



SRA INTERNATIONAL
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Legal Issues Legal Issues for Non US Private Universities Receiving US Funding

MRS. LALETA DAVIS-MATTIS – ATTORNEY-AT-LAW - UNIVERSITY LEGAL COUNSEL -
UNIVERSITY OF THE WEST INDIES, JAMAICA

LOURI CLARE, BSC., ACCA, FINANCIAL MANAGER – BUDGETS & GRANTS
MANAGEMENT, UNIVERSITY OF THE WEST INDIES, JAMAICA

PETA GAYE ALLEN – BSC. GRANTS ANALYST - UNIVERSITY OF THE WEST INDIES,
JAMAICA

Who We Are

Video to Follow

Presentation Outline



Learning Objectives

- Interrogate mandatory legal provisions regarding agreements with US and Non-US Institutions
- Describe solutions and procedural changes that can help to reduce grants issues



PRIVATE OR PUBLIC? THE UWI

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

Autonomous: not directed by governments. Managed by a Council comprising governments representing the contributing countries

UWI REGIONAL

Gulf of Mexico



UWI COUNTRIES

- Anguilla
 - Antigua & Barbuda
 - The Bahamas
 - Barbados
 - Belize
 - Bermuda
 - British Virgin Islands
 - Cayman Islands
 - Dominica
 - Grenada
 - Jamaica
 - Montserrat
 - St Christopher (St Kitts) & Nevis
 - St Lucia
 - St Vincent & the Grenadines
 - Trinidad & Tobago
- Main Campuses
- Mona Campus, Jamaica
 - Cave Hill Campus, Barbados
 - St Augustine Campus, Trinidad & Tobago
- Open Campus Centers in all UWI countries
- Offshore Institutions

17 Countries
5 CAMPUSES

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



Anguilla



Antigua
& Barbuda



Bahamas



Barbados



Belize



British
Virgin
Islands



Cayman
Islands



Dominica



Grenada



Jamaica



Guyana



Montserrat



St. Kitts & Nevis

INCORPORATION



Grenada



Guyana



Jamaica



Montserrat



St. Kitts & Nevis

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)

Hugh Wynter
Institute
(HWI)

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

ISSUES OF COMPLIANCE

MOU with US Universities

U.S. Foreign Corrupt Practices Act (“FCPA”). :

Data Privacy Laws and Policies

Due Dilligence (Requiring Individual & Several Liability)

Online Verification

Confidentiality Provisions & Personal Liability of the PI

Engagement of students

Patents and Inventions

- Prohibited by US Laws Related to combatting terrorism
- Specially Designated Insurance
- Requirements for Insurance
- With countries against which the US maintains comprehensive or targeted sanctions (against specific countries)
- Clinical Trial
- Proprietary Rights regarding the Creation of New Research Material, Information
- Access to genetic material
- Amount of legal requirements incorporated by reference
- Law & Jurisdiction Clauses
- Third Party Interventions
- Publication Rights

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

CONFIDENTIALITY

Requirements for
confidentiality that
span the entire
university



CONFIDENTIAL

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)

Data Privacy

CONCLUSION

There needs to be greater synergies between The UWI and its research partners.

How can we collaborate further.



A tropical sunset scene with palm trees and the ocean. The sky is a deep orange and yellow, with the sun low on the horizon. The water reflects the sunset colors. Silhouettes of palm trees are visible on the left side of the frame.

THANK YOU