# Annex 2: Open Access Policy template and notes

**Draft Policy for Open Access to Research Infrastructures**

**at [insert name of your institution]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Note:** This Open Access to RI policy template is best read in conjunction with the **Principals and Guidelines for creating a Policy for Open Access to Research Infrastructures**. Where possible, reference has been made below to the relevant section of the Principals and Guidelines document.

**Instructions**

* Each chapter of the current template covers one of the topics related to the establishment and implementation of the Open Access to Research Infrastructures at a Higher Education Institution or Public Research Organisation.
* Please think about each Chapter and complete it linked to the conditions available / applicable to your organisation.
* Parts marked in yellow give you some options and guidelines.
* Parts marked in blue are guidelines and should be deleted once your Policy is finalised.
* Please note that various examples and options given throughout the document are NOT a standard. These may vary a lot depending on your organisation. Please adjust accordingly.
* You might also (a) choose to delete some points altogether if these do not fit the situation in our organisation or (b) replace specific examples with more general statements.

**Introduction**

*[HEIs and PROs introduce* ***Open Access******Research Infrastructure*** *Policies for a variety of different reasons. Start by outlining the rational for the policy at this organisation. Indicate any higher national, regional or EU strategy or legislation that the policy reflects or responds to. Link the* ***Open Access******Research Infrastructure*** *initiative to the strategy and mission of the organisation. Indicate the overall aims and objectives as well as the hoped for impact from implementation. You may find it helpful to consult Section 1 of the Principals and Guidelines:* ***The movement towards Open Access****.].*

**CHAPTER I GENERAL PROVISIONS AND DEFINITIONS**

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| In this section you specify various general points about this Policy, e.g. what the Policy’s objectives are, which definitions are used and which Research Infrastructure(s) it covers. You may find it useful to consult **Section 2 of the Principals and Guidelines:** Understanding Research Infrastructures and access |

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*Univeristy / Faculty / Research Centre etc.*] (hereafter – Higher Education Institution, HEI or Public research Organisation) [*choose the most appropriate or name differently to describe your organisation better*] is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*provide a short summary*]
2. This Policy is applied to all **Open Access** **Research Infrastructures** for research and development (R&D) (technical, social and cultural) (hereafter – **Research Infrastructure** or **RI**) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*University/ Faculty / Research Centre etc*.] and guide the relations between \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*Univeristy/ Faculty / Research Centre etc.]* and the **Recipients** of its **Open Access** **Services**.
3. This Policy [can form/forms] an integral part of any **Open Access** **Services** agreement concluded between \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[Univeristy/ Faculty / Research Centre etc.]* and the **Recipients** of **Open Access Services**.
4. The objective of this Policy is to define the nature of **Research Infrastructure**(s), its position in the HEI/PRO, its technical specification, services provided by this **Research Infrastructure**, provisions for use of resources, time ratio, formation of pricing, confidentiality obligations and dispute settlement procedure.
5. The following definitions are used in the Policy:
* **Open Access principles** – the conditions under which HEI/PRO creates access to its Research Infrastructure for use by different groups of **Users** inside and outside the organisation;
* **Research Infrastructure** **(RI)** (infrastructure for carrying out research) – physical structure (science institutes, laboratories, etc.), instruments, tools, and other material and virtual resources and related services required for the performance of modern fundamental and applied scientific research;
* **Resources** – research infrastructure, scientists and other researchers working with the infrastructure, staff providing services to the infrastructure, conducting the operation of the infrastructure, working, maintenance and development, time of the infrastructure
* **Services** – Open Access services approved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*a person at the Univeristy / Faculty / Research Centre etc. who will have a power to approve request for services, see point 6*]
* **Recipient of Open Access Services** – a user (internal or external) who applied for and was granted access to the Research Infrastructure
* **User** – a natural or legal person ordering services from the research infrastructure or requesting access to this research infrastructure to perform research
* **Research Infrastructure Operating time** – the total operating time of the Research Infrastructure
* **Experimental time** – the period of time within which the Research Infrastructure can be used to carry out scientific research and development works
* **Technical time** – the period of time within which the Research Infrastructure is being technically maintained and the users cannot use the Research Infrastructure to carry out scientific research and development works.
* **Off time** – the period of time which the Research Infrastructure cannot be used. This time is reserves for maintenance and repairs
* **Open Access time** – the period of time within which the Research Infrastructure is made accessible to the users either for free or a for a fee
* **Guaranteed Time** – the period of time reserved for external users who \_\_\_\_\_\_\_\_\_\_\_\_ [*specify under which conditions you will provide guaranteed time, e.g. external users made an in-kind financial contribution to the development of the* ***Research Infrastructure*** *or participated in supporting the Centre*]
* **Commercial Time** – the period of time within which the **Research Infrastructure** is made accessible for remuneration.

**CHAPTER II RESEARCH INFRASTRUCTURE MANAGEMENT**

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| In this section you specify the management and decision making structure and the individuals involved in implementing the policy. You may find it useful to consult **Section 2.2 of the Principals and Guidelines: Offering and managing access** |

1. Management and supervision of specified **Research Infrastructure** is ensured by: \_\_\_\_\_\_\_\_\_\_ *[head of laboratory, centre, head of the office of laboratories, manager / head of laboratory, laboratory assistant / engineer / technician]*.

*[depending on the type of* ***RI*** *described in this Policy, various other management parties may need to be described]*

1. Faculty Vice-Deans for Research and Directors of science institutes *[change as needed to specify correct job titles]* are directly responsible for *[describe their responsibilities in relation a* ***Research Infrastructure*** *this Policy covers]* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. *[Continue to describe responsibilities of other personnel involved in this* ***Research Infrastructure****.*

*This personnel could be the head of the laboratory responsible for a* ***Research Infrastructur****e;* ***RI*** *manager; laboratory or research infrastructure assistant / engineer / technician; IT services.*

*Responsibilities can include, for example, accounting for the use of* ***Research Infrastructure****, list of equipment, list of services, registering access to the* ***Research Infrastructure****, giving consent to the use of the Research Infrastructure, decisions on pricing, identification of* ***Users****, training of equipment* ***Users****, determining rules for the same use, providing support and maintenance of equipment / software, provision of information about* ***RI****, marketing etc.]*

**CHAPTER III USERS OF RESEARCH INFRASTRUCTURE**

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| In this section you define different **Users** of the **Research Infrastructure**(s) and how these **Users** can apply for access to the **Research Infrastructure**(s) covered by this Policy. These can be other researchers as well as commercial **Users** and civil society etc.You may find it useful to consult **Section 2.1 of the Principals and Guidelines: Users** |

1. Services of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[name* ***Research Infrastructure*** *you are describing]* are provided to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[type of* ***Users*** *e.g.: internal, external, both]*.
2. **Internal User** is \_\_\_\_\_\_\_\_\_\_\_\_ *[define internal* ***Users****]*.
3. **External User** is \_\_\_\_\_\_\_\_\_\_\_\_ *[define external* ***Users****, e.g. researchers from other HEI/PRO, researcher from commercial organisations, civil society etc.]*.
4. Internal **User**, who wants to use or be entitled to use \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[name* ***Research Infrastructure*** *you are describing]* reserves the required equipment by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[describe how* ***Users*** *should make their request, e.g. via an email, via an online system]*. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[specify who makes the approval]* approves the request.
5. External **Users**, who wants to use or be entitled to use \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[name* ***Research Infrastructure*** *you are describing]* can apply to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[specify who]* by / by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[describe how* ***Users*** *should place their request, e.g. via an email, via an online system]*.
6. After receipt of the external **User**'s request \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[describe what happens next, e.g.* ***Research Infrastructure*** *manager enters this request into an online system, a log book etc. or passes this information to somebody else]*. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[specify who makes an approval]* approves the request and prepared an agreement for access to the **Research Infrastructure**.
7. The agreement is concluded in writing. Negotiations on the agreement may take place by email, but it enters into force when both parties exchange the originals. *[modify this text to fit with the accepted practice in your HEI/PRO]*

**CHAPTER IV ACCESS TO RESEARCH INFRASTRUCTURE**

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| In this section you define various types of access to the **Research Infrastructure**(s). You can use this section to reflect national policy e.g. encouraging innovation in SMEs or promoting brain circulation by making researchers from other institutions the priority for access. |

1. **Research Infrastructure** is accessible to the **Users** in compliance with procedures defined by the **Time of Access** to the **Research Infrastructure**.
2. The **Research Infrastructure** **Operating Time** is divided into **Experimental Time**, **Technical Time** and **Off Time** *[modify here as fit the best with your approach]*.
3. The **Experimental Time** is divided into **Open Access** **Time**, **Guaranteed Time** and **Commercial Time** *[modify here as fit the best with your approach]*.
4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[specify who makes this decision, e.g. manager of the* ***Research Infrastructure*** *if such exists, director of the Centre / faculty / research institute etc.]* approves the **Research Infrastructure** **Operating Time** schedule, including the allocation of time units to its types, under the assumption that the objective is to maximise the **Experimental Time**. *[modify the last section to fit best with your approach]*
5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[specify who makes this decision, e.g. Manager of the* ***Research Infrastructure*** *if such exists, Director of the Centre / faculty / research institute etc.]* guarantees the provision of \_\_\_\_\_\_\_\_\_\_\_ *[specify, e.g. 10%, 30%, at least 10%]* of all **Research Infrastructure** working time to external **Users**, if needed. The remaining working time is provided to internal **Users** and meeting of internal needs, including organisation of the process of the *[University’s / PRO’s]* studies.
6. *[if applicable to your HEI/PRO]* **Research Infrastructure** services are provided to external **Users** as a priority in case demand exceeds the quota of **Research Infrastructure** **Resources** and related services provided to external **Users**.
7. *[if applicable to your HEI/PRO]* Priority is applied to small and medium-sized enterprises that have signed long-term target cooperation agreements and newly established (during the last 12 months before the date of application submission) small and medium-sized enterprises performing R&D activities. *[you can choose any other conditions that apply the best to your* ***Research Infrastructure****]*
8. To encourage newly established (during the last 12 months before the date of application submission) small and medium-sized enterprises performing R&D activities to use the services provided by \_\_\_\_\_\_\_\_\_\_\_\_ *[name* ***Research Infrastructure*** *you are describing, RI manager [choose the applicable job title]* can apply preferential treatment.
9. **Research Infrastructure** services, provided under preferential treatment, cannot violate national legal provisions regarding state assistance and the rules for use of public funding from different sources.

**CHAPTER V FORMING OF PRICING FOR RESEARCH INFRASTRUCTURE SERVICES**

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| In this section you define the principles of pricing for access to the **Research Infrastructure**(s). This could be the reimbursement of **Research Infrastructure** costs or ensuring that the market is not distorted. Some possible approaches are given below. You may find it useful to consult **Section 2.4 of the Principals and Guidelines: Costing and pricing** |

1. Pricing of the **Research Infrastructure** services is made under the principle of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *[e.g. could be the reimbursement of Research Infrastructure costs or ensuring that the market is not distorted]*.
2. The price of the **Research Infrastructure** services is determined according to the **User**'s type – internal vs. external **User** / commercial vs non-commercial, assessing the duration of the work of equipment and human resources, consumables and other materials required for performance of the work, and other possible expenses. *[change any of these if chosen differently]*
3. After external **User**'s application is received and decision to grant access is made, the **Research Infrastructure** manager *[choose the applicable job title]* prepares a commercial offer of service provision.
4. The **Research Infrastructure** manager *[choose the applicable job title]*, who receives an application of internal **User**, automatically complies with request and reserves equipment, if the following provisions is met:

internal **User** is trained and has a permit to use the reserved equipment;

internal **User** has funds for reservation of the equipment or

payment for reservation is confirmed by a different fund manager.

1. Prices for the services provided to internal **Users** are calculated in accordance with the following formula: *[if chosen, insert a formula* ***or*** *explain how the price will be calculated e.g. based on some conditions, taking into consideration the costs for each particular research]*
2. Prices of the **Research Infrastructure** services are announced publicly. Prices are reviewed taking into consideration changes in economic conditions, costs of the maintenance, administration and other costs related to the **Research Infrastructure** activities.

**CHAPTER VI COLLECTION AND USE OF THE FUNDS RECEIVED FOR PROVISION OF THE RESEARCH INFRASTRUCTURE SERVICES**

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| In this section you can explain how the income collected will be used. You may need to address accounting issues as well as tax and VAT issues in this section to reflect national Law and institutional norms. You may find it useful to consult **Section 2.4 of the Principals and Guidelines: Costing and pricing** |

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| This section is not mandatory but may be useful. Some examples are given below from existing **Open Access** Policies from EU MS. You can also lay out who is responsible for looking after the finance or make some general statements about use of received finance. |

1. Income received from the provision of the **Research Infrastructure** services have to be used for the up-keep, improvement and renovation of the **RI**. Other purposes might include [*acquisition of materials and tools required for the* ***Research Infrastructure*** *activities, improvement of qualification of the staff conducting maintenance, salaries and other expenses directly related to the* ***Research Infrastructure*** *activities]. [this text can be changed if you choose to use received income differently, e.g. give part of it to the central administration of the HEI/ PRO*]
2. The income received is distributed as follows: [*insert division for example, part of the received income is deducted for utility expenses, materials required for research and operation of equipment, and human resource*s]. [this text can be changed if you choose to use received income differently.
3. Accounting of these funds is conducted in the [*department; research institute; research centre etc providing services*] *[some examples are provided below under points 34-38; choose the ones appropriate to your HEI/PRO, change if needed or include other statements]*
4. *[Utility expenses are collected and used to pay for the [department; research institute; research centre etc] expenses for premises' rent, electricity, water and heating expenses]*
5. *[Expenses for materials required for research and consumables are collected in the [department; research institute; research centre etc] local depreciation fund, which is used for buying of consumables for equipment and materials required for research and for payment for small repairs of equipment]*
6. *[Depreciation deductions are deducted from the received income and collected at the [HEI/PRO] level in the common depreciation fund. The purpose of this fund – to collect enough funds that can be used for: major repairs of equipment, replacement of equipment when it is worn or co-financing of acquisition of expensive consumables.]*
7. *[Costs of human resources are collected at the [department; research institute; research centre etc] and used to cover the costs of salary of the employee providing services.]*
8. *[Sales and marketing are deducted from the received funds and collected at the [department; research institute; research centre etc]. These funds can be used for the following:*

*- Presentation and promotion of the* ***Research Infrastructure*** *equipment and services at the exhibitions, events, conferences, companies nationally and internationally for attraction of the customers, including preparation of distributed material;*

*- To cover the expenses related to the sales of services and use of equipment;*

*- To cover the expenses of provided services, preparation and update of the lists of equipment and information. ]*

1. Income tax for the University's service provision – income is deducted as a fixed part of the price of provided services, which is used for maintenance of the **Research Infrastructure**, transferred and accounted at the University's Finance. *[this text can be changed if your choice is different]*
2. Added value tax is a state tax, calculated as a fixed part of the price of provided services, transferred to the State Tax Inspectorate. *[change if need to fit national legislation]*

**CHAPTER VII OBLIGATIONS RELATED TO CONFIDENTIALITY AND PROTECTION OF INTELLECTUAL PROPERTY**

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| In this section you define issues related to the protection and use of the intellectual property (IP) generated during the use of the **Research Infrastructure** including ownership, exploitation, confidentiality (secrecy) and publication (dissemination). You may find it useful to consult **Section 2.3 of the Principals and Guidelines: Contractual and intellectual property aspects** |

1. The **Research Infrastructure** manager [*choose the applicable job title*] must ensure the confidentiality of the results of every scientific research and/or experiment performed using the **Research Infrastructure** **Resources** and/or services. Exceptions can be specified under the written agreement between the **Research Infrastructure** and external **User**.
2. Ownership and management of intellectual property created at the [*HEI/PRO*] and confidentiality obligations are regulated by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*specify, e.g. it could be university or national Intellectual Properly rules*].
3. In the case of research performed by external **Users**, all intellectual property produced by the external **User** within the **Open Access** **Time** shall be the intellectual property of the external **Users** unless otherwise specified.
4. In the case of research performed by external **Users** as part of the **Guaranteed** or **Commercial Access Time**, all intellectual property questions will be specified in [the contract/ a special agreement signed for this particular access].
5. In case of the research performed by internal **Users**, a discussion may need to be held about making the results available **Open Access**, adhering to the Open Science principles.

**CHAPTER VIII DISPUTE SETTLEMENT**

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| In this section you describe how any dispute settlements will be handled, including all the questions related to the damage of the **Research Infrastructure** from use. You may find it useful to consult the Order No. V-852 "On Approval of Open Access Centre Management Regulations" of the Minister of Education and Science of Lithuania 8th June 2010Some examples are given below. |

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*Univeristy/ Faculty / Research Centre etc.]* may ask the external **User** to pay an amount equal to part of the renumeration as a collateral before starting to use the **Research Infrastructure**.
2. If the Research Infrastructure or one of its elements is damaged or destroyed, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*Univeristy/ Faculty / Research Centre etc*.] has the right to request remuneration for this damage or deduct it from the collateral (described in point 46).
3. When the **User** has finished using the **Research Infrastructure** without damaging or destroying the Research Infrastructure, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*Univeristy/ Faculty / Research Centre etc*.] shall credit the amount referred to in point 46 towards the renumeration or return it to the **User**.
4. In case of disputes regarding the use of the **Research Infrastructure** **Resources** or service provision, violations of protection of intellectual property or other basis directly related to the **Research Infrastructure**, interested persons can submit a written claim or complaint to the Research Infrastructure manager. *[this text can be changed based on existing dispute resolution procedures at your PRO]*
5. After receipt of a written claim or complaint the **Research Infrastructure** manager transfers it for the consideration of the responsible departments or specially formed bodies. Any claim or complaint must be considered and examined in *[15]* calendar days from its receipt. Responsible department prepares an answer and sends it to the applicant by *[for example, registered letter]* in *[3]* working days.
6. In case a dispute is not settled, interested persons can protect their rights under procedure established by the national legal acts of \_\_\_\_\_\_\_\_\_\_\_\_ *[specify]*.

**CHAPTER IX FINAL PROVISIONS**

1. This Policy is amended or repealed under the order of the *[University's Rector]*.