

RULES
of the Use of the Research Infrastructure
of the National Synchrotron Radiation Centre SOLARIS
at the Jagiellonian University

Fulfilling the obligation resulting from art. 86c section 1 item 2 of the Act of 27 July 2005 on Higher Education (the consolidated text: Journal of Laws of 2017, item 2183 as amended) and pursuant to § 4, item 8 of the Rules of the National Synchrotron Radiation Centre SOLARIS (resolution no 144/XII/2015 adopted by the Senate of the Jagiellonian University on 16 December 2015 on the change of name of the Synchrotron Radiation Centre to the National Synchrotron Radiation Centre SOLARIS and the adoption of the Rules of the National Synchrotron Radiation Centre SOLARIS, amended by Resolution no 11/I/2018 adopted by the Senate of the Jagiellonian University on 31 January 2018), the Senate of the Jagiellonian University does resolve as follows:

Chapter 1

General Regulations

§ 1

1. The Rules determine the conditions and principles for providing access to and using the research infrastructure of the National Synchrotron Radiation Centre SOLARIS (hereinafter referred to as "Centre") in order for external entities or the University units to carry out scientific research or development works.
2. The Rules do not apply to the research infrastructure of the Centre being used for didactic purposes.

§ 2

Whenever reference made in the present Rules:

- 1) **research infrastructure** – it shall mean the entire apparatus or units of this apparatus forming a functional entirety (including research rooms and laboratories) which are controlled by the Centre and are or may be used to carry out scientific research or development works;

- 2) **scientific research or development works** – it shall mean scientific research or development works in terms of the act of 30 April 2010 on the principles of financing science (consolidated text: Journal of Laws of 2018 item 87 as amended);
- 3) **Director of Centre** – it shall mean the Director of the National Synchrotron Radiation Centre SOLARIS who controls the research infrastructure or another person authorised by the Director of Centre to control the specific research infrastructure;
- 4) **use of the research infrastructure** – it shall mean carrying out scientific research or development works with the use of the research infrastructure made accessible by the Centre;
- 5) **terms and conditions of use** – it shall mean the document entitled "Terms and Conditions of Use of the Research Infrastructure" and containing technical information related to making the apparatus accessible, making time proposals for the use of the apparatus, the experimental time and the operation of the Centre, approved by the Director of Centre;
- 6) **external entity** – it shall mean legal persons and organisation units which do not have legal personality and which are external to the University;
- 7) **user** – it shall mean the person actually performing the activities related to the use of the accessible research infrastructure;
- 8) **research infrastructure operating time** – it shall mean the total operating time of the Centre;
- 9) **experimental time** – it shall mean the period of time within which the research infrastructure can be used to carry out scientific research and development works;
- 10) **technical time** – it shall mean the period of time within which the research infrastructure is being technically maintained and the users cannot use the research infrastructure to carry out scientific research and development works. This period of time is particularly reserved for operations undertaken to calibrate devices, optimise settings and test new solutions;
- 11) **off time** – it shall mean the period of time within which no measurements with the use of the research infrastructure can be done. This period of time is reserved for operations undertaken to repair and maintain the research infrastructure of the Centre;

- 12) **open access time** – it shall mean the period of time within which the research infrastructure is made accessible free of charge based on an open call for proposals;
- 13) **guaranteed time** – it shall mean the period of time reserved for external entities who have made an in-kind or financial contribution to the development of the research infrastructure of the Centre or participated in supporting the Centre. The guaranteed time also includes the period of time provided for use to other entities under collaboration agreements;
- 14) **commercial time** – it shall mean the period of time within which the research infrastructure was made accessible for remuneration;
- 15) **proposer** – it shall mean a person making a proposal for the grant of open access time;
- 16) **announcement about an open call for proposals** – it shall mean the Director of Centre's announcement published on the Centre website (www.synchrotron.uj.edu.pl) and on the Digital User Office website (www.solaris-duo.edu.pl – the announcement is visible after logging in), informing about the possibility to submit proposals for providing access to the research infrastructure within the open access time;
- 17) **intellectual goods** – it shall mean the industrial property goods, works, objects of related laws and sui generis protected databases;
- 18) **industrial property laws** – it shall mean inventions, utility models, industrial models, trademarks, integrated circuit topographies, cultured or discovered and developed plant varieties and know-how;
- 19) **organisational unit** – it shall mean a department or other inter-faculty, extra-faculty, inter-university and joint units as well as auxiliary and general administrative units of the University.

§ 3

1. The person who exercises the rights and obligations of the University that are related to the use of the research infrastructure is the Director of Centre.
2. To optimise the way in which the users use the research infrastructure, the Director of Centre makes a decision related to the management of its occupancy schedule and its accessibility register.
3. The Director of Centre shall be particularly obliged to:

- 1) run the research infrastructure use schedule and a register of access to the research infrastructure;
- 2) give consent to the use of the research infrastructure;
- 3) determine rules for the safe use of the infrastructure, including access limitations and requirements for the approval of work involving its use;
- 4) define and update on an on-going basis the *terms and conditions of use*, particularly including the infrastructure user's responsibilities in the area of safety and organisation of the experiments being performed;
- 5) take care to properly maintain the research infrastructure, including its technical working order and safety of use;
- 6) receive notifications about failures of the research infrastructure and undertake actions to restore its technical working order;
- 7) supervise the way in which the rules specified in the present Rules are being followed;
- 8) protect the interests of the Centre and the University as far as they are related to the use of the research infrastructure;

§ 4

1. The Centre shall not provide access to the research infrastructure if:

- 1) the operations, the purpose or the way in which the scientific research or the development works are carried out do not comply with the law or are prejudicial to the reputation of the Centre;
- 2) the User who intends to use the research infrastructure to carry out scientific research or development works is not properly qualified or skilled.

2. The Director of Centre may refuse to provide access to the research infrastructure if the scientific research or development works are to involve flammable, explosive, corrosive, radioactive, poisonous or other dangerous materials.

3. The Director of Centre may refuse to provide access to the research infrastructure if there is an above-average risk of its destruction as the predictability of the result or course of scientific research and development works (non-standard works) is significantly limited even when the infrastructure has been used correctly and the due diligence required in the given circumstances has been exercised.

§ 5

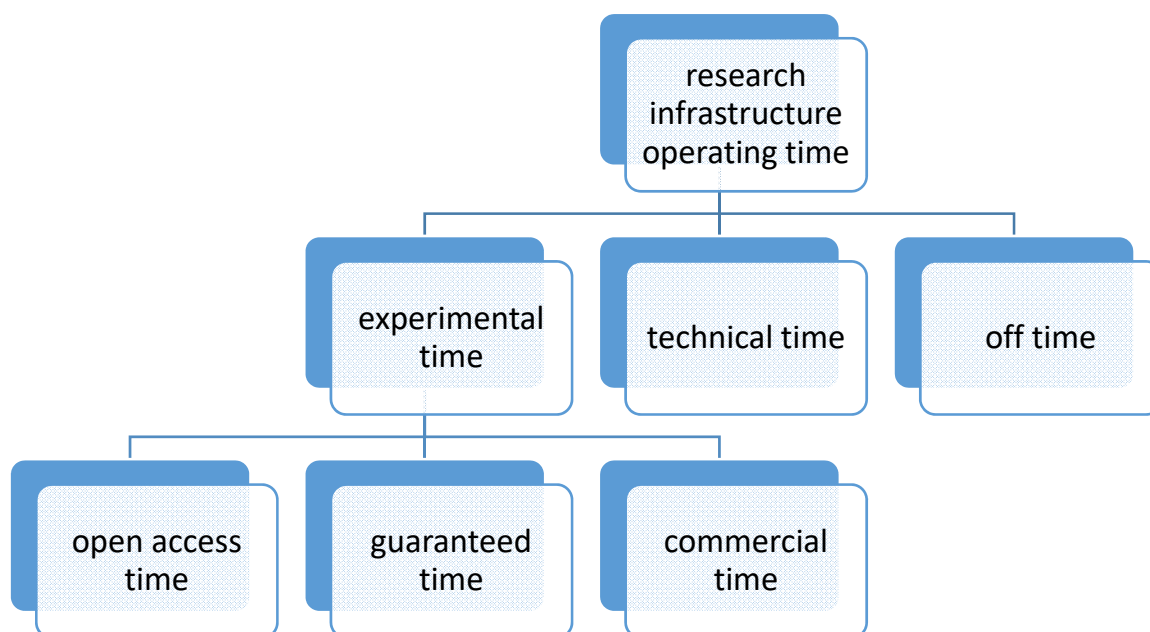
1. In case when access is provided to the research infrastructure purchased for external funds, provisions of an agreement concluded with an institution financing or co-financing the purchase of the research infrastructure shall prevail over the provisions of the present Rules.
2. The University Quaestor have to give his/her prior consent for the research infrastructure purchased for the European Union structural funds to be made accessible for remuneration.
3. In case of the research infrastructure co-owned by the University and an external entity, provisions of an agreement establishing the co-ownership shall prevail over the provisions of the present Rules.

Chapter 2

Access to Research Infrastructure

§ 6

1. The Centre shall make the research infrastructure accessible to the Users in compliance with procedures defined by the time of access to the research infrastructure.
2. The research infrastructure operating time is divided into the experimental time, technical time and off time. The experimental time is divided into the open access time, guaranteed time and commercial time. The below chart presents the division of the access time:



3. The Director of Centre shall approve the research infrastructure operating time schedule, including the allocation of time units to its types, under the assumption that the objective is to maximise the experimental time.

§ 7

1. Users may use the research infrastructure within the experimental time.
2. Whenever an open call for proposals is announced for the open access time, the Director of Centre shall determine the time limit to be used by proposers coming from entities which do not have their seat or branch in Poland.
3. The Director of Centre may decide to increase the limit referred to in section 2 in case when the number of positively evaluated proposals from users coming from entities having their seat or branch in Poland does not allow to fully use the open access time.

§ 8

In case when the purchase of the research infrastructure has been co-financed or the research infrastructure has been maintained or operated by an external entity, the percentage share of the guaranteed time within the experimental time for the specific research infrastructure for the financing institution shall be defined by the agreement concluded by the University and the given co-financing institution.

Chapter 3

Open access Time

§ 9

1. The method and the detailed principles and procedures to be followed while submitting a proposal for the open access time shall be defined in the *terms and conditions of use* or each time on an individual basis in the announcement on an open call for proposals.
2. The research infrastructure shall be made accessible to proposers within the open access time on an equal access basis to all entities, with due regard to the limits indicated in § 7 section 2 and 3.
3. The proposal for the grant of open access time shall be evaluated by the commission referred to in § 10 of the present Rules only if the user has accepted *the terms and conditions of use* and submitted the proposal through the dedicated platform or a different procedure approved by the Director of Centre.

§ 10

1. The proposals submitted by the proposers during an open call shall be evaluated by the Scientific Commission appointed by the Director of Centre.
2. Based on the proposal evaluation, the proposers shall be granted research time for the specific research infrastructure.

§ 11

The intellectual goods and the industrial property goods produced by the external entities within the open access time shall continue to be the intellectual property of the external entities unless otherwise specified in other resolutions included into an agreement concluded between the University and the external entity.

Chapter 4

Proprietary Time

§ 12

1. The Centre may make the research infrastructure accessible to an external entity for remuneration. The access shall be provided based on the principles specified in this chapter, except for § 4 and § 5.

2. The access provided to the research infrastructure within the proprietary time window must not collide with the use of the research infrastructure within the open access time or the guaranteed time window.

3. The research infrastructure shall be made accessible to an external entity within the proprietary time window under an agreement following the principles of equal access for all external entities.

§ 13

The Director of Centre or a person authorised by the Director of Centre makes and updates the research infrastructure list which is controlled by the Centre and which may be made accessible within the proprietary time window.

§ 14

1. The research infrastructure may be made accessible to an external entity in the following way:

1) the external entity receives the research infrastructure for use within a limited period of time inside the Centre or outside the Centre;

2) the external entity receives the research infrastructure for use within a limited period of time with the aid of a team qualified to carry out research projects.

2. The Director of Centre decides on how the research infrastructure is to be made accessible to the external entity.

3. The Centre may provide scientific research (contracted works) services or other services which do not fall into the scientific research area to an external entity for remuneration and using the research infrastructure in compliance with the rules established by the internal regulations of the University which govern the provision of contracted services.

§ 15

In case when the research infrastructure is provided to an external entity for use outside the Centre facility within a limited period time, the entity shall be responsible for ensuring its safe transport and, when necessary, also a special transport service while meeting the standards that are required in these circumstances and for returning the research infrastructure with its condition unimpaired. The external entity is also

obliged to insure the research infrastructure up to the amount of its value for the period of time over which it is used outside the Centre facilities and to provide the Centre with documents confirming the insurance coverage. The insurance documents must be submitted to the Centre before the infrastructure is provided to the external entity for use.

§ 16

1. The research infrastructure shall be made accessible to an external entity within the proprietary time window under a separate agreement concluded between the University and the external entity or, in the case indicated in § 14 section 3, according to a contract or written order.
2. The Director of Centre shall be responsible for the preparation and negotiations of the agreement referred to in section 1. CITTRU shall provide support necessary to prepare and negotiate the agreement.
3. The agreement referred to in section 1 should comply with the present regulations.
4. The agreements referred to in section 1 should include non-disclosure agreement.

§ 17

1. The University may bind the external entity to pay an amount equal to the part of the remuneration (collateral) specified in this agreement and due for making this infrastructure accessible before starting to use the research infrastructure.
2. If the research infrastructure or its element is damaged or destroyed, the University has the right to retain the amount referred to in section 1 by way of compensation. This is without prejudice to the possibility to pursue further amounts in accordance to the rules provided for in the contract or general rules.
3. When the user has finished using the research infrastructure without damaging or destroying the research infrastructure, the University shall credit the amount referred to in section 1 towards the remuneration or return it to the external entity.

§ 18

1. The external entity shall designate a person responsible for ensuring that the research infrastructure is used correctly and with due care required in the given

circumstances and shall inform the Director of Centre about the users of the infrastructure who have been designated by the entity.

2. The Director of Centre shall designate, from among employees of the Centre, a person (a designated supervisor) responsible for ensuring that the research infrastructure is correctly used by an external entity.

§ 19

Before starting to use the research infrastructure, the external entity is obliged to inform an authorised employee of the Centre whether there exists any of the circumstances indicated in § 4 of the present Rules.

§ 20

The property rights to intellectual goods and industrial goods produced by external entities within the proprietary time are determined in the agreement concluded between the University and the external entity.

Chapter 5

Fees Chargeable for the Use of the Research Infrastructure During the Commercial Time

§ 21

1. The Director of Centre shall be obliged to fill out the research infrastructure accessibility card which contains a price list specifying the fees payable for using every element of the research infrastructure that is made accessible according to the proprietary time and including the calculation of the fees.

2. The information about the research infrastructure which is being made accessible is published on the Centre website.

3. The research infrastructure access card specimen is an attachment to the present Regulations.

4. The Director of Centre shall provide the research infrastructure access card and the calculation of fees to the University Quaestor for approval.

§ 22

1. The Director of Centre fixes the net fees payable for using the research infrastructure according to the internal regulations of the University.
2. In duly justified cases, especially when the price fixed according to the internal regulations of the University differs from market prices, the Director of Centre may, with the consent of the Vice-Rector for Research and the Quaestor of the University, fix a different price for using the research infrastructure.

§ 23

The Administration of the Centre shall issue a VAT invoice to the external entity according to the concluded agreement or, in the case referred to in § 14 section 3, according to a commission contract or order. If the research infrastructure is made accessible within the proprietary time to other units of the University, an internal note shall be issued

Chapter 6

Responsibility

§ 24

1. Subject to the provisions of section 2, the user shall be liable in line with general terms for the damages resulting from the destruction, damage or loss of the research infrastructure.
2. If the research infrastructure is used under an agreement with an external entity, the external unit delegating the user shall be liable for the damages which are referred to in section 1.

§ 25

The University shall not be liable for any damages resulting from the use of the research infrastructure when used not in compliance with the present Regulations or with the research infrastructure access agreement.

§ 26

The University shall not be liable for the damages caused by those failures of the research infrastructure, including software and power failures, which were not caused by the actions or omissions of the University.

§ 27

The University shall not be liable for the files or other materials which have been produced by the user while using the research infrastructure and abandoned by the user of the infrastructure, particularly in case of their loss or disclosure or when third parties have become familiar with them.

Chapter 9
Final Provisions

§ 28

1. The detailed obligations of the user of the research infrastructure shall be defined in the *terms and conditions of use*.
2. Decisions concerning the matters not covered by the present Rules shall be made by the Rector or a duly authorised Vice-Rector.
3. Subject to mandatory legal regulations, the matters not covered by the present Rules or by the *terms and conditions of use* shall be governed by: the Intellectual Property Management and Commercialisation Rules in the Jagiellonian University (Resolution no 102/VI/2015 adopted by the Senate of the Jagiellonian University on 24.06.2015) and the Ordinance no 16 of the Rector of the Jagiellonian University of 09.02.2015 on the performance of works outsourced to the Jagiellonian University by external entities.

RESEARCH INFRASTRUCTURE ACCESSIBILITY CARD

NAME OF RESEARCH INFRASTRUCTURE

Nature of Infrastructure		
Please describe the research infrastructure		
Data of the infrastructure administrator:		
Full name:	Please enter the full name of the infrastructure administrator	
JU unit:	Centre for Synchrotron Radiation	
Telephone:	Please, enter the telephone number	
E-mail:	Please, enter the e-mail address	
Types of access:		
<input type="checkbox"/> YES / <input type="checkbox"/> NO	self -reliant use of the infrastructure under a trained person's supervision	
<input type="checkbox"/> YES / <input type="checkbox"/> NO	self -reliant use of the infrastructure following a prior training	
Other information, restrictions and exclusions:		
(E.g. resulting from specific parameters of the infrastructure, the location and mobility of the infrastructure, working hours etc.)		
Please, enter the remaining information or "-"		
Fees for access:		
(price per operating hour or measurement for each access type and for the basic types of measurement; consistent with calculation)		
Please enter the price for making the research infrastructure accessible and the service/measurement description. It can be a list of prices depending on the number and kinds of the services/measurements.		
<p>.....</p> <p>date and signature of the Infrastructure Administrator:</p>	<p>.....</p> <p>date and the Rector's signature</p>	<p>.....</p> <p>date and signature of the Unit Manager</p>