

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

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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





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





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





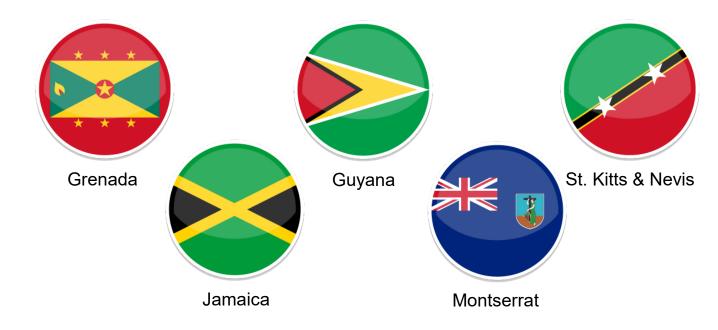
Montserrat



St. Kitts & Nevis



INCORPORATION





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





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.









