

<p style="text-align: center;"><b>James Madison University</b>  <b>Office of Sponsored Programs-Administrative Services</b>  <b>Standard Operating Procedures</b></p>			
<b>TITLE: Research and Related Contracts</b>			
<b>SOP # 2</b>	<b>Revision # 0</b>	<b>Effective Date: October 1, 2025</b>	<b>Page 1 of 5</b>

## **OBJECTIVE**

To describe the policies and procedures relating to approval and signing of contracts and agreements relating to research and sponsored programs on behalf of JMU.

## **GENERAL DESCRIPTION**

JMU Policy 4100 delegates signature authority related to “affiliated agreements with institutions of higher education, including sponsored projects, grants, and contracts” to the director of Sponsored Programs, and this authority is subsequently delegated/shared with the associate director. Many of these contracts involve data, intellectual property, or other aspects that require the Office of Sponsored Programs-Administrative Services (OSP-AS) to engage with other units on campus. In this standard operating procedure, we outline the documents we ask from investigators for common agreement types as well as the other units we typically engage with prior to signing.

## **DEFINITION**

**Sponsored Program Agreement (SPA):** A formal contract between a sponsor (funder) and JMU, typically for JMU investigators to conduct research or perform some similar work. JMU would receive funds from the sponsor to support the research or other project.

**Subaward Agreement (Sub):** A formal contract for performing a portion of a project’s work, in which the subawardee has a substantial role including intellectual contributions and programmatic decision-making. JMU may be the subawardee or the sponsor.

**Data Use Agreement (DUA)/Data Use and Transfer Agreement (DTUA):** A formal contract that governs the transfer and use of data (typically non-public or restricted data) between different organizations. Such agreements also typically specify how the data can be accessed, stored, used, protected, and/or disclosed.

**Material Transfer Agreement (MTA):** A formal contract that governs the transfer and use of one or more specific physical research material between organizations.

**Collaboration Agreement (COL):** A formal contract between multiple organizations that are cooperating in the conduct of a research program. The agreement describes the actions that each organization has agreed to undertake, and defines the obligations each party has to the others participating in the collaborative research effort. It frequently includes a scope of work as well as a schedule and deliverables.

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**Consortium Agreement (CON):** A formal contract that establishes the terms and conditions for collaboration among multiple parties, typically to support cooperation in a research endeavor or other similar project. It typically includes a defined structure and governance model for the parties participating in the consortium.

**Intellectual Property Management Plan/Allocation of Rights (IPMP/AOR):** A formal contract that addresses the protection, dissemination, and/or commercialization of intellectual property resulting from a research or similar collaboration. These may be required for some federal grants. [JMU Policy 1107](#) is particularly relevant to these agreements. *OSP-AS will only sign these agreements if required by a funder for a sponsored program; otherwise we will direct these to Research2Impact.*

**Licensing Agreement (LA):** A formal contract that grants the licensee certain rights of use regarding property of the licensor. In the research context, this may be used for software and other intangible property for which a material transfer agreement is inappropriate. *Note that OSP-AS only handles licensing agreements connected to sponsored programs and/or with another institution of higher education.*

**Service Agreement (SA):** A legally binding contract used for the sale of a good or service (fee for service). Service agreements may include consulting, work for hire, testing, analysis, equipment use, specific training, etc. The resources and personnel used are normally engaged in research, scholarship, and creative work but have excess capacity to handle additional work from external entities.

**Non-Disclosure Agreement (NDA)/Confidential Disclosure Agreement (CDA)/Proprietary Information Agreement (PIA):** A formal contract between at least two parties which outlines confidential materials or knowledge the parties wish to share with one another for certain purposes, but wish to restrict from generalized use; it is a contract by which the parties agree not to disclose information covered by the agreement. [JMU Policy 1107](#) is particularly relevant to these agreements. *OSP-AS will only sign these agreements if required by a funder for a sponsored program.*

**Memorandum of Understanding (MOU) (for research or sponsored programs only):** An agreement between multiple participants outlining their intention to collaborate on a specific project or activity. This is typically a non-binding agreement that frequently establishes a framework for cooperation, clarifying roles, responsibilities, and objectives without creating legally enforceable obligations. *This SOP does not apply to MOUs which are not related to research or sponsored programs, which do not need to be reviewed by OSP-AS.*

## **RESPONSIBILITY**

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Execution of SOP: Office of Sponsored Programs-Administrative Services staff.

## **PROCEDURES**

For all agreements, Office of University Counsel will be consulted in accordance with [JMU Policy 4100](#), unless the agreement falls into one of the exclusion cases within that policy.

For all agreements, OSP-AS will consult with Sponsored Programs-Financial Administration if the agreement includes terms of payment and/or an associated budget.

The table below lists the units we consult with for each type of agreement as well as the materials that the investigator must provide. We note that as each contract is unique, OSP-AS may consult with other units beyond those listed in the table as necessary to ensure compliance as appropriate.

<b>Contract Type</b>	<b>Materials Required</b> <i>(Besides the agreement itself)</i>	<b>Other Units Consulted</b> <i>(Besides University Counsel)</i>
SPA	<ul style="list-style-type: none"> <li>• Full proposal as submitted to the sponsor, including budget and statement of work</li> <li>• Award notification from sponsor (typically sent directly to OSP-AS)</li> <li>• IRB Approval including data security plan or IRB Exemption confirmation, if human subject research</li> <li>• IACUC Approval, if animal subject research</li> <li>• IBC Approval, if biosafety research</li> </ul>	
Sub	If JMU is the subawardee: <ul style="list-style-type: none"> <li>• All materials submitted to the lead institution, including subawardee budget and statement of work</li> </ul> If JMU is the lead institution: <ul style="list-style-type: none"> <li>• Full proposal as submitted to the sponsor</li> <li>• Subrecipient or contractor checklist</li> <li>• Subrecipient statement of work, line-item budget, and budget justification</li> <li>• Subrecipient commitment form</li> <li>• Federal Demonstration Partnership FDP Attachment 3B <a href="#">Forms</a></li> <li>• Subrecipient F&amp;A Agreement (if applicable)</li> </ul>	
DUA/DTUA	<ul style="list-style-type: none"> <li>• Description of data</li> <li>• Data management plan (if applicable) and/or a description of computing needs.</li> <li>• IRB Approval including data security plan or IRB Exemption confirmation, if human subjects data</li> <li>• Confirmation of payment source (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>• Information Security Officer</li> <li>• Procurement as applicable</li> </ul>
MTA	<ul style="list-style-type: none"> <li>• Description of material including any storage or security requirements</li> <li>• Confirmation of payment source (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>• Facilities as applicable</li> <li>• Procurement as applicable</li> </ul>

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	<ul style="list-style-type: none"> <li>• IRB Approval or IRB Exemption confirmation, if human subject are involved</li> <li>• IACUC Approval, if animal subject research</li> <li>• IBC Approval, if biosafety research</li> </ul>	<ul style="list-style-type: none"> <li>• IT as applicable (e.g., if the material is a device that connects to JMU's network)</li> </ul>
COL	<ul style="list-style-type: none"> <li>• Statement of work</li> </ul>	<ul style="list-style-type: none"> <li>• Intellectual Property Officer or designated official, if IP is referenced</li> </ul>
CON	<ul style="list-style-type: none"> <li>• Statement of work</li> </ul>	<ul style="list-style-type: none"> <li>• Intellectual Property Officer or designated official, if IP is referenced</li> </ul>
IPMP/AOR	<ul style="list-style-type: none"> <li>• Statement of work or other description of the project</li> <li>• Solicitation or other documentation from sponsor indicating it is required</li> <li>• <a href="#">Invention Disclosure Form</a> (if relevant)</li> </ul>	<ul style="list-style-type: none"> <li>• Intellectual Property Officer or designated official</li> </ul>
LA	<ul style="list-style-type: none"> <li>• Statement of work or other description of the project, indicating how the licensing agreement is necessary.</li> <li>• If JMU is purchasing: confirmation of payment source</li> <li>• <a href="#">Invention Disclosure Form</a> (if relevant)</li> </ul>	<ul style="list-style-type: none"> <li>• Intellectual Property Officer or designated official</li> <li>• Procurement</li> </ul>
SA	<ul style="list-style-type: none"> <li>• Statement of work or other description of the project, indicating how the licensing agreement is necessary.</li> <li>• If JMU is purchasing: confirmation of payment source</li> </ul>	<ul style="list-style-type: none"> <li>• Procurement</li> </ul>
NDA/CDA/PIA	<ul style="list-style-type: none"> <li>• Statement of work</li> <li>• Documentation from sponsor indicating the agreement is required</li> </ul>	<ul style="list-style-type: none"> <li>• Intellectual Property Officer or designated official</li> </ul>
MOU (for research or sponsored program only)	<ul style="list-style-type: none"> <li>• Statement of work</li> </ul>	

Current Information Security Officer: V Kagey, Director of IT Security/ISO  
Intellectual Property Officer: Dr. Anthony Tongen delegated to Leigh Evens, Director of R2I (Research-to-Impact)

When generating such agreements on behalf of JMU, OSP-AS will work from approved templates as much as possible. Besides internally-generated templates, [Data Use and Transfer Agreement templates](#) and [subaward templates](#) are available from the Federal Demonstration Partnership.

## **REVISION HISTORY**

Version No.	Brief Description of Changes	Created on Date
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00	Creation of SOP	10/1/2025

### **SIGNATURE HISTORY**

<b>Name and Title</b>	<b>Signature</b>	<b>Date</b>
Lauren Pearce Interim Director of Research Development and Pre-Award Services	<i>Lauren Pearce</i>	10/1/2025

### **REFERENCES**

[JMU Policy 4100](#)

[JMU Policy 1107](#)

[Data Use and Transfer Agreement templates](#)

[Subaward templates](#)