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**Date:** March 6, 2024

**To:** HSC Community/Research Community

**From:** Hengameh Raissy, PharmD, Interim Vice President for Research <sup>HR</sup>  
Stacy Catanach, MBA, CRA, Associate Director, HSC Sponsored Projects <sup>Stacy</sup>

**Re:** Penalties for Material Transfer Agreements (MTAs) not reviewed by HSC Sponsored Projects Office

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Per UNM Faculty Handbook E60/E70 as applicable: Sponsored Research and Intellectual Property, all submissions, including Material Transfer requests, must first be reviewed/negotiated by the HSC Sponsored Projects Office prior to obtaining an UNM Institutional signature by the HSC Vice President for Research.

A Material Transfer Agreement is **REQUIRED** for ANY incoming or outgoing materials. This is a contractual agreement that governs the transfer of tangible research material between two institutions, when the receiving institution's investigator intends to use the material in their own research project. This agreement addresses pre-existing and future intellectual property rights including ownership of materials and derivatives, liability issues that may result from research, publication of research results, limitation of use issues, and lastly ensures that materials are shipped and handled in accordance with the University biosafety standards.

**HSC Material Transfers must be reviewed by SPO to ensure:**

1. Materials are eligible for transfer (e.g., fetal tissue is not acceptable)
2. Ownership of materials/derivatives is appropriate
3. Rights to inventions resulting from use of material are identified
4. Rights to publish research obtained through use of material
5. Proper institutional signatures are obtained

When material is transferred without institutional knowledge and/or protection from a contractual agreement, the recipient has no legal restrictions on the use of material which can result in liabilities in compliance, impacts to intellectual property, and impacts to publishing. Material is provided to the institution in care of the Principal Investigator (PI); the PI does not own the material.

**The following penalties will now be assessed if the proper process is not followed:**

- **First Offense:** The HSC Vice President for Research will be notified and it will be mandatory for the PI and their staff to take the HSC Contracts and Grants Training for Faculty & Staff, which includes the Material Transfer Module.
- **Second Offense:** The HSC Vice President for Research, with feedback from HSC Sponsored Projects, will have the option to deny the transfer and/or charge the department a non-compliance fee of \$1,000.
- **Third + Offense:** The material transfer will be denied and a non-compliance fee of \$3,000 will be charged to the department.

The HSC Sponsored Projects Office is here to help ensure a favorable and compliant outcome of your research. Any questions regarding the process of Material Transfer Agreements can be directed to [HSC-Preaward@salud.unm.edu](mailto:HSC-Preaward@salud.unm.edu).

*Hengameh Raissy, PharmD*

Hengameh Raissy, PharmD (Mar 11, 2024 14:17 MDT)

Hengameh Raissy, PharmD, Interim VPR, HSC