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Administrative Rules Governing Research Projects

Fundación Universitaria San Pablo CEU.

*Approved by the Universtiy Board Of Trustees,
on May 21st 2011.*



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- **Preamble:** 3
- **General provisions:** 5-7
- **Financial Management System:** 8-10
- **Industrial property:** 11-12



PREAMBLE.

The purpose of the “*Rules governing the execution of R&D&I projects funded internally and externally and other research activities*” (approved by the Board of Trustees on 9th June 2001)¹ was to meet the need for a legal and financial regulation of research activities – given the growth noted in research projects, agreements and contracts – that would take account of the specific characteristics of the different typologies falling under said concept so that research could occupy the essential position it deserves in the University’s development and consolidation strategy.

Today this purpose is more important than ever if we bear in mind the growing competition that exists between Universities, both national and European, consequent on the funding sources ² – giving rise to a tremendous obstacle for our professors to be able to fully develop their research facet – added to the growing complexity of the funding mechanisms of public and private calls for proposals, whereby exhaustive control systems of the funds granted to researchers are established.

It is therefore necessary to update said rules in order to provide us with a framework which, while ensuring the control that the University has to have of the research activity of our professors, is sufficiently flexible and agile to help them to overcome said obstacles and demonstrate to them that they have the full support of the University in their search for research resources.

The objectives of this new system are to make financial management straightforward, proximate, agile, transparent and rigorous while enabling coordination between the different departments involved, flexibility and the securing of the stimulus to the research activity.

To achieve this, the system is structured around 5 cohesive principles: (1) the assimilation of all the R&D&I work as research projects for purposes of financial management; (2) the application of the rules in the interest of attaining the maximum coordination between the units involved; (3) the centralisation of all applications in relation to research projects at the Research Deputy Vice-Chancellor’s Office; (4) the requirement that all

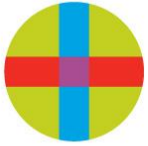
¹ Rules regulating the financial management of the research projects undertaken at the University San Pablo-CEU, which constitute an updating and development of the rules that were approved by the Board of Trustees on 17th October 1998, and which were amended in June 2003 by changing the wording of rule 14 thereof for purposes of streamlining the different financial systems that existed depending on whether the research projects were provided directly by the University or obtained directly by the researchers.

² “*The role of Universities in the Europe of Knowledge*”, Liège Conference, April 2004



CEU

research projects are associated to an expense and income estimate, and (5) attention to the financial management peculiarities or needs that might arise in any of the projects.



GENERAL PROVISIONS

1

1. These rules apply to all the Research, Development and Innovation (R&D&I) projects and activities that are undertaken at the University San Pablo-CEU, which are grouped under one of the following categories:
 - a) Externally funded research projects. These in turn may be classified into the following categories:
 1. External project funding deriving from the presentation of applications for grants to public or private calls for proposals.
 2. External project funding deriving from the signing of research agreements, and contracts with public and/or private institutions.
 3. Other externally funded projects not included in the foregoing points and that are so defined by the Research Deputy Vice-Chancellor's Office.
 - b) Internally funded research projects.
2. Where the research activities to which the paragraph above refers involve the signing of research contracts or agreements, said instruments shall be signed by the Vice-Chancellor for and on behalf of the University San Pablo-CEU in accordance with the Statutes governing the Organisation and Functioning of the University.

2

1. All Research, Development and Innovation (R&D&I) projects and activities that are undertaken at the University by virtue hereof shall be under the direction of a professor from this University, who shall be considered as senior researcher of the project and be bound to ensure strict compliance with the commitment undertaken in the research activity and the compliance with the obligations of each of the members of the group taking part in the development of the project.
2. Those listed below may take part in performing the projects and activities governed by these Rules:
 - a) Professors and administrative and services staff (PAS) of the University and existing research groups therein in accordance with its internal statutes.



- b) Professors and research groups and scholars from other Universities upon express authorisation from the pertinent University.
- c) Researchers belonging to staff from other Research Centres upon express authorisation from the pertinent Centre.
- d) Other external collaborators whose participation is authorised by the Research Deputy Vice-Chancellor. In said cases, the collaboration with the University shall be limited to the development of the research project in question and the external collaborator shall be bound to accept the internal University rules and regulations.

3

The participation of the University teaching staff in the projects and activities regulated hereunder shall be without prejudice to their compliance with the teaching requirements established at any time.

4

The administrative stage of the research projects referred to hereunder shall be handled through the Research Deputy Vice-Chancellor's Office, which shall inform the Department Directors and the management of the Centres to which the researchers who are going to develop the project belong of the progress of the said stage. If the Director of one of these departments or the management of one of the centres affected should consider that such participation would be contrary to the teaching requirements, he/she shall send the Deputy Vice-Chancellor the pertinent well-grounded report.

5

1. The participation of the University teaching staff in R&D&I projects contracted out by other Universities and other Research Centres shall require the authorisation of the Research Deputy Vice-Chancellor. In granting said authorisation, the latter shall take into account the relevance of the research to be undertaken and the respect for the teaching and tutorial attention to the students and the possible benefit that said research might gain for the University. For said purpose, the Research Deputy Vice-Chancellor may request beforehand a report from the Department Director to which the professor belongs, with the approval of the Dean.
2. Where the rules so permit, once the research project has been approved, the lead researcher shall present an Agreement to be



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signed by the Vice-Chancellor, or the person the latter delegates, of both Universities or Research Centres, in which shall be stipulated the part of the project funds to be designated to the University.

6

At the end of the project, or with the regularity required, in the event that the need to submit partial reports should be established, the senior researcher shall send the Research Deputy Vice-Chancellor the progress/results report as required by the rules governing the execution of each individual project at least seven calendar days prior to the timeframes set forth under said rules. The Research Deputy Vice-Chancellor shall be responsible for sending said report when required to the funding entities.

7

The internal management of the R&D&I projects, contracts and activities shall correspond to the Research Deputy Vice-Chancellor's Office and the University Management.



II. FINANCIAL MANAGEMENT SYSTEM

8

The expenses arising from the research projects set forth hereunder shall be consonant with the control mechanisms and procedures established by the San Pablo CEU University Foundation. For said purpose, the Foundation, on the advice of the Management and the Research Deputy Vice-Chancellor's Office, shall establish the rules regulating the financial management of the projects and the procedures to be followed for obtaining approval of the expenses involved in executing the projects. In respect of the projects funded by the University, the personnel expenses shall be subject to the rules governing the remuneration of the teaching staff approved by said University's Board of Trustees. In respect of the projects that are funded externally, the remuneration proposed by the Lead Researcher responsible for the project shall be approved by the Research Deputy Vice-Chancellor and authorised by the Management. On no account may said remuneration be approved if such a possibility should be excluded from the rules of the entity funding the project.

9

1. Each research project/contract shall be accompanied by a detailed cost estimate of expenses prior to the approval thereof in accordance with the manner set forth in rule 10.1 below, and the expense reflected therein may not be exceeded.
2. The Lead Researcher may request the Research Deputy Vice-Chancellor, on justified grounds, a modification to the expenses foreseen in the cost estimate. If said modification should require authorisation from the entity funding the project, the Research Deputy Vice-Chancellor shall make the formal application.
3. If the modification to the project cost estimate is authorised, the Research Deputy Vice-Chancellor shall notify the Management for its allocation to the University budget.

10

1. The total cost of the project/contract shall include the following expenses:
 - Expenses arising from the formalisation and performance of the project/contract.Said expenses may include inter alia:



- The acquisition of equipment and material that can be catalogued and inventoried, which shall remain to the benefit of the University, excepting in cases of private contracts with companies by virtue of which different rules apply.
 - The acquisition of consumables.
 - The maintenance and repair of equipment and installations.
 - The remuneration of personal outside the University who are collaborating with the development of the project.
 - Scholarships and the cost of personnel hired to be charged to the project.
 - External professional services: cost of specific services under contract with public or private entities for the development of the project.
 - Travel.
 - Other expenses necessary for the execution of the project, duly accounted for.
 - Amount designated to the professors taking part in the performance of the contracts.
 - In cases of contracts brought by a person who is not going to take part in the performance thereof, the University may grant a money reward to said person. On no account may the reward exceed 5% of the price agreed under the contract.
 - General expenses of the University in cases where research projects are externally funded: a rate of 15% of the sum of all the above-mentioned expenses and costs unless a different amount is established by the contract or the rules of the external funding entity. If the Management or the Research Deputy Vice-Chancellor's Office deem so fitting, this rate may be distributed as follows:
 - One third shall be allocated to covering general costs of the University.
 - One third shall be allocated to the research funds of the organising units, the members of which are in charge of developing the work under the terms of the project or contract.
 - One third shall be allocated to the budget of the Research Deputy Vice-Chancellor's Office to support fields of research that benefit less from the capturing of external funding.
 - Taxes required by the laws in force. As a general rule, VAT shall be applied to the total figure of the sum of the above-mentioned costs and expenses.
2. All contracts signed by the University shall, of necessity, indicate the price or amount agreed between the parties and the timeframes, as the case may be, that are agreed for the payment thereof. Said



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income shall be allocated to the University Budget and the pertinent cost centers shall be opened to which the contracts are posted and which shall record all the income and expenses that are generated.



III. INTELLECTUAL AND INDUSTRIAL PROPERTY

11

1. The title to and management of the research results and the inventions created by the teaching staff and researcher as well the administrative and services staff, scholarship holders and students, as the case may be, consequent on the development of their functions at the University shall belong thereto. The title to the intellectual property rights, invention patents, utility models, designs, distinctive signs, new plant varieties and protection rights to topographies of semiconductor products that might be obtained from said research results and inventions shall belong to the University.
2. In regard to publicly funded projects, however, the terms stipulated with respect to said title to inventions shall be taken into account.
3. In regard to contracts with the industrial sector, the title to the inventions shall be negotiated if said title has not been determined beforehand in the pertinent agreements.

12

All potential inventions developed by personnel connected to the University (teaching staff, researcher, administrative and services personnel, scholarship holders and students), consequent on the performance of their functions at said University, shall be notified to the Research Deputy Vice-Chancellor's Office, which, if pertinent, shall make the appropriate applications to patent the inventions or obtain the corresponding title to industrial property or protection rights.

13

1. In the event that the applications to which rule 12 refers result in the concession of a patent or protection right, the University, insofar as it is the title holder, may opt between the following:
 - a) Directly exploiting the patent, including the signing of patent licence agreements.
 - b) In cases where direct exploitation would be impossible or costly, assigning to third parties the title thereto by a resolution adopted by the Governing Board.



2. In both cases, the authors of the patent or inventions shall be entitled to receive 50% of the net profit that the exploitation or assignment generates for the University unless in cases of assignment where third parties should be these same authors. The Governing Board may set higher percentages to the benefit of the authors in cases where patents or inventions should generate large earnings for the University.

14

1. The intellectual property rights (copyright) to the research activities, advice, consulting, and so forth pursued by the University professors shall correspond to the author, excepting activities deriving from the creation of software in the exercise of the functions entrusted thereto or following instructions from the University, in which case, said rights shall correspond to the latter.
2. In the case of the afore-mentioned software, the author of the program shall notify the Research Deputy Vice-Chancellor's Office thereof, which shall proceed as set forth in rule 12 above in order to obtain the protection rights provided by the laws currently in force in relation to these kinds of inventions.
3. In the event that the applications referred to above result in the concession of a protection right that may be exploited, the University, insofar as it is the title holder, may opt between the following:
 - a) Directly exploiting said protection right.
 - b) In cases where direct exploitation would be impossible or costly, assigning to third parties the title thereto by a resolution adopted by the Governing Board.
4. In both case, the authors of the software shall be entitled to receive part of the net profit that the exploitation or assignment generates for the University unless in cases of assignment where third parties should be these same authors. Said participation shall be at least 50% of said net profit, although the Governing Board may set higher percentages to the benefit of the authors in cases where the software generates large earnings for the University.



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Repeal Provision

Both the “*Rules governing the execution of R&D&I projects funded internally and externally and other research activities*” (approved by the Board of Trustees on 9th June 2001), and the subsequent amendment to rule 14 thereof (approved in June 2003) are hereby repealed.