

## Guidelines concerning contract flow

Dated 21 January 2020

With reference to the signatory regulations dated 12/21 October 2010, the financial regulations of the University of Basel dated 15 November 2001, the regulation on secondary activities, agreements with third parties and the use of intellectual property in the context of university activities dated 18 August 2004 and the regulation on the acceptance of grants and sponsorship contributions (fundraising) at the University of Basel dated 25 August 2016, the President's Board hereby issues the following guidelines:

### General

- As part of the University of Basel's internal control system, contracts are signed according to the four-eyes principle in adherence with § 3 signatory regulations and lodged as stipulated by those regulations.
- The overhead is 20% for third-party funded research projects, with the exception of SNSF projects and EU projects, which are subject to separate regulations. For commissioned research, the overhead is 40% (PBR dated 12 December 2011). The overhead may be waived for strategic reasons as an exception on consultation with the Vice President for Research (PBR dated 13 September 2011).
- The obligation to charge VAT, particularly for service and sponsorship contracts, must be evaluated by the Finance & Controlling office.
- All contracts/projects with data protection-relevant content must be evaluated by data protection officers or the Data Protection Officer of the University of Basel.
- Contracts are to be submitted to the relevant office in good time and in electronically editable form along with associated documents.
- For contracts that entail reputational risk (e.g. tobacco industry as a contractual partner), prior consent must be obtained from the President's Board regardless of the contract amount.

### Contract types + responsibilities

#### 1. Research contracts

Research contracts with a contractual amount of CHF 50,000 or more over the entire term are valid only if co-signed by the Vice President for Research in accordance with § 12 para. 2 of the regulations on secondary activities, agreements with third parties and the use of intellectual property in the context of university activities. For a contractual amount of CHF 250,000 or more, the contract must also be signed by the Executive Director.

Regardless of the contractual amount, all research contracts must be evaluated by the Legal Service or Unitecra depending on the faculty responsible (see 7. "Contract flow diagram"). The contract should be entered into the Grants Tool ([www.grants.unibas.ch](http://www.grants.unibas.ch)) after the legal evaluation at the latest, but before signing.

#### 2. Funding proposals for research projects (SNSF, EU, other institutions)

Submissions to the SNSF, the EU or institutions promoting young academic talents and other funding applications for research projects must be recorded in the Grants Tool before submission to the funding body, and are evaluated by the Grants Office. Grant confirmations should be uploaded to the Grants Tool ([www.grants.unibas.ch](http://www.grants.unibas.ch)).



**3. Donations (gifts, bequests)**

Grants with no consideration other than the naming of the donor are evaluated by the Fundraising office.

Donations and sponsorships with a value of less than CHF 100,000 may be accepted by university members after prior notification of the President's Board. For a contractual sum of CHF 100,000 or more, the contract must be signed by the President and the Executive Director.

Agreements that concern grants to the university with financial or infrastructural obligations on the part of the university or which affect intellectual or material property of the university must be approved in writing by the Executive Director (§ 10 para. 2 signatory regulations) before signing. Please consult the Legal Service with any legal queries.

**4. Cooperation contracts with third parties concerning teaching and studies**

Contracts concerning national and international cooperation with universities are prepared by the National & International Cooperation office and, after evaluation by the Legal Service, are usually signed by the Vice President for Education and the dean of the relevant faculty (§ 9 para. 2 signatory regulations).

For any extension, the faculty must submit an activity report to the National & International Cooperation office.

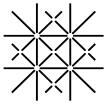
Contracts that relate to ERASMUS are not valid without a quality certificate (ERASMUS Charter and/or SEMP Charter).

**5. Contracts concerning the use of intellectual property**

Contracts concerning the use of intellectual property (e.g. license contracts) are only valid if signed by the Vice President for Research and the Executive Director. Unitectra is responsible for evaluating contracts concerning the use of intellectual property for all faculties. It supports the units of the university in contract negotiations and is responsible for obtaining the signature from the President's Board (Vice President for Research).

**6. Implementation**

The guidelines concerning contract flow come into force immediately with the President Board resolution dated 21 January 2020. They replace the guidelines dated 22 February 2012.



## 7. Contract flow diagram

<b>Contracts</b>	<b>Specialist office</b>
<b>Research contracts from the following faculties:</b> <ul style="list-style-type: none"> <li>- Humanities</li> <li>- Law</li> <li>- Theology</li> <li>- Economics</li> </ul>	<b>University Legal Service</b> Contracts from these faculties that concern the use of intellectual property (license contracts) are forwarded by the Legal Service to Unictetra.
<b>Research contracts from the following faculties:</b> <ul style="list-style-type: none"> <li>- Science</li> <li>- Medicine</li> <li>- Psychology</li> </ul>	<b>Unictetra/Vice Rectorate for Research/Grants Office</b>
<b>Funding proposals for research projects (SNSF, EU, other institutions)</b>	<b>Vice Rectorate for Research, Grants Office</b>
<b>Donations (gifts, bequests)</b>	<b>Fundraising office</b>
<b>Cooperation contracts with third parties concerning teaching and studies</b>	<b>National and International Cooperation office</b>
<b>Contracts concerning the use of intellectual property</b>	<b>Unictetra</b> <ul style="list-style-type: none"> <li>- License contracts</li> <li>- Material transfer agreements (MTA)</li> <li>- Innosuisse supplementary contracts between project partners</li> </ul>

## Important addresses

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<b>Unictetra</b>	Technologietransfer der Universität Basel, Steinengraben 5, 4001 Basel Tel +41 61 267 30 14 <a href="mailto:mail@unictetra.ch">mail@unictetra.ch</a>
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<b>Fundraising</b>	Universität Basel, Fundraising, Petersgraben 35, 4001 Basel Tel +41 61 207 28 86 <a href="mailto:caroline.mattingley-scott@unibas.ch">caroline.mattingley-scott@unibas.ch</a>
<b>National &amp; International Cooperation</b>	Nationale & Internationale Zusammenarbeit, Petersplatz 1, 4001 Basel Tel 061 267 28 30 <a href="mailto:erich.thaler@unibas.ch">erich.thaler@unibas.ch</a>
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