

## Introduction

This document is intended to provide guidance when a Researcher's relationship with the University of Colorado Boulder changes. Considerations must be made to several aspects of their affiliation with the campus including, designated lab space, property, compliance, personnel assignments, and sponsored projects.

This document is the outcome of a collaborative effort of department research administrators and the following offices to provide procedural guidance on how to dissolve a Researcher's affiliation:

Office of Contracts and Grants  
Campus Controller's Office  
Environmental Health & Safety  
Export Controls Office

Office of Animal Resources  
Institutional Review Board  
Institutional Animal Care and Use Committee  
Venture Partners at CU Boulder

## Table of Contents

I.	General .....	1
A.	<i>Procedural Statement</i> .....	1
B.	<i>Roles and Responsibilities</i> .....	1
C.	<i>Notification</i> .....	2
D.	<i>Consideration of Sponsored Projects</i> .....	3
E.	<i>Consideration of Existing Lab/Facilities</i> .....	4
F.	<i>Consideration of Associated Personnel</i> .....	4
II.	Sponsored Projects .....	5
A.	<i>Retention of Award</i> .....	5
B.	<i>Relinquishment of Award</i> .....	5
C.	<i>Termination</i> .....	7
D.	<i>All Awards</i> .....	7
III.	Compliance .....	7
A.	<i>Property</i> .....	7
B.	<i>Environmental Health and Safety</i> .....	9
C.	<i>Export Control</i> .....	10
D.	<i>Animal Subjects</i> .....	11
E.	<i>Human Subjects</i> .....	12
IV.	Other Considerations .....	13
A.	<i>Actions related to Personnel Changes related to Personnel Changes</i> .....	13
B.	<i>Intellectual Property</i> .....	13
C.	<i>Tangible Research Materials and CU Discoveries</i> .....	13
D.	<i>Other Contractual Obligations</i> .....	14
V.	Appendices .....	14
VI.	End Notes .....	15

## **I. GENERAL**

### ***A. Procedural Statement***

1. This document describes the procedures to be followed when a University of Colorado Boulder (CU Boulder) Researcher (Departing Researcher) decides to dissolve or temporarily change their affiliation with CU Boulder. This can occur when the Departing Researcher is/has:
  - a. Transferring to a New Institution;
  - b. Retiring;
  - c. Terminated: no longer employed from CU Boulder; or
  - d. Temporary absences (suspensions, sabbatical leave, extended leave for over 90 days – see section IV.A); *\*for purposes of this document the term “Departing PI” may also refer to those leaving only temporarily\** or
  - e. Deceased.

### ***B. Roles and Responsibilities***

1. *Departing Researcher*: Any faculty or staff engaging in sponsored projects in a Key Personnel role that plans to dissolve their affiliation with CU Boulder.
  - a. *CU PI*: A Principal Investigator is the primary individual responsible for the preparation, conduct, and administration of a sponsored project in compliance with the terms of the award, applicable laws and regulations, and institutional policy governing the conduct of sponsored research.
  - b. *CU Co-PI*: CU Co-Principal Investigators are key personnel who have responsibilities similar to that of a PI on research projects.
  - c. *CU Key Personnel*: Other personnel named on a project whose departure from CU Boulder would have significant impact on the continuation of the research; in some cases these may be Postdocs, Research Associates, and/or Graduate Research Assistants (GRA)
2. *Department: unit(s) the Departing Researcher is affiliated with*
  - a. *CU Department Chair/Dean*: involvement required for some internal approvals
  - b. *Department Research Administrator (DRA)*: If a department does not have a specified DRA, it is recommended that the department of the Departing Researcher designate a CU College/Department Administrator to be the point of contact for coordination of all departure processes.
  - c. *Department Property Manager: Custodian of Capital Equipment; Liaison between OCG Property Officer and CU Boulder Property Accounting*
3. OCG: [Office of Contracts and Grants](#) is the Authorized Organizational Representative (AOR) and administrator for all externally funded sponsored research on the CU Boulder campus.
  - a. *Contract Officer*: Authorized Official for CU Boulder regarding Contractual Agreements
  - b. *Grant Officer*: Authorized Official for CU Boulder regarding Grants
  - c. *Subcontract Officer*: Authorized Official for CU Boulder regarding all outgoing Subagreements.
  - d. *Proposal Analyst*: Authorized Official for CU Boulder regarding Proposal Submissions.
  - e. *Compliance Officer*: Official Liaison with Property Accounting regarding all Capital Equipment on Sponsored Research Projects
  - f. *Contract Administrator*: Responsible for Material Transfer Agreements and Non-Disclosure Agreements

4. CCO: Campus Controller's Office oversees the post-award financial administration of sponsored research on the CU Boulder campus, directly managing accounts for Restricted Funds 30 and 31.
  - a. *Financial Analysts (Sponsor Facing)*: Ensures proper stewardship of funds and manages remaining balances or deficits. They will also perform a comprehensive financial analysis, reviewing all of the account activity over the lifetime of the award to ensure compliance with the sponsor's terms and conditions.
  - b. *Invoicing/Accounting Technician*: Analyzes payments received and ensures proper recording by determining the proper allocation of funds to projects, accounts and invoices.
  - c. *Effort & Cost Mgmt Accountant and Cost Share Accountant*: Oversees several financial compliance functions: journal entries, ePERS, CU Marketplace PO requisitions, and cost sharing.
5. *Other CU Boulder Units*:
  - a. *Venture Partners at CU Boulder*: Venture Partners manages CU Boulder's CU Discoveries; Authorized Officials for patents, copyrights, and licensing issued to or by the University.
  - b. *EH&S*: Environmental Health and Safety is responsible for developing and maintaining programs which promote health, safety, and sound environmental management.
  - c. *IACUC*: Authorized Committee to approve and maintain protocols with regard to the humane care and use of animals in research and teaching.
  - d. *OAR*: Responsible for overseeing the daily animal health care and husbandry of animals housed in CU Boulder facilities.
  - e. *IRB*: Authorized Committee to approve and maintain protocols with regard to the rights and welfare of subjects involved in Human Research
  - f. *Property Accounting Office*: oversees the standard procedures to ensure CU-Boulder maintains accurate accounting records in the acquisition, maintenance, control and disposition of property.
6. *Sponsor*: Prime Award Grantor
  - a. *Authorized Award Official*: Prime Award administrative official to approve changes to award.
  - b. *Program Officer*: Prime Award technical official serving as a liaison for project direction.
7. *New Institution*: Organization that the Departing Researcher is transferring to.

### **C. Notification**

1. The Departing Researcher<sup>8</sup> or DRA (as designated by the department) should notify the appropriate Administrative Departments of personnel's departure as soon as departure is expected/known. 60-90 days prior to departure is the appropriate notification period to allow for this multiple step process.
  - a. Notification should be completed via the [Researcher Departure Web Form](#).
  - b. Details to be provided in notification include: name of Departing Researcher, overview of Departing Researcher's current CU Boulder lab, expected departure date<sup>1</sup>, Departing Researcher's new contact information, and contact information for New Institution's administrative point of contact (if applicable and or known).
  - c. If Resignation Letter/Email was received, attach to Notification.

2. Departing Researcher/PI Checklist will guide required actions that will be necessary to complete the transfer. Responsible parties for each action are identified. Checklist provided in Section V, *Appendices*.

#### **D. Consideration of Sponsored Projects**

1. Grants and contracts are awarded to the University, not to individual PIs. For this reason, OCG is obligated to comply with Sponsor regulations and must be the official Administrative Department to relinquish an award if it is decided that CU Boulder wishes to end its obligations to the award. When a PI's affiliation with the CU Boulder is dissolved, the following options are available:
  - a. Termination of the award: The departing CU PI, in agreement the Department Chair/Dean, may choose to terminate the award and relinquish funds to the Sponsor.
  - b. Keep the award within CU Boulder: If research is ongoing at CU Boulder, the departing CU PI and/or Department Chair/Dean may elect to transition the award to a new CU PI. In some cases, it may be permissible for the departing CU PI to remain a collaborator on the award, where CU Boulder would issue a subagreement to the departing CU PI's New Institution. For these cases, the departing CU PI will need to secure approval from the Department Chair/Dean and the Sponsor.
  - c. Transfer the award to the PI's New Institution: If the departing CU PI wishes to transition the award to a New Institution the CU PI must first obtain the Department Chair/Dean's approval. The departing CU PI will then need to work with the CCO - Area Accountant to determine the total amount to transfer, with OCG to terminate the award with the Sponsor, and with their New Institution to submit a transfer proposal to the Sponsor to move the award.

*Please note: The time involved in coordinating the transfer between the CU PI, Sponsor, CU Boulder, and the New Institution can take several months depending upon the complexity of the project being transferred.*

#### **E. Consideration of Existing Lab/Facilities**

1. It is the responsibility of the Department and Departing Researcher to ensure the Departing Researcher's lab space has been adequately cleared prior to departure. All items are considered Property of CU Boulder and cannot be taken or transferred without proper prior approval.
2. *Property and Equipment*: CU Boulder Property<sup>2</sup> can be acquired through a variety of funding sources, and as such, approval channels for transfer of Property to other institutions will vary.
  - a. Title to Property purchased from sponsored funds vests in CU Boulder upon acquisition, unless otherwise specified by the terms of the award. Therefore, CU Boulder is ultimately responsible and accountable for all Property acquired with sponsored funds in accordance with federal regulations and the terms and conditions of the award.
  - b. A Departing Researcher who wishes to transfer any Property will need to work with OCG and their Department Property Manager. The Departing Researcher should contact his/her lab's custodian (could also be referred to as Lab Manager, Building Proctor, Building Manager, etc.) to start process. (See Section III(A))
    - i. As a state institution, CU is only permitted to transfer Property to another educational institution or to a non-profit entity.
    - ii. Property that is only conditionally titled to CU Boulder may need Sponsor permission before transferring it to another institution.
3. *Tangible Research Materials*<sup>3</sup>:
  - a. Depending on the origin/acquisition of the Tangible Research Material(s), some Tangible Research Materials may have restrictions governing the use or transfer.

- b. If the Departing Researcher wishes to transfer any Tangible Research Materials or CU Boulder Discoveries to their new institution, then they will need to work with their department's OCG Contract Administrator (See Section IV(C)).
4. *CU Discoveries*<sup>4</sup>:
  - a. Per the University of Colorado's Intellectual Property Policy on Discoveries and Patents (APS Number 1013), the University owns all "CU Discoveries" in which the University has an interest. "Discoveries in which the University has an interest" means discoveries made while performing duties required by a University grant or contract, and/or made with substantial use of University resources, and/or made as a result of the use of sponsored program funds supplied or administered by the University, and/or made in fulfillment of an included person's work responsibilities.
    - i. Departing Researcher will need to work with Venture Partners to ensure that all CU Boulder Discoveries, including all inventions and software programs, are disclosed to Venture Partners, and IP matters covered by a patent application or issued patent are resolved (see Section IV.B).

## ***F. Consideration of Associated Personnel***

1. If the Departing Researcher has laboratory personnel working under his/her direction, a transition plan will need to be established.
  - a. Will associated personnel be transferring to New Institution?
  - b. Will associated personnel be staying at CU Boulder; if so what projects or SpeedTypes will they be moved to?
  - c. See Section IV.A, Actions related to Personnel Changes, to complete the necessary HCM actions.

## **II. SPONSORED PROJECTS**

### ***A. Retention of Award***

Keep the award at CU Boulder.

1. If the Departing Researcher is to remain on a project as CU's PI, they must have a Courtesy Appointment<sup>5</sup> that has been approved by the Department Chair.
2. In the event the Departing PI is not able to maintain PI status at CU Boulder, the Department Chair or Dean must name a replacement CU Boulder PI for the Award. If the project already has an assigned CO-PI, that would be the first option; if no CO-PI is participating on the project, then Department Chair will need to find another qualified PI. Change in Key Personnel Status typically requires prior approval from Sponsor. Notify the Award's assigned OCG Grant/Contract Officer to coordinate specific Sponsor requirements.
3. In the event the Departing Researcher (either in PI or CO-PI role) is going to continue to collaborate on the project as a subrecipient Co-PI from the New Institution, then a request for an outgoing subagreement will need to be prepared for Sponsor's approval. ***Please note: Departing PI cannot be the PI on the CU Boulder Award and PI on subagreement to the New Institution.*** Before initiating this process, the change in key personnel (if Departing Researcher was previously the lead PI) must have been approved by the Sponsor, as detailed above.
  - a. DRA and newly assigned CU Boulder PI should coordinate with OCG Proposal Analyst and Grant/Contract Officer to initiate the sub process, including revising the prime budget.
    - i. Any new Subagreements added to an existing award are subject to Indirect Costs. Per CU Boulder's Federally Negotiated Indirect Cost Rate Agreement, the first

\$25,000 of a Subagreement is subject to indirect charges.

- b. Departing PI should coordinate with New Institution to create the required subagreement proposal documents from this list: [Required Subagreement Proposal Documents](#).
- c. Once the internal Prime budget has been revised and Subrecipient documents received, OCG will initiate the request for approval for addition of subagreement as required by the Prime Sponsor.
- d. Once approval is received from the Prime Sponsor, OCG Subcontracting Officer will work with New Institution to establish agreement and purchase order.

## **B. Relinquishment of Award**

Transferring to New Institution.

If the Departing Researcher is a PI on an Award and wishes to transfer the award to their New Institution, the project should be identified as a potential transfer on the PI Departure Web Form. Once Department approval of the transfer is received, notify OCG & Campus Controller's Office to initiate the transfer process.

1. The Departing Researcher and DRA should consult with each award's assigned OCG Grant/Contract Officer to determine what information is needed to terminate the award between CU Boulder and the Sponsor, and how to transfer the award to New Institution.
  - a. NIH and NSF have specific transfer procedures that must be followed. Detailed procedures can be obtained from the OCG Grant Officer or located on the sponsor resource webpages is this on the OCG website
  - b. If Sponsor does not have standard transfer processes, the OCG Award Officer will correspond with the award Authorized Official and/or Program Officer to determine what is required of CU Boulder and New Institution. Departing PI, DRA, and New Institution Authorized Official should be included in the correspondence.
  - c. Once directions are understood, Departing Researcher should begin to coordinate with their New Institution to prepare the necessary proposal documentation that is to be submitted to the Sponsor to move the award from CU Boulder to the New Institution. Total Transfer Amount is dependent on CU Boulder final remaining balance.
2. The Departing Researcher and DRA should consult with their Area Accountant to reconcile SpeedType(s) and determine the final balance of the award. The following cost categories should be considered when closing the SpeedType:
  - a. Subagreements. If there are subrecipients on the award, these agreements will need to be terminated prior to the relinquishment date as this will affect the final balance of the award.
    - i. DRA submits Subrecipient Modification Request Form (SMRF) to start process.
    - ii. Final Invoice will be needed to complete close out modification. OCG Subcontract Officer will advise DRA on process for each specific situation.
    - iii. De-obligation closeout modification is issued by OCG Subcontract Officer to subrecipient.
    - iv. Fully executed modification is used by OCG Subcontract Officer to close SPO.
  - b. Personnel. All project assigned personnel effort must be moved off the project prior to the determined relinquishment date. See section IV.A, Actions related to Personnel Changes.
  - c. Cost Share. Cost Share Accountant will work with DRA and Departing Researcher on cost share fulfillment.
3. Once the final balance of the project has been determined, Departing Researcher and DRA will

need to work with OCG Grant/Contract Officer assigned to Department to complete a formal relinquishment. OCG requires a relinquishment letter to the sponsor which will need to be signed by the Department Chair/Dean prior to any transfer processes being initiated with the sponsor. Template provided in Section V, *Appendices*. The OCG Grant/Contract Officer will process the formal relinquishment of the award per the determined/required sponsor procedures.

4. The Departing Researcher must coordinate with their New Institution to prepare and submit any required proposal documents associated with the Award that the New Institution will be receiving.
5. Upon receipt of CU Boulder's relinquishment and the New Institution's transfer proposal documents, the Sponsor will review the transfer information. If the transfer is approved, the Sponsor will issue:
  - a. To CU: a Modification to CU Boulder award, indicating effective date of termination and final obligation.
  - b. To New Institution: a new award for the continuation of support for remaining scope of work.
6. Once the award has been terminated at CU Boulder, standard close-out procedures will be initiated, both contractual and financial. The Departing PI will still be responsible for all deliverables required up to the date of Award termination.

### **C. Termination**

No Transfer Applicable.

1. The Departing Researcher and/or DRA should consult with their Area Accountant to determine the final balance of the award. The same cost categories as detailed in Section B.3 should be considered.
2. Once the final balance of the project has been determined, OCG requires a relinquishment letter signed by the PI and Department Chair/Dean prior to relinquishment processes being initiated with the Sponsor, Template provided in Section V, *Appendices*. This letter should be emailed to the OCG Grant/Contract Officer processing the termination. The OCG Grant/Contract Officer will process the formal relinquishment of the award per the determined/required sponsor procedures.
3. Upon receipt of CU Boulder's relinquishment, the Sponsor will issue a modification to CU Boulder's award, indicating effective date of termination and final obligation of the sponsor.
4. Once the award has been terminated at CU Boulder, standard close-out procedures will be initiated, both contractual and financial. The Departing Researcher will still be responsible for all deliverables required up to the date of Award termination.

### **D. All Awards**

1. Regardless if award is retained or relinquished, the following actions should be completed:
  - a. Departing Researcher, DRA, and Department Chair, and/or CU Co-PI should ensure all technical reports required to-date have been submitted to the Sponsor.
  - b. Departing Researcher is required to complete Effort ([ePERS](#)) certification for all reporting periods and all direct reports, prior to Departure Date. If Departing PI is issued a Courtesy Appointment, effort reporting will continue to be required for all projects on which they are assigned PI role.
  - c. OCG will Reconcile BeRA record to reflect final information:
    - i. Changes in Key Personnel
    - ii. Final project dates

- iii. Final Award obligations
- iv. Attachment of applicable documentation.

### **III. COMPLIANCE**

#### **A. Property**

1. All Property<sup>2</sup> purchased on a SpeedType is University property and must be approved by OCG and Property Services before any transfer. Property can only be transferred to another non-profit educational institution and/or research institute.
2. Departing Researchers are responsible for cataloging all equipment for which they are the custodian to ensure all items are accounted for and properly marked for future use or disposal. Departing Researchers<sup>6</sup> and DRA's must catalog all tagged equipment and untagged non-consumable property (such as computers, microscopes, external hard drives, etc.) using the "List of Tagged Fixed Assets and Untagged Non-Consumable Property" form (template provided in Section V, *Appendices*). All miscellaneous supplies and/or materials in Departing Researcher's lab should be accounted for using the "List of Untagged Material/Supplies" form (template provided in Section V, *Appendices*).
  - a. The following information should be identified for all tagged and untagged non-consumable property items listed on the form:
    - i. Name/Description of item
    - ii. Purchase Date
    - iii. Source of Funding: Provide the SpeedType to which the item was charged. If the item was purchased using sponsored research funds (eg. federal funds) provide the project and/or award number, or list the internal funding source (eg. Start-up funds, etc.).
    - iv. Acquisition Cost
    - v. Location of item
    - vi. CU Tag No. and Serial No. (if applicable)
    - vii. Intended relinquishment (transfer), retention (within CU), or disposal of item.
  - b. For any consumable materials and/or supplies, first inventory the items to determine their intended relinquishment and include the following information for items listed on the form:
    - i. Description of item
    - ii. Number of items
    - iii. Determine a reasonable value
    - iv. Location of item
    - v. Intended relinquishment (transfer), retention (within CU), or disposal
3. Departing Researchers or DRAs must obtain the Department Chair or Institute Director's signature on each form to indicate their agreement with the disposal and/or transfer of all catalogued items. Once completed and signed by the Department Chair or Institute Director, send the forms to [ocgproperty@colorado.edu](mailto:ocgproperty@colorado.edu).
  - a. For all non-consumable equipment (tagged and untagged), OCG Compliance Officer must verify title and if there are any restrictions on the transfer of such equipment (whether to New Institution, within CU, or to another Sponsored Project) before approving the transfer.
    - i. Equipment that is only conditionally titled to CU Boulder: OCG Compliance Officer will need Sponsor permission before CU can release it to another institution or assign it to another award.

- ii. Equipment that is transferring to New Institution: OCG Compliance Officer may need to obtain additional internal review and approval from Research Innovation Office.
4. If equipment has been identified as potentially transferring to New Institution, the following must occur:
  - a. Work with New Institution to negotiate price for equipment transfer, moving costs, insurance and other details. The Property Accounting Office will guide this process.
    - i. The university generally considers a 25% reimbursement of the property value to be reasonable. Work with Department personnel and the Property Accounting Office to determine property value.
    - ii. Department is responsible for invoicing the new institution and ensuring the payment is received. Payment is not required before releasing the property.
    - iii. The New Institution is responsible for any shipping or moving costs.
    - iv. Any property that was purchased on an award that is being relinquished to the New Institution is not subject to reimbursement. The New Institution is only liable for shipping and/or moving costs.
  - b. Property purchased with federal dollars is valued at full acquisition cost. Property purchased with university funds will be transferred at its depreciated current net value.
  - c. If any cataloged equipment or supplies have been used in conjunction with hazardous materials and are going to be shipped to a New Institution, contact Environmental Health and Safety for instructions on how to adequately decontaminate item prior to transfer. Environmental Health and Safety should also be contacted for specific information regarding moving biosafety cabinets.
5. After OCG receives the completed lists and the OCG Compliance Officer Grants approval, the OCG Compliance Officer will email that information back to the PI and Department Property Manager, copying Property Accounting Office and Property Services.
  - a. The PI and Department Property Manager should work with Property Services to obtain authorization to remove property from the campus.
  - b. The Department Property Manager should physically inspect the removal of all transferring property to ensure only those items that have been authorized for transfer leave the campus.
  - c. Property Accounting will notify their counterpart at the New Institution to report what property (and supplies, if applicable) are being transferred to that institution from CU Boulder to ensure they are aware of and willing to accept the new property.
6. If item(s) are not transferring to a New Institution, determination should be made if the item(s) will be disposed, resold, or identified as Buff Surplus
  - a. Notify Department Property Manager which specific pieces of equipment or supplies in the lab are no longer usable and need to be disposed. Property Manager can assist in determining if items can be identified as Buff Surplus.
  - b. For Property that has been used in conjunction with biological, chemical or radiological materials please follow the instructions on the Property Services/Facilities Management/Environmental Health & Safety Equipment Disposal/Resale Form. <sup>7</sup>
7. If equipment or supplies are being transferred within CU:
  - a. Department Property Manager should report the new custodian to the Property Accounting Office.
  - b. If any cataloged equipment or supplies that have been used in conjunction with

hazardous materials are going to be transferred to another location on campus contact Environmental Health and Safety for instructions on how to adequately decontaminate item prior to transfer. Environmental Health and Safety should also be contacted for specific information regarding moving biosafety cabinets.

## **B. Environmental Health and Safety (EH&S)**

1. EH&S must be notified 90 days in advance of Researcher's departure to begin the Laboratory Closeout process to ensure that all hazardous materials (biological, chemical, and radiological materials) are either appropriately transferred or disposed of as waste. Laboratories must be cleared of **ALL** hazardous materials before the Departing Researcher leaves the CU Boulder campus.
  - a. The Campus Regulatory Committees will be notified of Departing Researcher's departure via email when the Researcher Departure Web Form is completed (See Section I.C. *Notification*).
  - b. Prior to departure, Researcher will need to close out their IBC, RAD application(s).
2. Coordination with EH&S is required to ensure proper destruction or transfer of hazardous material(s) is completed.
  - a. If materials are to transfer to another lab within CU Boulder, EH&S will need to ensure the new lab has been approved (or can be approved) to house such materials prior to any transfer.
  - b. If materials are to transfer to New Institution, Research must coordinate with a licensed vendor to prepare the materials for shipment. Contact EH&S for assistance. Transfer of hazardous materials may require the completion of a Material Transfer Agreement (see Section IV(C)).
  - c. If materials are to be destroyed, they must be destroyed by approved means. Consult with EH&S on proper process.
3. Researcher must complete the EH&S Clearance Checklist for Lab Closure and have it signed by an appropriate Department Liaison (DRA, Lab Manager, Property Custodian, Researcher, etc.) and a representative from Environmental Health and Safety. Checklist and Decommissioning Instructions are provided in Section V, *Appendices*.

## **C. Export Control**

1. All Departing Researchers<sup>8</sup> must certify upon exit that there will be no distribution of controlled devices, software, and/or information.
2. *Departing Researcher with Active Licenses*: If the Departing Researcher's research involves an active license issued by the Department of State's Directorate of Defense Trade Controls (DDTC), the Department of Commerce's Bureau of Industry and Security (BIS), or the Department of Treasury's Office of Foreign Assets Control (OFAC), the Departing Researcher and DRA are responsible for notifying the CU Boulder's Office of Export Controls (OEC) as soon as possible to discuss the appropriate transition plan.
3. Government export authorizations are written for specific participants and specific scopes of work and can only be transferred under certain conditions. Federal authorization of new export licenses or amendments to existing licenses can take months to obtain. The following options are available for Departing Researcher with active export license authorizations:
  - a. **Arrange for transfer to another investigator at CU Boulder**: If the research and its associated hardware and software is ongoing at CU Boulder, the Departing Researcher may choose to transfer the project to a different (new) researcher at CU Boulder. The new CU Boulder researcher must meet with the OEC to understand and accept the scope and conditions of the active authorization. If necessary, the new CU Boulder researcher must detail any required changes to foreign participants or project scope so

that a license amendment can be filed in a timely manner.

- i. If using this option, the Departing Researcher must certify that they are not transferring any project-associated controlled hardware or software to the new institution.
    - ii. The new CU Boulder researcher must sign off on the updated project Technology Control Plan (TCP).
  - b. **Arrange for resubmittal of license application under New Institution registration:** It is the Departing Researcher's responsibility to identify the export control officers and other appropriate administrators at the new institution and arrange for resubmittal of the license application under the new institution's DDTC or CIN registration number. The OEC will assist the Departing Researcher with copies of the original license application submittal and authorization, as necessary. Due to exporter registration requirements, the OEC CANNOT submit a license application on behalf of the New Institution.
    - i. In the event that the New Institution is *not* registered with DDTC or BIS, the Departing Researcher must transfer the active license to a CU Boulder researcher or forfeit the license and terminate the contract.
4. **PIs with Active Technology Control Plans:** If the Departing Researcher has any active Technology Control Plans (TCPs), the Departing Researcher and DRA are required to notify the OEC as soon as possible to discuss an appropriate transition plan. The Departing Researcher and DRA must provide to OEC a list of all laboratory equipment that is being transferred to the new institution and verify the equipment that is remaining at CU Boulder. The following options are available for departing PIs with active project TCPs or laboratory TCPs:
  - a. **Arrange for transfer of active project or laboratory TCP to another investigator at CU Boulder:** If the departing PI wishes to transfer the active TCP to another CU Boulder researcher, the OEC must issue an updated TCP detailing any changes in personnel or equipment.
  - b. **Close out active TCP:** If all laboratory equipment is moving to the new institution, the Departing Researcher must close out the TCP. OEC will update the CU Boulder inventory to reflect any changes. OEC will also work with Facilities Management to update any restricted access spaces.
5. **PIs with Restricted Research Contingency Plans<sup>9</sup>:** If there were contractual restrictions on the publication or other dissemination of research results from a given project, that project generally would not meet the requirements of fundamental research, and the PI would be required to obtain a waiver from the Vice Chancellor for Research to pursue the project. If the Departing Researcher has any active Restricted Research project waivers involving contingency plans entered into with assigned students, Research Associates and Professional Research Assistants working under their direction on the project, a transition plan will need to be established. The Departing Researcher and DRA are required to notify the Coordinator for the Standing Committee on Restricted, Proprietary and Classified Research as soon as possible to discuss an appropriate transition plan<sup>9</sup>.
6. **Faculty Sabbaticals or Temporary Leave:** If the Departing Researcher has a planned return date, the OEC will work with the Departing Researcher to determine the protocol for active licenses or TPCs.
  - a. The Departing Researcher must inform the OEC of any anticipated CU sponsored project involvement during sabbatical or leave.
  - b. The Departing Researcher must inform the OEC of any laboratory equipment that will be leaving the University during the sabbatical or leave.

#### **D. Animal Subjects**

1. If the Departing Researcher's research involves animal subjects, then the Departing Researcher

and DRA is responsible for notifying CU Boulder's Institutional Animal Care and Use Committee (CU IACUC) and Office of Animal Resources (OAR) to discuss a transition plan. The following options are available with regard to the management of animal research projects:

- a. *Termination of the project:* The Departing Researcher may choose to terminate the protocol if work on the project is completed or the research project is not to be continued. All remaining animals must be transferred or otherwise disposed of.
  - b. *Transition of project to new CU Boulder Researcher:* If research is ongoing at CU Boulder, the Departing Researcher and/or Department Chair/Dean may elect to transition the project to a new CU Boulder Researcher. The new CU Boulder Researcher must have IACUC approval.
  - c. In some cases, it may be permissible for the Departing Researcher to remain a collaborator on the project. For these cases, the Departing Researcher will need to secure a new animal subject research approval at their New Institution.
    - i. Departing Researcher, OAR, and OCG will work together to determine if additional agreements (such material transfer agreement) will be needed between CU Boulder and the New Institution if the Departing Researcher will stay on as a collaborator.
2. *Transition of animals and protocols to the New Institution:*
- a. Any animals that Departing Researcher wishes to transfer should be listed on the "Tangible Research Materials and CU Discoveries List", see Section IV.C.
  - b. If the Departing Researcher wishes to transition animal subjects research to a New Institution, the Departing Researcher must secure new approval at their New Institution BEFORE their CU Boulder protocol can be terminated; the Departing Researcher will need to contact OAR to arrange for the shipment of the animals to their New Institution
  - c. The Departing Researcher must contact CU IACUC and IBC to terminate their protocol.
  - d. The Departing Researcher will need to coordinate with OCG to determine if additional agreements (such as data use agreements, tissue transfer agreements, etc.) will be needed between CU Boulder and departing PI's New Institution prior to the transfer.

## **E. Human Subjects**

1. If the Departing Researcher's research involves human subjects, then the Departing Researcher and DRA is responsible for notifying the CU Boulder's Institutional Review Board (CU IRB) at [irbadmin@colorado.edu](mailto:irbadmin@colorado.edu) to discuss a transition plan. In the event of a researcher's departure, the following options are available with regard to the management of human research projects:
  - a. *Termination of the project:* The Departing Researcher may choose to terminate the Protocol if work on the project is completed or the research project is not to be continued.
  - b. *Transition of project to new CU Boulder Researcher:* If research (enrollment, follow-up or analysis) is ongoing at CU Boulder, the Departing Researcher and/or Department Chair/Dean may elect to transition the project to a new CU PI.
  - c. In some cases, it may be permissible for the Departing Researcher to remain a collaborator on the project. For these cases, the Departing Researcher will need to secure approval from CU IRB and the Department Chair/Dean [if applicable, the Sponsor].
    - i. Depending on the scope of work the Departing Researcher will be conducting at the New Institution, the Departing Researcher may need to secure new human subject research approval at their New Institution or obtain additional consent of the subject.

- ii. Departing Researcher, CU IRB, and the OCG will work together to determine if additional agreements (such as data use agreements, tissue transfer agreements, etc.) will be needed between CU Boulder and the New Institution if the Departing Researcher will stay on as a collaborator. [Any data or human tissue samples that Departing Researcher wishes to transfer should be listed on the “Tangible Research Materials and CU Discoveries List”, see Section IV(C).]
2. *Transition of project to New Institution:* If the Departing Researcher wishes to transition human subjects research to a New Institution, the Departing Researcher must terminate their protocol at CU Boulder and secure new approval at their New Institution. The Departing Researcher must contact CU IRB to discuss the transition plan.
  - a. Departing Researcher, CU IRB, and the OCG will work together to determine if additional agreements (such as data use agreements, tissue transfer agreements, etc.) will be needed between CU Boulder and the New Institution. [Any data or human tissue samples that Departing Researcher wishes to transfer should be listed on the “Tangible Research Materials and CU Discoveries List”, see Section IV(C).]

## **IV. OTHER CONSIDERATIONS**

### ***A. Actions related to Personnel Changes***

1. Departing Researchers on temporary absences, who disengage from the research activity for over 90 days must notify OCG at [OCGCompliance@colorado.edu](mailto:OCGCompliance@colorado.edu). Departing Researcher going on Sabbatical or extended leave will need to work with OCG & Sponsor for next steps.
2. Departing Researcher should work with their DRA and/or their Department HR Liaison for assistance with completing any official human resources actions.
  - a. CU Boulder Exiting Employee Checklist should be used as guidance for the applicable actions that may need to be taken. <sup>10</sup>
3. Department/Payroll Personnel Liaison changes funding distribution on grants/contracts once end date is known.
4. If a Department wishes to issue a Courtesy Appointment<sup>5</sup> to the Departing Researcher, then the DRA will need to coordinate the approval of such appointment and establish a new appointment type in HCM.
5. The Departing Researcher is responsible for effort reporting through the end of their appointment, including Courtesy Appointments.
  - a. Certification after departure may be required if reporting period concludes after Departure Date
  - b. If the Departing Researcher is not able to certify, the Chair/Dean may need to certify as a proxy.
  - c. If Departing Researcher has any direct reports, they must certify the effort for those individuals as well.

### ***B. Intellectual Property***

1. Prior to departing CU Boulder, the departing PI must:
  - a. Work with Venture Partners to ensure that all matters related to CU Discoveries and Intellectual are resolved. These include:
    - i. Disclosing all discoveries per the Regent Policy 5J and related [APS 1013](#) policies.
    - ii. Executing all outstanding patent related documents such as assignments and declarations.
    - iii. If Departing PI has any active inventions on file with Venture Partners, provide an updated email address and contact information for future correspondence

to [vpcontact@colorado.edu](mailto:vpcontact@colorado.edu).

- b. Sign acknowledgement statement that they have disclosed to Venture Partners all "Discoveries," including all inventions and software programs, required under CU Boulder IP policy, through their end-date.
  - i. Provide copy of signed acknowledgment statement to OCG Compliance Team, [ocgcompliance@colorado.edu](mailto:ocgcompliance@colorado.edu).

### **C. Tangible Research Materials and CU Discoveries**

The Departing Researcher and DRA will need to take a complete inventory of all Tangible Research Materials and CU Discoveries using the "Tangible Research Materials and CU Discoveries List" form; form provided in Section V, *Appendices*. The Departing Researcher will need to indicate what they would like to do with each item on the list. Once this form is completed, the departing PI/DRA will need to submit a copy to their OCG Contract Administrator, [ocgcontracts@colorado.edu](mailto:ocgcontracts@colorado.edu).

1. The OCG Contract Administrator will determine if there are any restrictions governing the use or transfer of each item. Determining whether such items may be transferred requires consideration of various factors, such as intellectual property protection, Sponsor requirements, and other contract obligations. The Contract Administrator will advise the Departing Researcher what they will need to do with each item, for example:

#### **a. Items marked "Transfer to New Institution":**

- i. Items created and owned by CU: An agreement (Material Transfer Agreement (MTA), Data Use Agreement (DUA)) may need to be executed between CU and New Institution prior to the transfer.
- ii. *Items obtained from another institution:* The OCG Contract Administrator will verify if the materials can be transferred to the New Institution and if any additional steps need to be taken. The Departing Researcher may need to seek approval from the original provider for the transfer to their New Institution. [Provider may require that a new MTA with the New Institution be established before CU can transfer such items to the New Institution.]

#### **b. Items marked "Staying at CU"**

- i. Items created and owned by CU Boulder: The Departing Researcher or Department Chair should indicate where the items will be located, either within the department or in other locations at CU.
- ii. Items obtained from another institution: OCG Contract Administrator will need to verify if the item will need to be returned or destroyed. If the items can remain at CU Boulder, then the Departing Researcher or Department Chair should indicate where the items will be located, either within the department or in other locations at CU.

### **D. Other Contractual Obligations**

1. OCG will check BeRA to see if CU has any other agreement still in effect that was executed on Departing Researcher's behalf (Non-Disclosure Agreements, Bailment Agreements, etc.). OCG will consult with Departing Researcher to see which agreements should be terminated or transfer responsibilities to New Institution.
2. OCG will then coordinate with other party [and New Institution, as needed] to amend or terminate the agreement

## **V. APPENDICES**

1. [Department Relinquishment Letter](#)
2. [List of Tagged Fixed Assets and/or Untagged Non-Consumable Property](#)

3. [List of Untagged Consumable Material and/or Supplies](#)
4. [EH&S Clearance Checklist for Lab Closure](#)
5. [Tangible Research Materials and CU Discoveries](#)

## VI. END NOTES

<sup>1</sup> “**Departure Date**” is the date that the Departing Researcher’s employment is expected to end or has ended.

<sup>2</sup> “**Property**” includes all items acquired under a sponsored project, such as: supplies, materials, capital and non-capital equipment, computers, and electronic devices.

<sup>3</sup> “**Tangible Research Property**” means a tangible physical or biological entity that is, or may be, useful in research. Examples include models, devices, designs, avatars, computer software, storage media containing machine instructions, text, tissues, serum, fluids, organs, cell lines, antibodies, recombinant materials, chemical compounds and compositions, formulations, plant varieties, laboratory notebooks, clinical information, records and data related to discoveries. Tangible Research Property does not include Intellectual Property that is considered Educational Material (Regent Policy 5k).

<sup>4</sup> “**CU Discoveries**” means any inventive idea and/or its reduction to practice which relates to, but is not limited to: new processes or methods of producing a new and useful industrial result; any composition of matter, including chemical and biological compounds; any new devices; any new plant; any new design in connection with the production or manufacture of an article; any new computer hardware and/or software programs; any know-how supporting these inventive ideas, systems, devices, compositions, programs or processes; and any new use or improvement of existing systems, devices, devices, compositions, programs or processes.

<sup>5</sup> “**Courtesy Appointment**” is appointment for PI or other researcher who has awards staying at CU Boulder to support students, Research Associates or Professional Research Assistants. Typically a 0% appointment receiving no salary.

<sup>6</sup> If the Departing Researcher is not the head of the lab, then they will only need to inventory items they wish to transfer to their new institution.

<sup>7</sup> <https://www.colorado.edu/ehs/resources/equipment-disposalresale-form>

<sup>8</sup> Departing LASP PIs must work with internal LASP compliance staff prior to departure.

<sup>9</sup> <http://www.colorado.edu/innovate/restricted-proprietary-and-classified-research>

<sup>10</sup> <https://www.colorado.edu/hr/managers-and-supervisors/exiting-employees/resignations>