

# Research at Institutions Other Than the Host Institution

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## Scope and Policy

This policy applies to HHMI Investigators and Freeman Hrabowski Scholars at host-based sites (“HHMI Laboratory Heads”). It does not apply to Senior Group Leaders, Group Leaders and Fellows at HHMI’s Janelia Research Campus.

HHMI appoints and employs HHMI Laboratory Heads at host institutions around the country. HHMI Laboratory Heads and other laboratory staff employed by HHMI are required to assign to HHMI all inventions arising from their research activities. HHMI’s collaboration agreements with its host institutions obligate HHMI to assign HHMI’s interest in inventions made by HHMI employees to the host, and carefully allocate roles and responsibilities relating to an HHMI Laboratory Head’s research among HHMI and the host institution (for example, responsibility for lab safety and regulatory compliance, which resides with the host institution).

From time to time, HHMI Laboratory Heads are presented with opportunities to engage in research activities at an institution other than their host institution. While HHMI generally prefers that HHMI Laboratory Heads conduct their research program at their host institutions, HHMI recognizes that there may be circumstances in which unique scientific or professional opportunities will be available to the HHMI Laboratory Head by conducting research at another location. These opportunities can take a variety of forms, including second laboratories, sabbaticals, and other visiting researcher arrangements. HHMI believes that some of these arrangements can have positive effects on the HHMI Laboratory Head’s research program and science generally. At the same time, however, there are implications for the HHMI Laboratory Head’s relationship with HHMI and for HHMI’s relationship with the HHMI Laboratory Head’s host institution and the other institution where the HHMI Laboratory Head proposes to conduct research. Any arrangements where an HHMI Laboratory Head will be away from their HHMI laboratory for extended periods raise concerns for HHMI about how ongoing research in the HHMI Laboratory Head’s HHMI laboratory will be managed in the HHMI Laboratory Head’s absence. It is important for HHMI to review and approve any proposed arrangements relating to the conduct of research at institutions other than at the HHMI Laboratory Head’s host institution as provided in this policy.

Arrangements involving second laboratories at institutions outside of the U.S. raise special concerns about directing and/or supervising research at a distant location and may create additional compliance obligations for HHMI. For this reason, beginning March 9, 2020, HHMI will not approve requests to establish a new second laboratory outside of the U.S. and will not approve continuation of existing foreign second lab arrangements.

This policy does not apply under the following circumstances:

- When an HHMI Laboratory Head is assigned space in two different locations at the same host institution.

- When an HHMI Laboratory Head is visiting another institution on a short-term basis (i.e., for less than three months) for the purpose of engaging in activities at the other institution that do not involve supervision of an independent laboratory (for example, to use a piece of equipment or other resources, to learn a technique, to do field work, or to take or teach a course), and either the other institution does not require the HHMI Laboratory Head to execute an agreement granting rights in intellectual property to the other institution, or the HHMI Laboratory Head does not anticipate developing any intellectual property at the other institution.
- When an HHMI Laboratory Head is visiting a collaborator's laboratory and does not have their own space or funding at the collaborator's institution, and either the collaborator's institution does not require the HHMI Laboratory Head to execute an agreement granting rights in intellectual property to the collaborator's institution or the HHMI Laboratory Head does not anticipate developing any intellectual property at the collaborator's institution.
- When an HHMI Laboratory Head is visiting HHMI's Janelia Research Campus.
- When an HHMI Laboratory Head is on sabbatical from their host institution at another institution and the other institution does not require the HHMI Laboratory Head to execute an agreement regarding ownership of intellectual property, no separate requirements under this policy apply but the HHMI Laboratory Head must comply with the requirements of [HHMI's Sabbatical Leave for HHMI Lab Heads at Host-based Sites policy](#).
- When an HHMI Laboratory Head engages in research that is covered under HHMI's agreements relating to research at the Eli and Edythe Broad Institute of MIT and Harvard.

## **Key Terms**

### **Second Laboratory**

HHMI considers as a proposal to establish a second laboratory any request by an HHMI Laboratory Head to direct and/or supervise research at another location while the HHMI Laboratory Head concurrently maintains their laboratory at the HHMI Laboratory Head's host institution without interruption of the HHMI Laboratory Head's teaching and other obligations to their host institution. For purposes of this policy, unless one of the exceptions in the previous section applies, a second lab is any arrangement where an HHMI Laboratory Head (i) directs and/or supervises a research program that is distinct from the research program at the HHMI Laboratory Head's host institution, (ii) has sole hiring and/or mentoring responsibilities for employees or trainees of the second lab site, and/or (iii) has a faculty appointment with full privileges, research-related or administrative responsibilities and obligations at a second institution similar to the faculty members of the second institution.

### **Sabbatical Leave**

HHMI considers as requests for sabbatical leave any request by an HHMI Laboratory Head to conduct research either at the HHMI Laboratory Head's host institution or at another location during a specified period without teaching and other host institution obligations. In addition, any other arrangements that are designated by the HHMI Laboratory Head's host institution as sabbatical leave are subject to HHMI's requirements for sabbaticals. Proposals to take sabbatical leave from the HHMI Laboratory Head's host institution to conduct research at, or otherwise

relocate to, a second site are subject to both the requirements of [HHMI's Sabbatical Leave for HHMI Lab Heads at Host-Based Sites policy](#) and the requirements of this policy.

#### Visiting Researcher Arrangements

HHMI considers as Visiting Researcher Arrangements any proposal by an HHMI Laboratory Head to engage in research activities (for any length of time) outside of the HHMI Laboratory Head's host institution, if the other institution requires the HHMI Laboratory Head to execute an agreement granting rights in intellectual property to the other institution and if the proposal is not a proposal to establish a second lab or take sabbatical leave, as described above.

### **HHMI Review of Proposals to Conduct Research Outside of the HHMI Laboratory Head's Host Institution**

This section of the policy describes HHMI's requirements and review procedures for all proposals to conduct research outside of the HHMI Laboratory Head's host institution that are within the scope of this policy. Specific requirements or procedures applicable to proposals to establish a second laboratory, to conduct research at another location while on sabbatical leave from the HHMI Laboratory Head's host institution, or to engage in a Visiting Researcher Arrangement are described in the next sections of the policy. Please note that any proposal to spend 25 percent or more time over the course of a year engaged in research at a location other than the HHMI Laboratory Head's HHMI laboratory requires prior written approval from HHMI's Vice President and Chief Scientific Officer, regardless of the nature of the arrangement.

An HHMI Laboratory Head interested in conducting research outside of their host institution as described in this policy should take the following steps:

- 1.) Inform your [Scientific Officer](#) of the proposal. Except under the circumstances identified in the previous section as outside the scope of this policy, an HHMI Laboratory Head should inform their [Scientific Officer](#) of any proposal to conduct research away from the HHMI Laboratory Head's host institution six (6) to nine (9) months in advance of the proposed start date.
- 2.) After discussing the proposal with your [Scientific Officer](#), complete the appropriate request form on the [HHMI Science Portal](#): (a) HHMI's Request to Conduct Research Away in Second Lab form, (b) HHMI's Request for Sabbatical Leave form, or (c) HHMI's Request for Visiting Researcher Arrangement form. Request forms should be submitted as soon as possible, and at least three months in advance of the proposed start date. HHMI's Vice President and Chief Scientific Officer considers the information provided on the form in deciding whether to approve a request to engage in research activities at an institution other than the HHMI Laboratory Head's host institution.
- 3.) As soon as possible, ask whether you, your host institution, and/or HHMI will be required to sign any agreement with the other institution relating to the proposed arrangements, and provide contact information to your HHMI attorney for someone at the other institution. If the other institution requires an agreement, or the arrangement is one for which HHMI requires an agreement as discussed below, then HHMI's Vice President and Chief Scientific Officer may give preliminary approval of the arrangement in concept, and defer formal HHMI approval until a mutually acceptable agreement has been negotiated. The following

requirements apply to any agreement relating to HHMI Laboratory Head research outside of the HHMI Laboratory Head's host institution:

- 4.) HHMI Laboratory Heads are required to assign rights in inventions made in the course of their research to HHMI, and HHMI generally has an obligation to assign its rights in intellectual property developed by its HHMI Laboratory Heads to the HHMI Laboratory Head's host institution.
- 5.) Agreements must provide for HHMI to have a retained research use license to any inventions made by an HHMI Laboratory Head at the other site, similar to the research use license retained by HHMI in its agreement with the host institution. This is important to ensure that the HHMI Laboratory Head will be able to proceed with their research when the HHMI Laboratory Head returns to the HHMI Laboratory Head's host institution laboratory.
- 6.) HHMI generally will defer to the decisions of the HHMI Laboratory Head's host institution regarding arrangements for sharing licensing proceeds arising from intellectual property developed by the HHMI Laboratory Head at another institution, as long as the arrangements reflect the HHMI Laboratory Head's status as an HHMI employee and are otherwise consistent with the requirements of HHMI's collaboration agreement with the HHMI Laboratory Head's host institution.
- 7.) HHMI will not approve arrangements that shift responsibility to HHMI in areas that would be the responsibility of the host institution if the research were conducted there, such as laboratory safety and compliance with legal requirements relating to the conduct of research.
- 8.) HHMI will not approve your request and you may not begin conducting research at a location other than your host institution until HHMI has reviewed and approved any required agreement.

### **Special Requirements/Second Laboratories**

Second lab arrangements at academic or other nonprofit institutions outside of the U.S. raise special concerns about the ability to adequately supervise the conduct of research at the HHMI Laboratory Head's host institution and at the foreign location and may subject HHMI to additional compliance requirements. For this reason, beginning March 9, 2020, HHMI will not approve requests for second labs outside of the United States. HHMI expects that in most cases HHMI Laboratory Heads can substantially achieve their research objectives through collaborative arrangements with foreign counterparts in lieu of having responsibility for directing and/or supervising research at a second lab site outside of the U.S. The prohibition on foreign second labs does not extend to/restrict research collaborations with foreign colleagues where typically an HHMI Laboratory Head may have an adjunct or visiting researcher arrangement without any administrative responsibilities, hiring authority or direct supervisory authority over employees and trainees. Collaborations that involve visiting researcher appointments may need approval as described below.

HHMI will consider requests to establish a second lab in the United States in circumstances where an HHMI Laboratory Head believes that a second lab arrangement will provide unique scientific opportunities for the HHMI Laboratory Head's research that are available only by the HHMI Laboratory Head having responsibility for directing and/or supervising research in both the HHMI Laboratory Head's host lab and at a second lab at another U.S. academic or other nonprofit institution. In all cases, an HHMI Laboratory Head's research at a second lab must be distinct from

the research at their host institution. Second lab arrangements at for-profit institutions or U.S. federal or state government facilities are not permitted.

Any HHMI Laboratory Head who wishes to establish a second lab in the U.S. must follow the steps described above under [HHMI Review of Proposals to Conduct Research Outside of the HHMI Laboratory Head's Host Institution](#) and the following special requirements:

- 1.) An HHMI Laboratory Head may not conduct research at a U.S. second laboratory until a written agreement acceptable to HHMI, the HHMI Laboratory Head's host institution, and the second lab site has been executed. The second lab agreement will cover the responsibilities of the HHMI Laboratory Head at the second institution, laboratory space, research support and reimbursement of personal expenses of the HHMI Laboratory Head while conducting research at the second site, intellectual property, and responsibility for safety and legal compliance with research requirements applicable to the HHMI Laboratory Head's research at the second site. In all cases, the written agreement must allow HHMI Laboratory Heads to assign rights in intellectual property developed at the second site to HHMI, and must reflect that HHMI will assign its rights in any such intellectual property to the HHMI Laboratory Head's HHMI host institution. The agreement may provide for a reasonable arrangement for sharing licensing proceeds that may arise from any such intellectual property, consistent with the HHMI/host institution collaboration agreement.
- 2.) An Investigator must spend at least 75 percent of their professional time on research. Administrative responsibilities, whether at the host institution or the second lab institution, must fit within the remaining up to 25 percent time that may be devoted to activities other than research. Investigators are also expected to spend at least two-thirds of their professional time at their host institution, engaged with, and available to, their HHMI lab. Separately, an Investigator may spend no more than 25 percent of their professional time at a U.S. second lab. Investigators are required to request approval of a new or increased level of administrative service at the institution where they have an approved U.S. second lab by submitting the Request for Administrative Position form through the [HHMI Science Portal](#).
- 3.) A Freeman Hrabowski Scholar must spend at least 80 percent of their professional time on research. Administrative responsibilities, whether at the host institution or the second lab institution, must fit within the remaining up to 20 percent time that may be devoted to activities other than research. Freeman Hrabowski Scholars are also expected to spend at least two-thirds of their professional time at their host institution, engaged with, and available to, their HHMI lab. Separately, a Freeman Hrabowski Scholar may spend no more than 25 percent of their professional time at a U.S. second lab. Freeman Hrabowski Scholars are required to request approval of a new or increased level of administrative service at the institution where they have an approved U.S. second lab by submitting the Request for Administrative Position form through the HHMI Science Portal.
- 4.) An HHMI Laboratory Head may receive reimbursement for reasonable travel expenses, and reasonable expenses for meals and lodging, but an HHMI Laboratory Head is not allowed to receive supplemental compensation from the second lab institution.
- 5.) Any arrangements between the primary HHMI host institution and the second lab institution relating to intellectual property created by the HHMI Laboratory Head in their second lab must provide for HHMI's retained research use license consistent with the research use license retained by HHMI in its agreement with the host institution, and for

HHMI's right to share in licensing revenue associated with intellectual property developed in the second lab in a manner acceptable to HHMI.

- 6.) An HHMI Laboratory Head may not receive company funding to support research in the HHMI Laboratory Head's second laboratory unless the second laboratory is at an institution that is an HHMI host institution. Proposed company funding arrangements in second labs that are at HHMI host institutions may be submitted to HHMI for approval and must satisfy the following requirements:
  - a. the arrangement must be consistent with [HHMI's Company Funding Arrangements policy](#), provided that the second lab institution fulfills all of the obligations placed on the host institution in the company funding policy, except the conflict of interest analysis, which will be handled as described in Section 6(b), below.
  - b. the proposal must be reviewed under the applicable conflict of interest policies of both the HHMI Laboratory Head's HHMI host institution and the host institution where the second lab is located. In other words, the proposed company funding arrangement must be consistent with any applicable conflict of interest policies of both the HHMI Laboratory Head's HHMI host institution and the second lab institution.
  - c. a second lab agreement may reflect that the HHMI Laboratory Head's primary HHMI host institution and the second lab institution are responsible for working out the flow of intellectual property rights from the primary HHMI host institution to the second lab institution and, if applicable, to the company funder.
- 7.) An HHMI Laboratory Head should promptly notify HHMI if the circumstances supporting HHMI's approval of a second lab arrangement change, for example, if an HHMI Laboratory Head intends to start spending more time in their second lab than originally expected, if the scientific justification for the second lab changes, or if staffing or funding levels in the second lab, or administrative responsibilities at the second lab institution, significantly increase from the HHMI Laboratory Head's original expectations.
- 8.) Arrangements for U.S. second labs will be reviewed by HHMI's Vice President and Chief Scientific Officer at least every three years to determine whether the scientific justification for the second lab still exists and that the arrangements are consistent with the second lab agreement and with HHMI policies. In cases where a decision is made following a review to withdraw approval for the second lab, the HHMI Laboratory Head typically will have up to 12 months to terminate research-related responsibilities and obligations that constitute a second lab arrangement.

### **Special Requirements/Sabbaticals at Other Institutions**

Any HHMI Laboratory Head who wishes to conduct research away from the HHMI Laboratory Head's host institution while on sabbatical leave must follow the steps described above under [HHMI Review of Proposals to Conduct Research Outside of the HHMI Laboratory Head's Host Institution](#), the requirements of HHMI's [Sabbatical Leave for HHMI Lab Heads at Host-Based Sites](#) policy, and the following special requirements:

- 1.) HHMI does not require a written agreement with an institution that is hosting an HHMI Laboratory Head while the HHMI Laboratory Head is on sabbatical leave from their host site. However, unless HHMI agrees otherwise in advance, if the other institution requires that the HHMI Laboratory Head sign an agreement, then the agreement must be reviewed



and approved by HHMI before the HHMI Laboratory Head signs the agreement or commences activities at the other site. HHMI's final approval of the proposed sabbatical will be deferred until HHMI has reviewed and approved any such agreement.

- 2.) An HHMI Laboratory Head may receive reimbursement for reasonable travel expenses, and reasonable expenses for meals and lodging, but an HHMI Laboratory Head generally is not allowed to receive supplemental compensation from the other institution while on sabbatical leave. If HHMI has approved salary supplementation payments to compensate an HHMI Laboratory Head for administrative services provided to the HHMI Laboratory Head's host institution, the HHMI Laboratory Head can continue to receive the payments while on sabbatical leave if the HHMI Laboratory Head continues to perform administrative services for the host institution while on sabbatical leave.
- 3.) HHMI will consider requests to conduct research at a company while on sabbatical leave from the HHMI Laboratory Head's host institution but HHMI Laboratory Heads should be aware that negotiating intellectual property and other terms in connection with such requests may present substantial challenges and will likely require considerable lead time.
- 4.) Requests to receive company funding to support research at an academic or nonprofit institution other than the HHMI Laboratory Head's host institution while the HHMI Laboratory Head is on sabbatical leave are subject to the same requirements as set forth above in Section 6(b) relating to company funding in second labs.

### **Special Requirements/Visiting Researcher Arrangements**

HHMI does not require a written agreement for Visiting Researcher Arrangements (i.e., when an HHMI Laboratory Head conducts research away from their host institution for three months or more under arrangements that are not second lab arrangements or research while on sabbatical leave from their host site). However, if an HHMI Laboratory Head is required to sign an agreement granting rights in intellectual property to another institution in connection with any such Visiting Researcher Arrangement, and the HHMI Laboratory Head anticipates developing intellectual property at the other institution, then regardless of the length of the visit, the agreement must be reviewed and approved by HHMI before the HHMI Laboratory Head signs the agreement or commences research at the other site. In addition, HHMI review is required for any written agreement relating to a Visiting Researcher Arrangement that includes provisions regarding liability for the visiting scientist's research activities. Accordingly, it is very important for HHMI Laboratory Heads to inquire whether they will be asked to sign an agreement relating to research at another location, and to provide any such agreement to the HHMI Laboratory Head's HHMI attorney for review as soon as possible, and in advance of the start date of the proposed arrangement.

HHMI Laboratory Heads requesting approval to conduct research at locations other than their host institutions should be mindful that it can take as long as three or four months (or longer in the case of companies or foreign institutions) to negotiate agreements that take into account the HHMI Laboratory Head's status as an HHMI Laboratory Head, particularly if the agreements include provisions relating to intellectual property developed by the HHMI Laboratory Head. If an HHMI Laboratory Head is required to enter into an agreement relating to research at another location, HHMI's final approval of the proposed arrangement will be deferred until HHMI has reviewed and approved any such agreement.

## **Related Procedures, Forms and Policies**

- [Sabbatical Leave for HHMI Lab Heads at Host-Based Sites Policy](#)
- [Company Funding Arrangements – Host-based Sites Policy](#)
- [Service to Nonprofit and Government Agencies Policy](#)
- [Administrative Service, Leadership Roles, and Salary Supplementation](#)
- [Request to Conduct Research Away in Second Lab](#) on the [HHMI Science Portal](#)
- [Request for Sabbatical Leave](#) on the [HHMI Science Portal](#)
- [Request for Visiting Researcher Arrangement](#) on the [HHMI Science Portal](#)
- [Request for Administrative Position](#) form on the [HHMI Science Portal](#)

## Contact

If you have questions about any aspects of this policy, please contact the [Scientific Officer](#) or [HHMI attorney](#) responsible for your site

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