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Broj / Ref 01-4125  
Datum / Date 01.10.2020

## **POLICY FOR OPEN ACCESS TO RESEARCH INFRASTRUCTURES AT UNIVERSITY OF MONTENEGRO (UCG)**

### **INTRODUCTION**

The University of Montenegro (UCG) as the only public Higher Education Institution in Montenegro and the family of 80% of all students in the Country is dedicated to education, research and activities that contribute to national streamlining toward innovation-driven economy, through fostering and sharing scientific knowledge, research capacities, skills and infrastructure based on new technologies.

The Strategy of the University of Montenegro 2019-2024 – UCG Strategy 2019-2024 (July 2019) and the Statute (2015 and amendments from 2018) outlines the UCG strategic orientation towards modern research facility, creating environment for open access to research results and infrastructure in order to amplify the visibility and impact of research to each sector of the national economy and regional development. The UCG Strategy 2019-2024 defines five main development areas – Teaching process, Science and Research, International Cooperation, University and Surrounding, and Organization and Resources –focusing on advancing and strengthening of science and research, as main precondition for increasing the competitiveness of the University and the prosperity of Montenegrin society.

Future development and openness of the University's knowledge, science, research and infrastructure, follows national objectives of strengthening higher education, research and innovation environment in the Country, which are outlined in various national documents, such as National Strategy of higher education development in Montenegro 2016-2020, Strategy for inclusive education 2019-2025, Smart Specialization Strategy 2019-2024, national higher education legislation (Law on Higher Education, 2014 and subsequent amending laws in 2015, 2016, 2017, 2018 and 2019), strategic documents of European Higher Education Area (EHEA) and the European Research Area, (ERA), and other relevant national<sup>1</sup> and EU development policy.

The importance of research and innovation, and the use of new technologies for sustainable development, is supported and improved in Montenegro with two most recent national legislative acts – the Law on Innovation Activity and the Law on Incentive Measures for the Development of Research and Innovation, adopted in July 2020. In line with new Country's strategic orientation toward innovation and science-based data, as well as the University's focus on scientific excellence and internationalization, the Open Access to Research Infrastructures Policy implies the use of various platforms to make open access to research infrastructure widely available. Hence, the Policy aim is to encourage the efficient use, exchange and maximum use of research infrastructure, intensify the use

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<sup>1</sup> Strategy for Lifelong Entrepreneurial Learning 2020-2024, Ministry of Economy, 2020; Strategy for the development of micro, small and medium-sized enterprises 2018-2022, Ministry of Economy, 2018; Scientific Research Strategy 2017-2021, Ministry of Science, 2017;; Program for encouraging innovative start-ups in Montenegro with the Action Plan, Ministry of Science, 2016; Law on innovation activities (2016); Regional Development Strategy of Montenegro 2014-2020, Ministry of Economy, 2014.

of open source software for wider accessibility and easier upgrades, as well as increase the visibility of research and teaching potential.

#### CHAPTER I: GENERAL PROVISIONS AND DEFINITIONS

1. University of Montenegro (hereafter – UCG) founded in 1974, is the oldest and largest Public Higher Education scientific institution in Montenegro. The University today has 19 faculties and three scientific institutes (organisational units), with around 20 000 students.
2. This Policy outlines the University of Montenegro position on **Open Access Research Infrastructures** (hereafter – **Open Access Research Infrastructure** or **OARI**) and encourages organizational units, staff, students and external users to use OARI to improve the availability of infrastructure for better quality research, lifelong learning, and teaching practice, for students, academic staff, researchers, and third parties.
3. This Policy is applied to all **Open Access Research Infrastructures** for research and development (R&D) and teaching (technical, digital, social and cultural) of the University of Montenegro and in general guides the relations between the University/University's organisational units and the **Recipients** of its **Open Access Services**.
4. This Policy can form an integral part of any **Open Access Services** agreement concluded between University of Montenegro or its organisational unit and the **Recipients** of **Open Access Services**.
5. The objective of this Policy is to define the nature of **Open Access Research Infrastructure(s)**, its position in the UCG, as well as objectives to be reached by accessing and using the **University of Montenegro Open Access Research Infrastructure**.
6. The following definitions are used in this Policy:
  - **Agreement/granting open access (services)** – an agreement on the provision of open access services concluded between the **User** and the University/University organisational unit in accordance with this Policy, UCG highest act – the Statute and UCG organisational unit specific policy. In cases when the User is a staff/student/unit of the University, a respective internal communication and/or formal/informal Agreement shall apply.
  - **Open Science** – new approach to the scientific process based on cooperative work and new ways of diffusing knowledge by using digital technologies and new collaborative tools;
  - **Research Infrastructure** (infrastructure for carrying out research, development and teaching) – physical structure (science institutes, laboratories, specific research equipment, etc.), instruments, tools, and other material and virtual resources (research material collections and databases, archives and libraries), communication networks, high-performance computing centres, other IT capacity and related services required for the performance of modern fundamental and applied scientific research, learning and teaching;
  - **Resources** – research infrastructure, scientists and other researchers working with the infrastructure, staff providing services to the infrastructure, conducting the operation of the infrastructure, working, maintenance and development, time of the infrastructure;
  - **Open Access Principles** – the conditions under which UCG creates access to its Research Infrastructure for use by different groups of **Users** inside and outside the institution;
  - **Open Access Services** – services approved by the authorised legal representative of the University of Montenegro and/or its organisational units, and made publicly available through UCG and UCG organisational units websites;
  - **Research Infrastructure Operating Time** – the total operating time of the research infrastructure.



- **Open Access Operating Time** – the period of time within which the Research Infrastructure is made accessible to the Users for free or a fee.
- **Technical time** – the period of time within which the Research Infrastructure is being technically maintained and the Users cannot use the Research Infrastructure.
- **Off time** – the period of time which the Research Infrastructure cannot be used. This time is reserved for maintenance and repairs
- **Experimental time** – the period of time within which the Research Infrastructure can be used to carry out scientific research and development works.
- **User** – a natural or legal person who use offered services from the research infrastructure or was granted access to this research infrastructure to perform research, learning and teaching;

## CHAPTER II: RESEARCH INFRASTRUCTURE MANAGEMENT

7. The **use and accessibility of the OARI** at the University or its organisational unit is ultimately a decision for the **legal representative of UCG organisational unit/head of the University of Montenegro**, as appropriate. Use of OARI - equipment/space (laboratory) and/or publication shall be allowed, organised and/or specified by the organisational unit head and openly communicated internally and externally.
8. **Management and supervision** of specified **Research Infrastructure** is ensured by **legal representative of UCG organisational unit / head of the University of Montenegro**.
9. **Responsibilities** of management and supervision of this Policy is **delegated** by legal representative of UCG organisational unit/head of the University of Montenegro **to responsible staff in accordance with institution/organisational unit management structure**.
10. The **existing and/or new Research Infrastructure legal status, governance** - its operational structures and procedures and decisions making process, as well as **financial sustainability** accompanied by the rules that will govern access to its resources, is defined specifically by each UCG Organisational unit, in accordance with the UCG highest act – Statute and the organisational unit operational and management plan in the given timeframe.
11. **Legal representative of the University of Montenegro and UCG organisational units (Deans)**, through their delegated responsible person (e.g. Vice-Rectors/Associate Deans of Education/Research/other), will **monitor** their **unit** compliance with this policy.
  - a. All Users must follow the principles of this policy in order to maximise the accuracy, timeliness and quality of data collected and recorded, analysed and reported.
  - b. All Users must clear rights to their outputs as set out in this Policy, UCG Statute and specific organisational unit open access policy.
  - c. Wherever needed the costs for the open access and use of Research Infrastructure shall be factored into activities/projects/grants of external funding body.

## CHAPTER III: USERS OF RESEARCH INFRASTRUCTURE

12. **Services of research and teaching** are to be provided **to internal and external users** as defined by this Policy, under the conditions specifically defined by the UCG organisational unit.
13. **Internal Users** are academic and non-academic staff, and students at the University of Montenegro.
14. **External Users** are national and/or international partners who are typically funding agencies, research institutes, academic and educational institutions (schools), foundations, or other

research-oriented organisations from the public or private sectors, the Civil Society organisation (CSOs)/non-governmental organisation (NGOs), businesses and individuals in need of research data.

15. **The Governmental institutions** (ministries, agencies, or other bodies) **are accounted as external user**, based on already defined relations within University of Montenegro act (Statute) and policies (Strategy of University of Montenegro), and on specifically signed partnership agreements/contracts.
16. **Internal User**, who wants to use or be entitled to use the **research and teaching Research Infrastructure** requests to use the required equipment in accordance with specifically defined process or procedure of the UCG organisational unit (via an email or with formal request to the line manager).
17. **External User**, who wants to use or be entitled to use **research and teaching Research Infrastructure** requests to use the required equipment via an email or with a formal request to the University of Montenegro/UCG organisational unit and/or UCG staff. The request shall be processed in line with UCG/UCG organisational unit management structure and specifically defined procedure of that UCG organisational unit.
18. The **agreement on the use of Research Infrastructure** is concluded **in writing**. Negotiations on the agreement may take place by email, but it enters into force when both parties exchange the originals documentation and signed it.

#### CHAPTER IV: ACCESS TO RESEARCH INFRASTRUCTURE

19. **Research Infrastructure** is accessible to the **Users** in compliance with principles of the University of Montenegro act (the **UCG Statute**) and policies (**Strategy of University of Montenegro**), and on **specifically signed partnership agreements/contracts with external users/third parties**, respecting Open Access Operating Time principle.
20. **Legal representative of UCG organisational unit/head of the University of Montenegro** and/or delegated responsible staff in accordance with institution/organisational unit management structure approves the **Research Infrastructure Use** and/or **Open Access Operating Time**/schedule of research infrastructure types (e.g. computer/internet rooms, research equipment, laboratories, etc.).
21. **Open Access Operating Time** of the **RI** shall be defined specifically by each UCG Organisational unit, in accordance with the UCG highest act – Statute and the organisational unit operational and management plan, ensuring provision of **Research Infrastructure** working time to **internal** and **external users**, if applicable and beneficial.
22. **Open Access Research Infrastructure** services are provided to **Users** as a **priority** in case:
  - a. demand exceeds the quota of Research Infrastructure resources;
  - b. start-ups set up by current or former UCG students;
  - c. small and medium-sized enterprises that have signed long-term target cooperation agreements and are newly established (during the last 12 months before the date of OARI application/requests submission) small and medium-sized enterprises performing R&D activities.
  - d. in the extreme conditions (e.g. extreme natural/health and/or safety conditions occur) to governmental institutions in the need of UCG research infrastructure to meet the demand and requirements.



23. **Research Infrastructure** services, provided under preferential treatment, **cannot violate national legal provisions** regarding state assistance and the rules for use of public funding from different sources.

#### CHAPTER V FORMING OF PRICING FOR RESEARCH INFRASTRUCTURE SERVICES

24. Pricing of the **Research Infrastructure** services is defined specifically by each UCG Organisational unit, in accordance with the UCG highest act – Statute principles of sound management and the organisational unit operational and management plan. The pricing is made based on market value of the services and/or under the principle of reimbursement of Research Infrastructure costs or ensuring that the market is not distorted.
25. The price of the **Research Infrastructure** services shall be determined according to the **User's** type – internal vs. external **User** / commercial vs. non-commercial, 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. The **pricing (P)** of the commercial use of **Research Infrastructure (RI)** may be established on following **principles/model** and following stated formula, but not limited to:

$$\text{PRI exterior} = \text{UTE} + \text{MAT} + \text{CHR} + \text{IOC} + \text{SFC} + \text{SFC} + \text{INT} + \text{VAT}.$$

Direct operational costs, consisting of:

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

*MAT (material required)* for performance of the research and consumables – determined individually for each service/equipment. Recommended value – 20 % of the sum of utility costs;

*CHR (costs of human resources)* – hourly rate of the equipment's service staff (Euro/h) in accordance with the UCG/UCG organisational unit policy/order;

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

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

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

*INT (income tax for provision of the University's services)* – up to 15 % income tax from the price of services or works;

*VAT (value added tax)* – 21 % from the price of services or works, as regulated by national tax policy.

27. After external **User's** application is received and decision to grant access is made by Legal representative of UCG organisational unit / head of the University of Montenegro, the **Research Infrastructure** delegated responsible person/manager prepares a commercial offer of service provision.
28. The **Research Infrastructure** delegated responsible person/manager or legal representative/ Legal representative of UCG organisational unit / head of the University of Montenegro shall use the **shortest procedure and communication** to comply and process the application of **Internal User**

with the request to use and/or reserve research infrastructure equipment, if the following provisions are met:

- Request complies with the principles of the UCG highest act – Statute, this Policy, the UCG Organisational unit operational and management plan and its act defining the use of research infrastructure;
  - internal **User** is trained and has a permit to use the reserved equipment;
  - internal **User's** use of research infrastructure shall advance scientific processes, enhance transparency, assure the quality of scientific work, increase scientific transfer and innovation in business and society that is based on scientific findings;
29. Prices of the **Research Infrastructure** services are announced publicly and can be adapted to specific service that has been asked or needed. Prices are reviewed taking into consideration changes in economic conditions, costs of the maintenance, administration and other costs related to the **Research Infrastructure** activities.

#### **CHAPTER VI: COLLECTION AND USE OF THE FUNDS RECEIVED FOR PROVISION OF THE RESEARCH INFRASTRUCTURE SERVICES**

30. **Income** received from the provision of the **Research Infrastructure** services have to be used for the up-keep, improvement and renovation of the **Research Infrastructure and/or operation, teaching and studying conditions of the University of Montenegro (UCG)/UCG organisational unit**, and in accordance with the applicable regulations of the University of Montenegro<sup>2</sup>.
31. **Accounting** of these funds is conducted in the **University of Montenegro (UCG)/UCG organisational unit**, to which RI belongs and/or is located.
32. **Presentation and promotion** of the **Research Infrastructure** equipment and services at the exhibitions, events, conferences, companies nationally and internationally for attraction of the customers, including preparation of distributed material are part of the **University of Montenegro (UCG)/UCG organisational unit operational and management plan, and/or follows under specific project implementation**.
33. Added value tax is a state tax, calculated as a fixed part of the price of provided services, transferred to the State Tax Inspectorate.

#### **CHAPTER VII OBLIGATIONS RELATED TO CONFIDENTIALITY AND PROTECTION OF INTELLECTUAL PROPERTY**

34. The **legal representative of UCG organisational unit/head of the University of Montenegro** and/or delegated responsible staff/manager for **Research Infrastructure** must **ensure the confidentiality** of the results of every scientific research and/or experiment performed using the **Research Infrastructure Resources** and/or services. Exceptions can be specified under the written agreement between the **Research Infrastructure** and internal and/or external **User**.
35. Ownership and management of intellectual property created at the **(UCG)/UCG organisational unit** and confidentiality obligations are regulated by national Intellectual Property policy and the legislation governing this issue.
36. In the case of research performed by internal/external **Users**, all intellectual property produced by the internal/external **User** within the **Open Access Operational Time** shall be the intellectual

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<sup>2</sup> Rulebook on the manner of using funds and other income of employees on projects, jobs from the market and through teaching forms (2019).



property of the **University of Montenegro (UCG)/UCG organisational unit**, unless otherwise specified.

37. In the case of research performed by external **Users** as part of the **Research Infrastructure commercial services**, all intellectual property questions will be specified in the contract/ a special agreement signed for this particular access/service.
38. In case of the research performed by internal **Users**, a discussion may need to be held about making the results available **Open Access**, adhering to the Open Science principles.
39. The **University of Montenegro (UCG)/UCG organisational unit** reserves the **right to remove and restrict the use and accessibility of the research infrastructure**, if its use does not comply with its policies.
40. Any **confidential information** which relates to deposited outputs and/or metadata resulted to the use of **Research Infrastructure** will be subject to appropriate levels of **restricted access**, in accordance with national regulation and international practice (where RI is funded by EU or other international donors/mechanisms).

#### **CHAPTER VIII: DISPUTE SETTLEMENT**

41. **University of Montenegro (UCG)/UCG organisational unit** may ask the external **User** to pay an amount equal to part of the remuneration as a collateral before starting to use the **Research Infrastructure**, specified and based on the contract/ a special agreement signed for this particular access/service.
42. If the Research Infrastructure or one of its elements is damaged or destroyed, **University of Montenegro (UCG)/UCG organisational unit** has the right to request remuneration for this damage or deduct it from the collateral, specified and based on the contract/ a special agreement signed for this particular access/service.
43. When the **User** has finished using the **Research Infrastructure** without damaging or destroying the Research Infrastructure, **University of Montenegro (UCG)/UCG organisational unit** shall credit the amount referred to in point 41 towards the remuneration or return it to the **User**.
44. In case of disputes regarding the use of the **Research Infrastructure Resources** or service provision, violations of protection of intellectual property or other basis directly related to the **Research Infrastructure**, interested persons can submit a written claim or complaint to the **legal representative of UCG organisational unit/head of the University of Montenegro** and/or delegated responsible staff/manager for the **Research Infrastructure**. Dispute resolution is the subject of an agreement/contract between the UCG organizational unit and third party.
45. After receipt of a written claim or complaint the **legal representative of UCG organisational unit/head of the University of Montenegro** and/or delegated responsible staff/manager for the **Research Infrastructure** transfers it for the consideration of the responsible departments or specially formed bodies and in accordance with national legislation and legal or dispute resolution policies.
46. In case a dispute is not settled, **User** can protect their rights with the **competent authority in Podgorica, Montenegro**.
47. The signed **Agreement on providing Open Access services** shall be **amended** in the same manner as it is concluded and approved by the **legal representative of UCG organisational unit/head of the University of Montenegro**. All agreements to amend the Agreement shall form an integral part of signed Agreement. The Agreement may be **terminated** by mutual written consent of both parties, or unilaterally by the University of Montenegro/UCG organisational unit and/or by User:

- a. if the User fails to comply with the provisions of the services provided and defined in the signed Agreement;
- b. the User may unilaterally terminate the Agreement if the University of Montenegro/UCG organisational unit is more than 30 (thirty) days late in providing services as of the date specified in the signed Agreement.

#### CHAPTER IX: FINAL PROVISIONS

48. This **Policy** is amended or repealed under the order of the **legal representative of the University of Montenegro – Rector.**
49. This **Policy** will be **reviewed** at least **every two years** or as appropriate to respond to changes in relevant legislation or national guidance. UCG staff/students will be made aware of the Policy updates as they occur via team briefs, team meetings and notification via the intranet.

Podgorica, October 1<sup>st</sup>, 2020



RECTOR

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This Policy was prepared through the Technical Assistance provided by the Regional Cooperation Council in June-October 2020 under the Open Access Research Infrastructure in the Western Balkans Support Programme