2019 SRAI Annual Meeting
October 19-23

Speaker 1: Laleta Davis Mattis (University (General ) Counsel , University of The West Indies, RHQ, Kingston, Jamaica

Speaker 2 First Last, Credentials, Title, Organization, City, State, Country
Legal Issues for [Private] Universities outside of the USA
Presentation Outline

Introduction

Our Experience with US Universities and Institutions

Solutions and Next Steps
Learning Objectives

• Interrogate mandatory legal provisions regarding agreements with Non-US Institutions
• Describe solutions and procedural changes that can help to reduce grants issues
The University Of The West Indies (“The UWI”), an autonomous regional institution, constituted by Royal Charter and represented by the Vice-Chancellor, Professor Sir Hilary Beckles, with Centre Headquarters situated in Kingston, Jamaica

The UWI operates from the following campuses:

- **Mona Campus** situated at Mona in Kingston, *Jamaica*
- **Cave Hill Campus** situated at Cave Hill in *Barbados*
- **St. Augustine Campus** situated in St. Augustine in *Trinidad and Tobago*
- **Five Islands Campus** located in *Antigua and Barbuda*
- **Open Campus** which serves sixteen countries within the *English-speaking Caribbean* region inclusive of the four countries noted above.
PRIVATE OR PUBLIC? THE UWI

Primarily Funded by Governments of the CARICOM region. Not necessarily subject to an government ministry

Autonomous: not directed by governments. Managed by a Council comprising governments representing the contributing countries
About Us and Our Environment
THE CAMPUS

- Mona, Jamaica
- Cave Hill, Barbados
- St Augustine, Trinidad and Tobago
- Five Islands, Antigua and Barbuda
- Open Campus
INCORPORATION

UWI automatically incorporated in sixteen Caribbean countries former colonies of the British Empire

- Anguilla
- Antigua & Barbuda
- Bahamas
- Barbados
INCORPORATION

Belize  British Virgin Islands  Cayman Islands  Dominica
Our Vital Numbers

- **Total Students**: 48,333
- **Undergraduates**: 37,396
- **Graduate**: 10,937
- **International**: 1,393
- **Total Staff**: 7,990
Our Vital Number cont’d

Research Revenue Aug 2015 - July 2016
Millions (US$)

International
Regional
Domestic
SOME OF OUR RESEARCH INSTITUTES

• Cocoa Research Centre
• Institute for Gender and Development Studies
• Seismic Research Unit
• The National Herbarium
• HEU, Centre for Health Economics
• Engineering Institute
• Mechanical and Manufacturing Enterprise Research Centre (MMERC)
SOME OF OUR RESEARCH INSTITUTES

- Caribbean Institute for Health Research: *conduct of high quality research that can inform health policy, programmes and health care delivery for regional populations*
- SODECO: an international research entity located in Jamaica
- Hugh Wynter Fertility Management Unit: Fertility Management
- Faculty of Social Sciences
The Members shall comply with all applicable laws and regulations in collaborating under this Memorandum of Understanding, including but not limited to the U.S. Foreign Corrupt Practices Act (“FCPA”). The Members are familiar with the FCPA, its prohibitions and purposes, and will not undertake any actions that may violate the FCPA. Accordingly, the Members hereby agree that:
BILL GATES FOUNDATION: early Childhood Development

You will not use funds provided under this agreement directly or indirectly in support of activities

- Prohibited by US Laws Related to combatting terrorism
- With persons on the list of specially designated nationals or entities owned or controlled by such persons
- With countries against which the US maintains comprehensive or targeted sanctions (currently Cuba, Iran, North Sudan, Syria, North Korea, Russia, Ukraine), unless such activities are fully authorised by the US Government under applicable law and specifically approved by the Foundation in its sole discretion
NATIONAL INSTITUTE OF HEALTH

Clinical Trial Agreement

- Good Clinical Practices are referenced to US Code of Federal Regulations and FDA Guidance for the design, conduct, monitoring, auditing, recording, ...that provide credibility and accuracy of the information...

- Compliance with International Conference on Harmonisation of technical requirements for Registration of Pharmaceuticals for Human Use (ICH) harmonised Tripartite Guidelines for Good Clinical Practice
Human subjects educational requirements: mandatory provisions for any person engaging with human subjects to undergo mandatory ongoing training: *Human Subjects Research Online Training*. 
The signature of the organisational officials on this agreement certifies that the subcontractor is in compliance with or intends to comply with all applicable certifications and assurances referred to in the public policy requirements section of the current NIH Grant Policy Statement. The subcontractor is responsible for establishing and maintaining the necessary processes to monitors compliance and that of its employees, and contractors with these requirements, taking appropriate action to meet the stated objectives...and informing he FCC of any problems....
Patents and Inventions shall be treated in accordance with PL 96-517. 35 USC Cap. 18 ‘patent Rights and Inventions made with Federal Funds) which is incorporated herein by reference and made a part of this agreement and DHHS Implementation of Regulations 54CFR Part 6 and 8.
All information, results and products whether tangible or intangible resulting from the services provided by the Consultant according to article 2 is the property of xxxx and will be assigned to xxxx.

The Consultant hereby irrevocably assigns all intellectual property right (including but not limited to copyright, database right) to xxxx. The Consultant undertakes to sign all necessary documents in this regard if it is
CONFIDENTIALITY

Requirements for confidentiality that span the entire university
COMPLIANCE WITH EXTERNAL POLICIES

COMPLIANCE WITH UNICEF POLICIES: The IP will be required to comply with the relevant provisions of UNICEF’s Policy Prohibiting and Combatting Fraud and Corruption, available at http://www.unicef.org/publicpartnerships/files/Policy_Prohibiting_and_Combatting_Fraud_and_Corruption.pdf or such other URL as may be decided from time to time by UNICEF.
ACCESS TO INFORMATION

Many agreements require that information (non confidential) are subject to access to information requests. The UWI (depending on the jurisdiction) is not subject to some legislation governing public entities.
CHALLENGES WITH COMPLIANCE

UWI IP Policy
Labour Law incompatibility
Conflict of Laws (Access to Information)
CONCLUSION

There needs to be greater synergies between The UWI and its research partners. Universities perhaps need to be more sensitive to the needs of universities like the UWI.

How can we collaborate further.
THANK YOU