

Guideline to the Site User Agreement (SUA) and Equipment Site Utilization Form (ESUF)

NEEScomm has developed a two-part process to address the contractual and programmatic issues between a NEES Equipment Site and a User Institution conducting a shared-use project. Questions about these documents and their use should be directed to neesbo-list@ecn.purdue.edu and NEEScomm Director of Site Operations (neessiteops@purdue.edu).

Site User Agreement (SUA)

The Site User Agreement (SUA) addresses contractual issues between a NEES Equipment Site Institution ("Site Institution") and a User Institution. The SUA is not researcher or project specific; it serves as the contractual understanding between the Site Institution and User Institution. Once executed, the SUA will remain in effect until 09/30/2014. Site Institutions should execute SUAs with all User Institutions conducting research at a NEES equipment site. SUAs are not required for PIs or Co-PIs internal to the NEES site. For example, a Cornell University researcher conducting research at the Cornell Site would not need a SUA. A University of Michigan researcher conducting research at the Cornell Site would need a SUA. If a different University of Michigan researcher were to conduct work at the Cornell Site, a new SUA would not be required as long as the research took place prior to 09/30/2014.

Since SUAs are contractual agreements, they do need to go thru each Site's and User's Sponsored Programs Office (SPO) for institutional signature. Sites are welcome to make minor changes to the SUA; requests to make material changes must be submitted in advance to NEEScomm for review and approval.

Sites are responsible for identifying the need for a SUA and then executing the agreement. Copies of fully executed SUAs must be submitted to NEEScomm.

Equipment Site Utilization Form (ESUF)

The Equipment Site Utilization Form (ESUF) is a project-specific form that should be completed for each project. The purpose of this form is to document a planning discussion between a User and the Site. The ESUF identifies a schedule, distribution of responsibilities, experimental costs not covered by normal operation and maintenance costs, and safety issues in an effort to avoid misunderstanding down the road. Often, researchers and sites will discuss many details that are not covered on the standard ESUF form. If it desires, each Site is welcome to add additional information to the ESUF.

The ESUF is a programmatic document between the User and the Site. As such, this document is not a legal contract and does not require SPO approval. Separate forms will need to be submitted for each project regardless of prior projects. A SUA and ESUF must be in place before a project begins. The only exception is when the researcher is internal to the Site and thus no SUA is needed. Prior to the project commencement, the ESUF must be routed to NEEScomm (Director of Site Operations) for approval.

Frequently Asked Questions:

Q: Why do we need SUAs?

A: The SUA addresses several things. If a User Institution has a need to understand or know any of those things, they need to execute a SUA. Those things include:

1. The Site is funded by NSF thru a subaward and therefore there are intellectual property, publication, and acknowledgement requirements on any research conducted at the site.
2. There is a procedure for a project to be considered shared use and obligations that flow from that designation.
3. There are safety and indemnity issues involving the use of the Site.
4. In the event of dispute, NEEScomm can serve as an arbitrator to assist in finding an acceptable compromise.

Sites are required by their subawards to ensure that if a User institution is impacted by any of these things, there should be a SUA in place between the User institution and Site. The decision whether or not a User institution is impacted by these items is the Site's. If a Site is not sure, NEEScomm can provide guidance for specific circumstances.

Q: The PI will not be coming to the site at all. Does the Site need a SUA with that PI's institution even though he will not be coming to the facility?

A: If the Site is concerned that issues may arise regarding data sharing, scheduling, intellectual property, etc. it would be helpful to have a SUA in place. If problems should arise, the SUA does include a formal process for dispute resolution.

Q: I have a researcher from my own institution that will be a PI on a project conducted at my Site. Do I need SUA and ESUF?

A: SUAs are not necessary for researchers internal to the Site. ESUFs should be completed for each project and be in place prior to the project commencing.

Q: There is a Co-PI on a project that will not be coming to the Site. Should there be a SUA with that Co-PI's institution?

A: No, a SUA is not necessary for a Co-PI that is not coming to the Site.

Q: Who signs ESUFs?

A: ESUFs are programmatic forms and are signed by the User PI and Equipment Site PI. The signed form should be provided to the NEEScomm Director of Site Operations.

Q: Who signs the SUA?

A: SUAs are signed by an individual with institutional signature authority at both the NEES Equipment Site and User Institution. Most commonly, this will be the Sponsored Programs Office (SPO). Copies of executed SUAs should be provided to NEEScomm.

- Q: There is a Co-PI on a project that will be coming to the Site. Should there be a SUA with that Co-PI's institution?
- A: Yes, there should be a SUA. It is in the Site's best interest to have a SUA in place when personnel from another institution will have physical access to the Site due to the safety and indemnity issues involving the use of a Site.

These FAQs are intended to provide general guidance. If any NEES Site or User institution has a special situation and is unsure what documents should be signed, please contact NEEScomm for guidance and assistance.

For questions, please contact:

NEEScomm Business Manager
neesbo-list@ecn.purdue.edu

NEEScomm Director of Site Operations
neessiteops@purdue.edu