

APPROVED BY THE
Order No. A-344 of the
Rector of Kaunas University of
Technology
Dated 27 July 2015

OPERATING RULES OF SRED OPEN ACCESS CENTRE OF KAUNAS UNIVERSITY OF TECHNOLOGY

CHAPTER I GENERAL PROVISIONS

1. SRED Open Access Centre (hereinafter – KTU OAC) of Kaunas University of Technology (hereinafter – University) was established implementing a development programme for Integrated Centre (valley) of Science, Studies and Entrepreneurship "Santaka" approved by the decree No. 1170 of the Government of the Republic of Lithuania of 12 November and renovation programme for the University's research and studies approved by the decree No. V7-T-6 of the Council of Kaunas University of Technology of 28 March 2013 and its implementation plan for 2013-2014.

2. Operating rules of KTU OAC (hereinafter – Rules) are prepared in accordance with Open Access Centre Management Regulations (hereinafter – Regulations) approved by the order No. V-2117 "On Amendment of the Order No. V-852 "On Approval of Open Access Centre Management Regulations" of the Minister of Education and Science of 8 June 2010" of the Minister of Education and Science of 10 November 2011.

3. Objective of these Rules – definition of procedure and technical specifications for KTU OAC management, use of resources, time ratio for the use of KTU OAC resources, provisions regarding formation of pricing for OAC services and funds received for provision of OAC services and investment, provisions regarding management and supervision of OAC, confidentiality obligations and dispute settlement procedure.

4. The following definitions are used in the Rules:

SRED infrastructure (infrastructure of scientific research and studies) – physical objects (science institutes, laboratories, etc.), instrumental tools, totality of other material and virtual resources and related services, required for performance of modern fundamental and applied scientific research.

SRED resources – SRED infrastructure, scientists and other researchers working with this infrastructure, staff providing services to the infrastructure, conducting infrastructure's operation, maintenance and development, and infrastructure's working time.

KTU OAC (Open Access Centre) – formation functioning on the basis of the University's SRED resources (for example, a set of equipment, laboratory, network of laboratories, research centre of research and educational institution, etc.), providing services required for performance of scientific research and/or experiments.

OAC resources – openly accessible University's SRED resources (including SRED infrastructure acquired using the funds of the European Union structural funds (hereinafter – EU SF) and other sources) in accordance with the provisions defined in OAC operating rules.

OAC resource manager – University managing openly accessible University's SRED resources and coordinating the use of these resources and provision of services to the users of these resources (hereinafter – OAC manager).

OAC services – provision of OAC resources of a precise result agreed between OAC manager and OAC user (using OAC resources) to OAC user under procedure established by Regulations, OAC and OAC operating rules (hereinafter – OAC services).

User of OAC resources – natural person or legal entity, whose application for the use of OAC services is approved by OAC manager and who is entitled to use OAC services under procedure

established by Regulations (hereinafter – OAC user). OAC users are divided in two categories: internal and external users.

Internal users – University's staff and students, who have access to OACIS.

External users – users, who do not have access to OACIS.

OACIS – University's Open Access Centre Information System.

OACIS coordinator – KTU National Innovation and Entrepreneurship Centre (hereinafter – NIEC), responsible for transfer of technologies, management and protection of intellectual property.

KTU NIEC Open access management office – KTU NIEC office, coordinating commercialisation of the University's SRED works and research services, execution of orders via OACIS.

Valley "Santaka" – integrated centre of science, studies and entrepreneurship, operating on OAC principle; its concept is approved by the ordinance No. 321 by the Government of the Republic of Lithuania of 21 March 2007 On Approval of the Concept of Establishment and Development of Integrated Centres (Valleys) of Science, Studies and Entrepreneurship.

SRED – scientific research and experimental development.

SREDI – scientific research, experimental development and innovations.

5. SRED infrastructure, acquired while implementing the projects of development or update of SRED infrastructure, financed by the funds of EU SF or the budget of the Republic of Lithuania, has to be openly accessible to all interested natural persons and legal entities in accordance with the requirements established in the Regulations and Rules, except the cases stipulated in other legal acts.

6. Smooth operation of OAC activities and uninterrupted accessibility of OAC resources and related services to the users, and total accounting of OAC activities have to be ensured by OAC manager.

CHAPTER II OAC MANAGEMENT

7. Management and supervision of University's OAC is ensured by: National Innovation and Entrepreneurship Centre (hereinafter – NIEC), represented by its director, faculties' Vice-Deans for Research and directors of science institutes, who act as coordinators of OAC activities by the Rector's order No. A-208 of 08-05-2015, head of laboratory centre, head of the office of laboratories, manager / head of laboratory, laboratory assistant / engineer / technician and Information Technology Services, represented by its director.

8. KTU NIEC is responsible for commercialisation of the services provided by KTU OAC and content of the information collected by OACIS.

9. Faculties' Vice-Deans for Research and directors of science institutes are directly responsible for commercialisation of OAC services provided by faculty or science institute, uploading of information in OACIS and its preparation for publicizing.

10. Head of the faculty's laboratory centre / head / manager of the science institute's laboratory is responsible for the accounting of laboratories' occupation (distribution of the laboratories' occupation between studies, research and entrepreneurship, as stipulated in chapter IV of the Rules), lists of OAC services and equipment, updated once per quarter in OACIS information system. Head of faculty's laboratory office at the faculty and manager/head of science institute at the science institute confirm reservation of equipment in OAC information system OACIS and is responsible for a proper identification of the equipment users (whether the users are registered in OACIS).

11. Laboratory assistant / engineer / technician is responsible for a proper training of the equipment users to work with laboratory equipment. While working with unique laboratory equipment the persons trained and able to work with specific unique laboratory equipment are responsible for a proper training of equipment users to work with unique laboratory equipment.

12. Information Technologies Services is responsible for functioning, support and maintenance of OACIS software.

13. OAC manager approves a list of OAC resources – SRED equipment and provided SRED services; its use and provision are regulated by the Rules.

14. Contact information of OAC manager, OAC contact information, Rules, list of OAC resources and provided services, semi-annual reports of OAC activities and their assessment, conclusions on effectiveness of OAC activities summarised by MITA and other OAC related information that can be useful to the users, is announced at OAC manager's – University's – website, websites of OACIS and MITA; schedule for the use of OAC resources is also provided there. OAC manager guarantees provision of information, free access, easy search, update and provision of information to MITA.

CHAPTER III PROCEDURE AND TECHNICAL SPECIFICATIONS FOR PROVISION OF OAC SERVICES

15. KTU OAC services are provided to both internal and external users via University's Open Access Centre information system OACIS.

16. Internal user, who wants to use OAC resources or be entitled to use OAC services:

16.1. Reserves required equipment at the website <https://OACis.ktu.edu> via OAC information system OACIS;

16.2. Faculty's or science institute's funds manager approves allocation of the funds for the use of OAC resources;

16.3. Head of the faculty's laboratory office or head / manager of science institute approved equipment reservation in OACIS.

17. External user, who wants to use OAC resources or be entitled to use OAC services can apply to OAC resources manager: directly, by telephone or at the website <https://OACis.ktu.edu>, submitting individual request regarding requested OAC resources or services.

18. After receipt of the external user's request directly or by telephone, University's employee enters it into OAC information system OACIS at <https://OACis.ktu.edu> or transfers it to the staff of KTU NIEC Open Access Management Office by email. Further process is conducted as described in p. 18.1-18.5.

18.1. A request submitted by the external user is automatically registered in OAC information system OACIS;

18.2. In the system it is automatically assigned to a responsible employee of KTU NIEC Open Access Management Office, who coordinates provision of services and preparation of commercial offer;

18.3. If SRED services are reserved, employee of KTU NIEC Open Access Management Office assembles a work group that will provide the ordered services;

18.4. Head of faculty's laboratory office or head / manager of science institute confirms equipment reservation in OACIS;

18.5. In case of equipment reservation, employee of KTU NIEC Open Access Management Office in cooperation with a person conducting the department's OAC coordinating functions coordinates the process of making a contract on SRED works and research services (contracts on SRED works and research services are signed only when OACIS commercial offer is prepared). The person providing SRED services is directly responsible for execution of the contract.

CHAPTER IV TIME RATIO FOR THE USE OF OAC RESOURCES AMONG DIFFERENT SUBJECTS

19. OAC manager guarantees the provision of at least 30 % of all OAC working time to external users, if needed. The remaining OAC working time is provided to internal users and meeting of internal needs, including organisation of the process of University's studies.

20. OAC manager has a right to establish a bigger amount of OAC working time for external users than specified in p. 19. More OAC working time for external users than specified in p. 19 can be established only if OAC manager guarantees that research and study process needs are met at the University.

21. Open access to OAC resources or services for conduction of requested scientific research, experiment or measurement is provided for a required time to all OAC users under procedure established by the Rules. Open access is provided to external users under their submitted application, commercial offer prepared by OACIS and contract of a specific format signed by OAC manager (-s) and external user.

22. OAC services are provided to external users as a priority (taking into consideration organisation of study process) in case demand exceeds the quota of OAC resources and related services provided to external users, established by these Rules, not violating structural assistance rules of the European Union. Priority is applied to small and medium-sized enterprises that have signed long-term target cooperation agreements and newly established (during the last 12 months before the date of application submission) small and medium-sized enterprises performing SRED activities.

23. To encourage newly established (during the last 12 months before the date of application submission) small and medium-sized enterprises performing SRED activities to use the services provided by OAC, OAC manager can apply preferential treatment. OAC services, provided under preferential treatment, cannot violate legal provisions of the European Union regarding state assistance and the rules for use of structural assistance of the European Union.

CHAPTER V FORMING OF PRICING FOR OAC SERVICES

24. Pricing of OAC services is made under the principle of the reimbursement of OAC costs as a priority.

25. The price of OAC services is determined according to the user's type – internal or external user, also, assessing the duration of the work of equipment and human resources, consumables and other materials required for performance of the work, and other possible expenses.

26. After external user's application is received and decision to comply with the request (to provide OAC services fully or partially) is made, OAC manager prepares a commercial offer of service provision applying a calculation model of the pricing of SRED services in accordance the following formula:

$$PK_{\text{exterior}} = PE\check{S}VMS + EMK + NVS + \check{Z}IS + PPS + PAM + KPM + PVM .$$

Direct operational costs, consisting of:

PEŠVMS / utility expenses – average monthly costs for the rent of the premises' area used by the equipment, electricity, heating and water (Euro /h);

EMK / material required for performance of the research and consumables – determined individually for each device. Recommended value – 20 % of the sum of utility costs;

ŽIS / costs of human resources – hourly rate of the equipment's service staff (Euro/h) in accordance with the Rector's order No. A-48 of 17 February 2014;

NVS – indirect operating costs consisting of *depreciation deductions* – 10 % of utility expenses and costs of consumables;

PPS (sales and image formation costs) – up to 15 % of the price of services or works;

PAM (service (works) administration fees) – administration fees of various amounts, depending on the group of OAC users that services are provided to – internal or external users. Minimum service administration fee - up to 10 %;

KPM (income tax for provision of the University's services) – fixed 15 % income tax from the price of services or works;

PVM (added value tax) – 21 % from the price of services or works.

27. OAC manager, who receives an application of internal user via OACIS, automatically complies with request and reserves equipment, if the following provisions of this order are met:

internal user is trained and has a permit to use the reserved equipment; internal user has funds for reservation of the equipment or payment for reservation is confirmed by a different fund manager.

28. Prices for the services provided to internal users are calculated in accordance with the following formula:

$$PK \text{ interior} = PEŠVMS + EMK + NVS + ŽIS *$$

* - if equipment is reserved with services of the services staff.

29. Prices for OAC services are calculated individually in each case, taking into consideration the costs for each particular research specified in p. 27–29. Prices of OAC services are announced publically. Price of OAC services is reviewed taking into consideration changes in economic conditions, costs of OAC maintenance, administration and other costs related to OAC activities.

CHAPTER VI COLLECTION AND USE OF THE FUNDS RECEIVED FOR PROVISION OF OAC SERVICES

30. Income received for provision of OAC services have to be used for insurance of OAC activities (update, development of openly accessible SRED and other infrastructure, acquisition of materials and tools required for OAC activities, improvement of qualification of the staff conducting maintenance, operation and development of openly accessible SRED and other infrastructure, salaries and other expenses directly related to insurance of OAC activities).

31. While planning the funds for OAC resources, insurance, use, update and development of OAC resources, OAC manager has to increase the effectiveness of OAC activities.

32. The income received by KTU OAC, is distributed as follows: part of the received income is deducted for utility expenses, materials required for research and operation of equipment, and human resources. Accounting of these funds is conducted in the department providing services:

32.1. Utility expenses are collected and used to pay for the department's expenses for premises' rent, electricity, water and heating expenses;

32.2. Expenses for materials required for research and consumables are collected in the department's local depreciation fund, which is used for buying of consumables for equipment and materials required for research and for payment for small repairs of equipment.

33. Depreciation deductions are deducted from the received income and collected in the University's OAC common depreciation fund. The purpose of this fund – to collect enough funds that can be used for: major repairs of equipment, replacement of equipment when it is worn or co-financing of acquisition of expensive consumables. In order to use the above-mentioned funds, the accounting of the equipment's use has to be conducted in the University's equipment reservation information system OACIS.

34. Costs of human resources are collected at the department and used to cover the costs of salary of the employee providing services;

35. Sales and image formation costs are deducted from the received funds and collected at the Fund of National Innovations and Entrepreneurship Centre. These funds can be used for the following:

35.1. Presentation and promotion of OAC equipment and services at the exhibitions, events, conferences, companies in Lithuania and abroad for attraction of the customers of equipment and SRED services, including preparation of distributed material;

35.2. Insurance of maintenance, administration and development needs of the University's equipment reservation information system OACIS;

35.3. To cover the expenses related to the sales of services and use of equipment;

35.4. To cover the expenses of provided services, preparation and update of the lists of equipment and information.

36. Service administration fees are managed and their accounting is conducted in the department providing services; they are used for performance of the department's activities.

37. Income tax for the University's service provision – income is deducted as a fixed part of the price of provided services, which is used for maintenance of OAC infrastructure, transferred and accounted at the University's Finance.

38. Added value tax is a state tax, calculated as a fixed part of the price of provided services, transferred to State Tax Inspectorate.

CHAPTER VII OBLIGATIONS RELATED TO CONFIDENTIALITY AND PROTECTION OF INTELLECTUAL PROPERTY

39. OAC manager has to ensure the confidentiality of the results of every scientific research and/or experiment performed using OAC resources and/or OAC services in all cases. Exceptions can be specified under agreement between OAC manager and OAC external user, or in the contract between OAC external user and OAC manager.

40. Management of intellectual property created at the University and confidentiality obligations are regulated by Regulations on Management of Intellectual Property and Transfer of Technologies of Kaunas University of Technology approved by the Rector's order No. A-185 of 2 April 2014.

41. Results of scientific research performed at the University have to be registered following the recommendations regarding collection and storage of the information of scientific research, approved by the Rector's order No. A-185 of 2 April 2014.

CHAPTER VIII OAC MAINTENANCE

42. Accounting of OAC operation and its results is conducted by OAC manager under the University's current internal procedure.

43. OACIS coordinator (KTU NIEC) appointed by OAC manager manages accounting of OAC activities and submits MITA report in the form provided in the appendix to Open Access Centre Management Regulations, approved by the order No. V-2117 of the Minister of Education and Science of the Republic of Lithuania of 10 November 2011.

CHAPTER IX DISPUTE SETTLEMENT

44. In case of disputes regarding the use of OAC resources or service provision, violations of protection of intellectual property or other basis directly related to OAC, interested persons can submit a written claim or complaint to OAC manager.

45. After receipt of a written claim or complaint OAC manager transfers it for consideration of responsible departments or specially formed structures. Claim or complaint has to be considered and examined in 15 calendar days after its receipt. Responsible department prepares an answer and sends it to the applicant by registered letter in 3 working days.

46. In case a dispute is not settled, interested persons can protect their rights under procedure established by the legal acts of the Republic of Lithuania.

CHAPTER FINAL PROVISIONS

47. Rules are amended or repealed under the order of the University's Rector.
