

APPROVED  
by Resolution No. SPN-49 of 17 September  
2019  
of the Senate of Vilnius University

## THE RULES FOR THE MANAGEMENT AND PROVISION OF OPEN ACCESS TO SCIENTIFIC RESEARCH AND EXPERIMENTAL (SOCIAL, CULTURAL) DEVELOPMENT INFRASTRUCTURE RESOURCES AND SERVICES AT VILNIUS UNIVERSITY

### CHAPTER I GENERAL PROVISIONS

1. The Rules for the Management and Provision of Open Access to Scientific Research and Experimental (Social, Cultural) Development Infrastructure Resources and Services at Vilnius University (hereinafter the 'Rules') shall establish the following:

- 1.1. the procedure for the approval of open access to scientific research and experimental (social, cultural) development (hereinafter the 'SR&ED') infrastructure resources and services at Vilnius University (hereinafter the 'University');
- 1.2. the procedure for the use of open access resources and the provision of related services;
- 1.3. the key principles for the pricing of open access resources and services and the use of funds received for open access resources and services;
- 1.4. the provisions on the management of open access resources and services.

2. Terms used in the Rules:

2.1. **Open Access Resource Management Committee** – a body for the resolution of strategic issues and disputes related to the provision of open access resources and services, protection of intellectual property, and other issues directly related to open access resources and services. The committee shall consist of the Pro-Rector for Research of the University, a representative from the Department for Research and Innovation of the Central Administration of the University (hereinafter the 'Department for Research and Innovation'), a representative from the Finance Department of the Central Administration of the University (hereinafter the 'Finance Department'), the heads of the management groups of core academic units (hereinafter the 'CAU') and/or branch academic units (hereinafter the 'BAU') of the University. The composition of this committee shall be approved by the Rector of the University (hereinafter the 'Rector'). Other employees of the University may be invited to the committee as consultants.

2.2. **CAU's Open Access Management Group** – a body for the management of open access at a specific CAU which consists of a group leader – the head of the CAU or their authorised person; the heads of BAUs or their authorised persons if the CAU consists of several BAUs; other representatives delegated by the CAU or the BAU; as well as the CAU's appointed open access administrator. The functions of the CAU's Open Access Management Group may also be performed by the head of the CAU or their authorised person.

2.3. **BAU's Open Access Management Group** – a body for the management of open access at a specific BAU which consists of a group leader – the head of the BAU or their authorised person; other representatives delegated by the BAU as well as the BAU's appointed open access administrator. The functions of the BAU's Open Access Management Group may also be performed by the head of the BAU or their authorised person.

2.4. **Open access administrator** – a member appointed by the CAU's or BAU's Management Group handling documentation on orders, decisions, transfer-acceptance, financial and other matters related to open access resources and services at that specific CAU or BAU.

2.1. Other terms used in the Rules shall correspond to the terms used in the Regulations for the Management and Provision of Open Access to Scientific Research and Experimental (Social, Cultural) Development Infrastructure Resources and Services (hereinafter the 'Regulations') approved by Order of the Minister of Education and Science of the Republic of Lithuania No. V-852 of 8 June 2010 (wording of Order No. V-359 of 21 June 2016) "On the Approval of the Regulations

for the Management and Provision of Open Access to Scientific Research and Experimental (Social, Cultural) Development Infrastructure Resources and Services”.

## **CHAPTER II**

### **APPROVAL OF OPEN ACCESS RESOURCES AND SERVICES**

3. The right to initiate the approval of the list of open access resources and services shall lie with the CAUs and the BAUs upon the approval of the head of the relevant CAU.

4. To provide access to open access resources and services, a CAU or BAU shall contact the Innovation Office of the Department for Research and Innovation with the request to initiate the procedure for the approval of the list of the CAU or BAU's open access resources and services and shall provide all data necessary for the approval (names and prices of the resources and services).

5. The Innovation Office of the Department for Research and Innovation shall draw up a draft order of the Rector on the approval of the list of the CAU or BAU's open access resources and services and be in charge of its coordination and signing. Such order of the Rector shall approve the following:

5.1. the Open Access Management Group of the relevant CAU or BAU, indicating its head and open access administrator;

5.2. open access resources and the prices for their use;

5.3. open access services and their prices.

6. Where any supplements, adjustments, and/or corrections need to be made in the already approved list of open access resources and services of a specific CAU, the decision on such amendments shall be approved by the Rector under the procedure set out in Items 3–5 of the Rules.

## **CHAPTER III**

### **THE PROCEDURE FOR THE PROVISION OF OPEN ACCESS RESOURCES AND SERVICES**

7. Users of open access resources and services shall be divided into the following groups:

7.1. internal users – scholars (scientists), researchers, and students of the University;

7.2. external users:

7.2.1. other research and/or study institutions and their scholars (scientists) and researchers;

7.2.2. students and trainees of other research and/or study institutions seeking to use open access resources for learning and study purposes;

7.2.3. business entities:

7.2.3.1. small enterprises and micro-enterprises established less than 12 months ago;

7.2.3.2. small enterprises and micro-enterprises whose stakeholders or shareholders are scholars (scientists) and/or other researchers of the University and that are engaged in the development of the SR&ED-based solutions created by the University;

7.2.3.3. all other business entities;

7.2.3.4. other natural and legal persons.

8. Internal users seeking to use open access resources or services for scientific research and/or learning purposes shall fill in an online or paper request of a prescribed form and contact (by email or directly) the open access administrator to agree on the technical and financial conditions of the planned research as well as the expected access time.

9. Upon the provision of a service to an internal user, the open access administrator or their appointed person shall draw up a report on the use of open access resources where the following shall be specified:

9.1. the date(s) of using open access resources;

9.2. the open access services provided;

9.3. the open access user(s) to whom the open access services have been provided;

9.4. the duration (in hours) of using open access resources;

9.5. the costs incurred for the implementation of open access services.

10. Payments for services provided to internal users shall be made in accordance with the procedure established by the University.

11. External users seeking to use open access resources or services for scientific research

and/or learning purposes shall fill in an online or paper request of a prescribed form and shall submit it to the open access administrator in writing or by email. Students of other research and study institutions, in addition to the request, must submit a recommendation from their research supervisor providing information on the topics of the planned research and an assessment of the student's readiness to use open access resources.

12. A CAU or BAU's Open Access Management Group or a person performing the functions thereof, taking into account the competency level in using open access resources of the applying natural person, the employees of the legal person, or the persons acting under their authorisation, to whom open access services are to be provided, and the nature of the request, shall, within five working days from the receipt of the request, adopt one of the following decisions on the provision of open access services:

12.1. approve the request – the users themselves shall be allowed to use open access resources (the Open Access Management Group or a person performing the functions thereof may appoint one or more observers to participate in the conduction of research in line with confidentiality and intellectual property protection requirements);

12.2. approve the request on condition – the University shall provide the user an open access service in accordance with the user's provided data on the planned scientific research and/or experiment (the user shall have the right to observe the scientific research and/or experiments being carried out or participate in their performance in accordance with their level of qualification, where their direct participation does not violate safety guidelines);

12.3. reject the request – open access services shall not be provided;

12.4. postpone the request – the applying natural or legal person must provide additional information supporting their scientific research and/or experiment or other information necessary for decision-making.

13. The Open Access Management Group or a person performing the functions thereof shall inform the user on the decision and the proposed date for granting access within three working days of the date of the decision via email. Where a decision referred to in Items 12(3)–12(4) of the Rules is taken, it must be clearly justified.

14. Each approved request submitted by internal and external users shall be included in the general waiting list and open access services shall be provided following the principles of first come-first served, equal treatment, transparency, openness, and effectiveness.

15. External users shall be allowed to independently use open access resources or participate in the service provision process only after they have completed the occupational safety and equipment use training (upon signature).

16. When submitting their request, open access resource users must confirm that the process and/or outcome of the planned scientific research and/or experiments pose no threat to the State, society, individuals, or environment and will be conducted in accordance with the legislation of the Republic of Lithuania, and must also provide all proof that the required permits from the supervisory authorities to conduct particular research (e.g. the permit to conduct biomedical research) are obtained when such permits are required.

17. In case the user has provided incorrect information in their request, the Open Access Management Group of a specific CAU or BAU or a person performing the functions thereof shall adopt the decision not to provide open access services. In case the fact of the provision of incorrect information becomes apparent during the course of the scientific research and/or experiments or after the research is conducted, or in case damage is caused to the open access resources during the course of scientific research and/or experiments, the provision of the service shall be immediately ceased and the external user must cover the incurred expenses related to the provision of the service and the damage caused.

18. After the completion of scientific research works and/or experiments ordered by an external user, a transfer-acceptance act on the works performed that includes the scope and the price of services provided (if applicable) shall be signed. If an external user has used the open access resources independently, the condition of the open access resources after the provision of the service shall be additionally assessed in the act.

19. In case an external user has caused any damage to open access resources (including the equipment and workstation) during the independent conduct of their research, an agreement on compensation for the damage must be reached. In case of failure to reach an agreement, the dispute

on compensation for the damage shall be settled in accordance with the procedure established by the legislation of the Republic of Lithuania.

#### **4CHAPTER IV ALLOCATION OF OPERATING TIME OF OPEN ACCESS RESOURCES AMONG DIFFERENT USER GROUPS**

20. If necessary, external users may be granted at least 30 per cent of the total load time of open access resources of a CAU or BAU. The remaining operating time of open access resources shall be granted to internal users.

21. If demand exceeds the set quota, the requests shall be ranked in order of preference. Taking into account the information provided by an external user on the timing for the provision of services, the Open Access Management Group may adopt a decision to accelerate the provision of the service to a specific external user and allocate them open access time intended for internal users.

22. Based on the reports on the use of open access resources, the open access administrator shall keep a record of open access resources' operating time and monitor the allocation of open access resource load time among different user groups.

#### **CHAPTER V PRICING OF OPEN ACCESS RESOURCES AND SERVICES**

23. The price of open access resources and services shall consist of the following:

23.1. the remuneration of the University employees providing SR&ED services and the expenses related thereto;

23.2. the cost of materials, reagents, and other supplies used in a particular experiment;

23.3. the depreciation of equipment and other infrastructure (including the depreciation of software necessary for its operation and licences);

23.4. the cost of ensuring the secrecy and confidentiality of research;

23.5. administrative (accounting, management, marketing, public procurement) costs;

23.6. the cost of insurance for open access resources;

23.7. utility costs;

23.8. the cost of updating training for the University staff;

23.9. the cost of metrological inspection of equipment.

24. Where service provision requires other services (including the publication of the conducted research) that cannot be provided by a CAU or BAU's employees and are to be purchased individually or are not directly related to the conduction of scientific research, the prices of such services shall be individually agreed upon with the user and included in the final estimate of the provision of services.

25. The final price for the provision of each service (excluding VAT) shall be determined based on the following formula:  $K = (M + I + D + X) \times (1 + NI) / (1 - BI)$ , where:

$K$  – the price for service provision (excluding VAT);

$M$  – materials and supplies necessary for service provision;

$I$  – the amortisation of fixed assets used for service provision (including the depreciation of software and licences);

$I = A_{\text{hour}} \times F_{\text{hour}}$ , where:

$A_{\text{hour}}$  – the amortisation of equipment per hour, calculated by dividing the acquisition value by the determined amortisation period in hours, assuming a 12-month year, an average monthly working time of 20.9 working days, and a working day of 8 hours.

$F_{\text{hour}}$  – the operating time of a piece of equipment in hours scheduled for a particular research. The calculation accuracy of  $F_{\text{hour}}$  (1 hour, 15 minutes, 1 minute, etc.) shall depend on the operating (working) time of a piece of equipment or a human that is necessary to conduct a particular research.

$D$  – the remuneration of the employee(s) providing the services as well as their social security contributions and contributions to the guarantee fund and the long-term employment benefits fund;

$X$  – the price of other (additional) services (Item 24 of the Rules);

$(M + I + D + X)$  – all direct costs;

NI – the indirect cost ratio calculated from the total amount of all direct costs (M, I, D, X). Indirect costs shall include the costs specified in Items 23(5) –23(9) of the Rules related to the functioning of open access equipment that cannot be attributed directly;

BI – the ratio of the University’s general costs annually determined by the Description of the Procedure for the Structure and Formation of Vilnius University Budget.

26. Depending on the nature of the works, the prices of specific services may not include all direct cost elements.

27. The price of specific research or a paid service shall be calculated based on the procedure specified in this Chapter of the Rules, having assessed the nature of the research, human and material resources necessary for the conduction of the research, as well as other potential costs if they differ from standard service prices. The calculation of a specific price shall be carried out by a responsible employee appointed by the Open Access Management Group or a person performing the functions thereof. The validity of price calculations and their compliance with the Rules shall be verified by the Finance Department.

28. When verifying the validity of price calculations, the employees of the Finance Department may require and the responsible persons must provide the list of stocks, materials, and disposables used for the provision of a specific service, which shall include the specified quantity (amount) planned to be used for the provision of that service, price per unit, the planned remuneration amount (the calculation card generated by the financial information system). Where it is not possible to accurately estimate the amounts of all the materials likely to be used during the conduction of specific research, the preliminary estimated amount shall be increased by up to 15 per cent for unforeseen materials and stocks. The calculation card shall be produced in two copies – one for the responsible employee and one for the Finance Department.

29. The ratio of indirect costs incurred by each CAU or BAU shall be approved by an order of the head of the CAU in agreement with the Finance Department.

30. The price lists of the use of each standard open access service or open access resource per each user group shall be approved by an order of the Rector. The price list shall consist of the following:

- 30.1. the name of the resource or service;
- 30.2. the hourly rate for research carried out independently;
- 30.3. the hourly rate for research carried out by the University staff;
- 30.4. the hourly rate when applying a reduced rate in accordance with Item 34 of the Rules.

31. The approved prices may be adjusted by an order of the Rector.

32. Under the decision of a CAU or BAU’s Open Access Management Group, access to internal and certain external user groups seeking to use open access resources or services for research and study purposes may be provided free of charge or partially free of charge.

33. Newly established (within the last 12 months prior to the request submission date) micro, small, and medium-sized enterprises, as well as small and micro-enterprises whose stakeholders or shareholders are scholars (scientists) and/or other researchers of the University, and which are engaged in the development of SR&ED-based solutions created by the University, may be eligible for a reduced rate under the following conditions:

33.1. an enterprise must cover all direct costs related to its research, while indirect costs may be covered partially;

33.2. the provision of an open access service at a reduced rate must not infringe the provisions of legal acts of the European Union on the rules for using State aid and European Union Structural Funds.

34. The balance of funds received for the provision of open access services remaining after covering the current costs and administration expenses shall be accumulated and invested in accordance with the procedure established by the University.

## **CHAPTER VI**

### **THE RULES FOR THE CALCULATION OF THE LOAD ON OPEN ACCESS RESOURCES**

35. The maximum monthly load time on open access resources (hereinafter the ‘load time’) shall be equivalent to the monthly number of working hours for a five-day working week determined by Order of the Minister of Social Security and Labour of the Republic of Lithuania “On the Approval

of the Number of Annual Average Monthly Working Days and Average Monthly Working Hours for a Specific Year”.

36. The actual monthly load time shall be calculated by deducting the time spent inspecting and repairing the open access infrastructure from the maximum monthly operation time.

37. If necessary, external users may be allocated at least 30 per cent of the total actual monthly load time. Until the actual load time is determined, it shall be considered that external users are allocated no less than 30 per cent of the maximum monthly load time.

38. The load on open access equipment shall be calculated as a percentage by dividing the allocated access time (for both external and internal users) by the actual working (operation) time.

## **CHAPTER VII MANAGEMENT AND SUPERVISION OF OPEN ACCESS RESOURCES**

39. The management and supervision of open access activities of a specific CAU or BAU shall be ensured by the Open Access Management Group of the CAU or BAU or a person performing the functions thereof.

40. A CAU or BAU's Open Access Management Group shall consist of:

40.1. the head of the Open Access Management Group (who may also perform the functions of the open access administrator);

40.2. the open access administrator (who may also perform the functions of the head of the Open Access Management Group);

40.3. a CAU or BAU's representative(s) as needed.

41. The functions of a CAU or BAU's Open Access Management Group may be performed by the head of that CAU or BAU respectively.

42. The composition of the Open Access Management Group or a person performing the functions thereof shall be approved by an order of the Rector.

43. The responsibilities of a CAU or BAU's Open Access Management Group or a person performing the functions thereof shall be as follows:

43.1. the organisation of open access activities of a specific CAU or BAU;

43.2. the provision of information on open access resources and services of a specific CAU or BAU to internal and external users;

43.3. the publication of open access activities of a specific CAU or BAU;

43.4. the organisation of updating training for a CAU or BAU's staff working with open access resources and providing open access services;

43.5. the preparation of a CAU or BAU's open access activity reports and their submission to internal and external users;

43.6. the preparation of other documents regulating the specific CAU or BAU's open access activities.

44. The head of the Open Access Management Group or a person performing the functions thereof may adopt decisions and sign documents within the competency of the Open Access Management Group.

## **CHAPTER VIII COMMITMENTS ON CONFIDENTIALITY AND INTELLECTUAL PROPERTY PROTECTION**

45. All information relating to the activities of an internal or external user of open access resources or services (research and technical information, terms and conditions of the agreement, data

and information obtained in the course of the research, etc.) shall be considered confidential unless otherwise agreed in the agreement between the University and the user.

46. Neither party may disclose the confidential information referred to in Item 45 to third parties, except for the cases where such disclosure is necessary for the implementation of contractual obligations between the University and the user or it is required pursuant to the legislation of the Republic of Lithuania.

47. In the case of research carried out by an external user using open access resources independently, all rights to the intellectual property created through the use of open access resources shall be reserved for the external user unless agreed otherwise. In other cases of the use of open access services by external users, the agreement between the University and external users on the use, creation, and sharing of intellectual property shall be the subject of an agreement.

48. Matters related to the use and creation of intellectual property and co-authorship thereof shall be addressed by a specific CAU or BAU and an external user individually, taking into account the objectives of the scientific research and/or experiment and the contribution of the CAU or BAU's staff members to the planning of the research or the interpretation of its results.

## **CHAPTER IX DISPUTE RESOLUTION**

49. In the event of a dispute regarding the use or provision of open access resources or services, infringements of intellectual property rights, or those concerning other issues directly related to open access resources or services, the stakeholders may submit a written claim to the Innovation Office of the Department for Research and Innovation within 15 calendar days from the establishment of the infringement. Such claims shall be investigated by the Open Access Resource Management Committee.

50. The Open Access Resource Management Committee shall, within 15 calendar days from the receipt of the claim, decide on the dispute that gave rise to the claim referred to in Item 49 of the Rules and shall provide a written response.

## **CHAPTER X FINAL PROVISIONS**

51. The Rules shall apply to all CAUs and BAUs of the University.

52. Each CAU and BAU shall have the right to submit its specific rules on open access resources and services for the Rector's approval as long as they do not contradict the Rules.

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