenty-five percent (25%) of the total will be retained for campus equipment/facility upgrades as determined by the Vice President for Research, Creativity & Technology Transfer.
  2. Twenty-five percent (25%) will be returned to the Department.
  3. Fifty percent (50%) will be available to the faculty member or other University employee responsible for the facility/equipment to be used to support the facility or for other research, as approved by the Department Head.
- H. An approved user must schedule use through the appropriate individual responsible for the facility and the Department Head.
- H. Non-affiliated persons or groups performing research in an MSU facility or with the use of MSU equipment by faculty, staff or students are subject to MSU policies and procedures.

I. Any misrepresentations contained in the request or agreement, use of the facilities for purposes other than those stated, or failure to comply with the University policies and procedures or the Facility Use agreement, may be grounds for immediate cancellation of the agreement.

### **730.00 Use by Research Collaborators**

Research collaborators may use research facilities of the University to work on collaborative projects. Research is collaborative if the University and industrial researchers have real and substantial intellectual involvement in joint planning and conduct of experiments, observations, or the like. Research collaborators will be charged the same fee as MSU faculty are charged for the use of facilities, equipment or personnel. It is not considered collaborative research if the University researcher provides little more than access to University-based equipment or facilities. Also, it is not collaborative research if the University researcher is acting as a private consultant to the company.

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