



Fundamental RESEARCH

CONTRACTS IN-DEPTH SESSION | JANUARY 23



Office of Contracts and Grants
UNIVERSITY OF COLORADO **BOULDER**

Be Boulder.

FUNDAMENTAL RESEARCH
Presenter Introduction



Contract
Process

THE OFFICE OF
Contracts & Grants

The **Contracts Team** drafts, negotiates, and executes agreements between the University and its sponsors to accommodate the University's mission & policies

About Me

Danell Thompson

SENIOR CONTRACTS MANAGER
OFFICE OF CONTRACTS AND GRANTS



Overview

DEFINING FUNDAMENTAL RESEARCH

FUNDAMENTAL RESEARCH EXCLUSION (FRE)

IDENTIFIERS & TIPS TO AVOID PROBLEMS



DEFINING

Fundamental Research



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Definition

Fundamental Research

Basic & applied research in science and engineering, the results of which ordinarily are **published & shared broadly within the scientific community**, as distinguished from proprietary research and from Industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.

DEFINING FUNDAMENTAL RESEARCH

Basic vs. Applied Research

no determined application or use

Basic

Experimental

Theoretical

Purpose = to acquire
new knowledge

practical aim

Applied

specific
objective

Potential Problems

What if the sponsor does not designate the PI's scope of work as Fundamental Research?

Award delays

Restrictions on publication

Restrictions on project personnel



Key Concerns



Fundamental Research EXCLUSION (FRE)



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FUNDAMENTAL RESEARCH EXCLUSION (FRE)

Protection Under FRE

Fundamental Research Exclusion (FRE)

an exemption under export control laws and regulations* embodied by the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR)

* EXPORT CONTROL LAWS MAY COME INTO PLAY WHEN WE WORK WITH FOREIGN COLLABORATORS, INSTITUTIONS OR STUDENTS

Other Exemptions

Publicly Available Information

The information is published and already in the public domain through unlimited and unrestricted distribution [15 CFR 734.7].

Educational Information

The information is released by instruction as listed in catalog courses and associated teaching laboratories in U.S. accredited academic institutions [15 CFR 734.9].

FUNDAMENTAL RESEARCH EXCLUSION (FRE)

Significance & Relevance

Why Should You Know About It?



Aid researcher in obtaining awards with minimal restrictions



Empower researcher to respond to sponsor pushback



Enable all students to participate in research



Decrease delays in award and project setup

FUNDAMENTAL RESEARCH EXCLUSION (FRE)
Restricted Research Committee & Waiver

**Restricted
Research
Committee**

- Publication requires approval
- Restrictions on foreign national participation
- Exchange of Controlled Unclassified Information (CUI)
- **Other:** Choice of Law, Indemnification

FUNDAMENTAL RESEARCH EXCLUSION (FRE)
Qualifications to Secure FRE Designation

FRE APPLIES TO:

Research without sponsor restrictions on the nationalities of project personnel



Research without publication restrictions



The free and open publication of research results in technical literature regardless of publication



Research conducted within the United States



FRE DOES NOT APPLY TO:

Physical Goods



Software & Encryption



Research with sponsor publication restrictions



Research conducted outside the United States



Benefits to the University

Protecting University Values



Aligns with the University's mission as a public research institution



Enables on-site research publications in order to back research, PhD candidates, and accreditation programs



Gives faculty and students ability to meet tenure and thesis requirements



Reduces administrative burden in award management



Identifiers & Tips TO AVOID PROBLEMS



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IDENTIFIERS & TIPS
Sponsors to Watch



Take Action at Proposal Stage

SOW should be clearly within the bounds of fundamental research & designated as such in the proposal to the sponsor

SOW
SCOPE OF WORK

EXAMPLE

TEXT TO INSERT
INTO PROPOSAL
COVER LETTER
OR SOW

Finally, it shall be noted that the University of Colorado is an accredited U.S. institution of higher education engaged in fundamental research in science and engineering. Our research is intended to be, and is, widely and openly published and made available to the scientific and academic community. CU is submitting its proposal against the subject RFP with the understanding that the work to be performed and the results generated are considered to be fundamental research, intended to be published and shared broadly within the scientific community.

Take Action with Sponsor



Be an Advocate

Principal Investigator (PI) should understand why their research qualifies for the Fundamental Research Exclusion (FRE) to advocate to the Sponsor Technical Contact

Contact

Your OCG
Contract
Officer

If needed, OCG can compose and sign a letter to the sponsor explaining why we are requesting Fundamental Research Exclusion (FRE) designation



Questions?

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Senior Contracts Manager | Office of Contracts & Grants

Find the OCG Contract Officer for Your Department

WWW.COLORADO.EDU/OCG/DIRECTORY



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