

Updated DUA and MTA Submission Process: What You Need to Know

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When is a Material Transfer Agreement Needed?

A Material Transfer Agreement is a contract for the transfer of various biological and research materials.

Common examples:

- Biological materials (reagents, cell lines, cultures, plasma, etc.)
- Proprietary "material" (electronics, computer chips, etc.)

When is a Data Use Agreement needed?

DUAs are needed to transfer non-public data that is subject to some restriction on use.

Common Examples:

- Human Subjects Research Data
- Data collected pursuant to a sponsored project and there are restrictions on the use of the data in the underlying grant/contract

Change Can Be Challenging

Examples of Challenges:

- You get a fully executed Agreement and then Carolina Data Warehouse won't release your data
- You have a fully executed DUA that doesn't address publication and your beautiful friendship with the PI on the other side takes a turn for the worse
- You have a fully executed DUA, and have shared confidential information with your counterpart, but because it's a DUA, there are no rules in place to govern their disclosure or your brilliant thoughts
- You complete a collaboration agreement only to realize your IRB doesn't allow you to do the work we just agreed to do.
- You submitted my project into Alice 4 weeks ago and my Contracting officer is STILL asking me project questions
- INEFFICIENT

DUA Updates - DUA or Collaboration Agreement?

- We are updating the intake process for DUA's to sidestep some of the problems we just discussed and eliminate inefficiency getting your project moving **FASTER**
- One of the ways we head off problems and increase efficiency is to determine whether you need a DUA or a Collaboration Agreement on the front end
- How Does a DUA Differ From a Collaboration Agreement?
 - Lawnmower versus Football Team
 - Necessary Considerations and Protections
 - Collaboration requires more information and more input from the PI and Department
- Why Does it Matter?
 - The Wrong Agreement = Wrong Protection
 - Publication, Scope of Work, IP, Use of Results

Current Process

- PI or Department Submits a DUA or MTA request to Alice
- The Request goes to our administrative team and a new file is created
- The new file goes into an assignment bucket
- The file is assigned to a Contracting Officer
- Contracting Officer pieces together what info they have to start the drafting process
- Back and forth between Contracting Officer and PI/Department to get information needed to draft the Agreement

Current Inefficiencies

- Contracting Officer Gets the File Missing Key Information
- When the Contracting Officer is Ready, the File Isn't
- Contracting Officer Reaches Out to the PI delaying the Agreement drafting
- Contracting Officer may need to bring in other teams to assist, but this is unknown in the beginning causing further delay

Big Picture DUA/MTA Process Updates

- We are working with Operations and ORIS to add additional questions to the submission process
- We will gather all necessary information before the Contracting Officer starts drafting the agreement, which will reduce back and forth with Contracting Officer and PI/Department
- Expedited total time to draft MTA or DUA

Updated Process for Subcontracts

- We want to include DUA/MTA terms in subcontract whenever possible (reduce the number of agreements for each project)
- We are including the new MTA/DUA questions in the updated Research Subjects and Data Transfer Form for subcontracts

New DUA Questions

- Ramses number?
- IRB number?
- Any third parties?
- Carolina Data Warehouse Data?
- Joint Publication/Analysis
- Specific HIPAA identifiers included?
- Data from European Union (General Data Protection Regulation implications)?
- Anticipated IP creation?
- Data Elements sent and/or received?

Benefits of New DUA Questions

- Most of you will recognize most/all of the questions as your team is already being asked these things. You are now being asked earlier in the process to allow for quicker turnaround.
- Provides all needed information for Contracting Officer to draft DUA
- Allows Contracting Officer to determine if other contractual terms need to be included (MTA, Collaboration, etc.)
- Avoids many of the problems we first discussed
- Gets the protections you and the University need
- Reduces intrusion into your busy day

Where Does my MTA Go?

- Office of Technology & Commercialization (OTC), OSP or a Blackhole...
- OTC (Submitted via BLUE)
 - Most MTAs
- OSP
 - Any MTA that is funded
 - Any MTA that includes identifiable data

New MTA Questions

- Incoming? Outgoing? Both?
- Identifiable data?
- Funding specific to material transfer?
- IRB Approval?
- Description of Material being transferred?
- Human tissue?
- Data transferred?

MTA Improvements

- Identify the correct office (OSP v. OTC) at the initial submission stage
- Collect all the information needed to draft MTA at the beginning of the process

QUESTIONS?

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