

Guidance for Successful Collaboration between JHU's Academic Divisions and APL

Strong collaboration between investigators at JHU's academic divisions and JHU's Applied Physics Laboratory (APL) have proven to be immensely beneficial in advancing scientific discovery and impact. Moving forward, we see these partnerships continuing to grow and expanding in quality and quantity, to the benefit of the entire JHU community.

As the collaborative partnership evolves, it is helpful to understand that the two entities have distinct structures, missions, and limitations. The academic divisions are focused on a tripartite mission of research, education, and public impact. The divisions are committed to publishing results of their research, teaching the next generation of scientists, and translating their intellectual property advances into commercial products that can positively impact the public. In this light, faculty members have wide discretion in pursuing research and are closely involved in decisions regarding translation and future use of IP. Faculty who are principal investigators on grants and contracts feel a strong sense of ownership over those grants and contracts; departing faculty often transfer their grants and contracts to their new academic institution. And faculty are heavily invested in providing rigorous academic experiences for their students and trainees.

APL is a research institution focused on making critical contributions to the nation's most critical challenges, with an emphasis on national security, space, and national health. As the country's largest designated university affiliated research center, the vast majority of APL's work is contracted from the federal government and involves hard deliverables with significant sponsor engagement and expectations. APL focuses on advancements in targeted state-of-the-art capabilities and meeting obligations specified by sponsors.

Given the complementary orientations and missions of the academic divisions and APL, there are many opportunities for collaboration, but complications can arise during collaborative activity. Consequently, the academic divisions and APL have identified several best practices to facilitate effective collaboration and to minimize misunderstanding and confusion.

- **Intellectual Property.** Before embarking on any potential collaborative effort, teams should establish a shared understanding regarding expectations of sharing and translation of new IP that may be created in the course of collaborative projects. While ownership of the IP is generally not an issue — as the University owns all IP invented by the academic divisions and APL — the University expects all those with a stake in IP ownership to have a significant voice in decisions regarding technology transfer and future use. Therefore, in early discussions between academic division investigators and APL, the parties should reach clear consensus on the issue of how solely or jointly created IP will be handled and who will be involved in making decisions regarding use and translation of new IP, given existing approval processes within the academic divisions and APL. Likewise, the parties should reach an understanding as to whether the academic divisions or APL is bringing background IP into the collaborative

relationship and, if so, what the expectations are regarding post-collaboration use of that IP.

- **Joint Pursuits.** When engaging in collaborative activity, the investigators from the academic divisions should refer to the "[Interdivisional Collaborations](#)" website and contact either the School of Medicine Office of Research Administration (ORA) or JHU Research Administration (JHURA), and APL staff members should refer to the "[Collaborating with JHU](#)" website and work with [Theresa Hamm](#) in APL/Procurement and the appropriate program manager or mission area to draft specific agreements or proposals in accordance with standing Laboratory practices. These activities can take many forms across a spectrum of collaborations.

Collaborators should reach early agreement regarding future pursuits that may leverage joint activities, including internally funded research and development projects. This is especially true for contracts (vs. grants) where there is a high level of sponsor engagement and APL has an important relationship with that sponsor. For joint grant awards (where interaction with sponsors tends to be minimal) this is generally less challenging.

There are three issues, in particular, to consider:

- If an academic division and APL collaborate on a project and APL wants to propose follow-on work to DoD or other APL sponsors, is there an expectation that the academic division collaborators will be included?
- Is there any expectation that APL collaborators will be included in proposed follow-on efforts led by an academic division?
- How are decisions made if academic division investigators and APL investigators disagree about participating in future joint pursuits?

Ideally, decisions about future joint pursuits will be made collaboratively. It is important that the teams have a common understanding regarding future sponsor engagement before decisions are made about follow-on joint projects.

- **Export Control.** Generally, no export-controlled item, data, or services should be disclosed to any foreign person, firm, or country without proper license or applicable exception or exclusion, such as the fundamental research exclusion. At APL, given its status as a University Affiliated Research Center for the U.S. Department of Defense, its Technology Control Plan requires, among other things, that foreign visitors, including JHU researchers and students who are foreign nationals, be escorted on APL's campus. APL staff should contact their Department Export Coordinator or the Laboratory's International Trade Compliance Office for guidance. At the academic divisions, the fundamental research exclusion is of critical importance, as it ensures that all of JHU's graduate students and trainees can participate in all of a laboratory's research projects. Faculty whose labs include non-U.S. citizens should carefully consider the impact on their lab before engaging in export-controlled work with APL scientists; situations may

arise where it is in the best interest of a faculty member's foreign trainees for the faculty member to refrain from APL-related work that is export controlled.

- **Publications.** The academic divisions generally expect that their scientific activities will result in publications, and publication rights are especially essential for projects involving students or trainees. Focus on publication is both a philosophical perspective and also legally required to ensure that JHU complies with export control laws, tax regulations, and IT security requirements. And while APL also seeks to publish, there are more constraints given the sensitivity of the work and accompanying government oversight. On collaborative efforts between the academic divisions and APL, the divisions may need to allow APL to review and comment on publications before submission to an academic journal. While short delays may be introduced, they should be minor and focused on identifying sponsor confidential information or filing for patent protection. Any restrictions beyond that, however, create significant legal and mission-related implications that will be considered on a case-by-case basis by the APL Office of General Counsel and the JHU Vice Provost for Research (after initial review by JHURA/ORR). Proposed collaborative activity that will not permit publication must be clearly communicated to the academic division investigators as quickly as possible, and those investigators will need to seek leadership permission to engage in the activities for which publication is prohibited. Students and trainees will generally not be available to work on such projects. As with all scientific collaborations, the parties should work collaboratively to reach agreement on questions of authorship.
- **Conflict of Interest.** APL has close relationships with a core group of federal sponsors and corporate funders; faculty should be aware that APL may decline to engage in a project with a third-party entity if doing so would create a conflict of interest with respect to one of their key funders. Likewise, faculty should disclose at the outset of discussions with APL any personal financial interest or outside relationship that may be related to the proposed collaborative activity, as there may be corresponding limitations on the faculty member or divisions' ability to conduct the relevant research. For more information, APL staff members should refer to APL's internal conflict of interest policies.