

Annex 2: Open Access Policy template and notes

Draft Policy for Open Access to Research Infrastructures at Faculty of Computer Science and Engineering, UKIM ¹

Introduction

The Faculty of Computer Science and Engineering (FCSE) at the Ss. Cyril and Methodius University in Skopje (UKIM) is the largest e-Infra service provider in the country. It offers services to students of the Faculty, University, as well as support for national services for several ministries. It hosts the National HPC computing resource, procured in 2011. It is also the National HPC Competence Center, as part of the EuroHPC JU. Through various regional and European projects, it has provided services and resources to multidisciplinary research communities, including European Open Science Cloud (EOSC) related services. Through memorandums of collaboration with industry partners, it has also provided pay-per-use HPC and cloud services to the SMEs in the country.

This document outlines the Policy for Open Access (OA) to Research Infrastructure at FCSE. The benefits from having such a Policy are multifold. It will provide better coordination of the resource sharing, increase the international visibility of the Faculty (both as e-Infra provider, as well as research performing organization) and enable better efficiency and use of the existing e-Infra, make the investments into the future equipment more organized, and optimize the access to the current and future services.

The main objective for the adoption of the OA policy by the Faculty is international visibility and the establishment of the Faculty as a serious partner in research activities and projects regionally and pan-European.

¹ "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."

CHAPTER I GENERAL PROVISIONS AND DEFINITIONS

1. **Faculty of Computer Science and Engineering at Ss. Cyril and Methodius University**, (hereafter – **FCSE**) is the largest technical faculty in the country and in the region.
2. This Policy is applied to all **Open Access Research Infrastructures** for research and development (R&D) (technical, social and cultural) (hereafter – **Research Infrastructure**) of **FCSE** and guides the relations between **FCSE** and the **Users** of its **Open Access Services**.
3. This Policy forms an integral part of any **Open Access Services** agreement concluded between **FCSE** and the **Users** of **Open Access Services**.
4. The objective of this Policy is to define the nature of **Research Infrastructure(s)**, its position in the **FCSE**, its technical specification, services provided by this **Research Infrastructure**, provisions for use of resources, time ratio, formation of pricing, confidentiality obligations and dispute settlement procedure.
5. The following definitions are used in the Policy:
 - **Open Access principles** – the conditions under which **FCSE** creates access to its **Research Infrastructure** for use by different groups of **Users** inside and outside the organisation;
 - **Research Infrastructure** (infrastructure for carrying out research) – physical structure (science institutes, laboratories, etc.), instruments, tools, and other material and virtual resources and related services required for the performance of modern fundamental and applied scientific research;
 - **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
 - **Services** – Open Access services approved by the **Head of the Computing Center at FCSE**, in collaboration with **the head of the laboratory** offering it.
 - **Applicant** – a natural or legal person, or a group of persons, applying for and ordering Open Access Services i.e. requesting access to the **Research Infrastructure**.
 - **User** – an **Applicant** who has been granted access to the **Research Infrastructure**
 - **Agreement** – an agreement on the provision of **Open Access Services** between the **User** and the **FCSE**
 - **Research Infrastructure Operating time** – the total operating time of the **Research Infrastructure**
 - **Experimental time** – the period of time within which the **Research Infrastructure** can be used to carry out scientific research and development works
 - **Technical time** – 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.
 - **Off time** – the period of time within which the **Research Infrastructure** cannot be used. This time is reserved for maintenance and repairs
 - **Open Access time** – the period of time within which the **Research Infrastructure** is made accessible to the users either for free or for a fee
 - **Guaranteed Time** – the period of time reserved for external users who made an in-kind financial contribution to the development of the **Research Infrastructure** or in other forms participated in supporting the **Research Infrastructure**.

- **Commercial Time** – the period of time within which the **Research Infrastructure** is made accessible for remuneration.

CHAPTER II RESEARCH INFRASTRUCTURE MANAGEMENT

6. Management and supervision of specified **Research Infrastructure** is ensured by: **the Head of the Computing Center** and **the Head of the laboratory** offering the service.
7. The Head of the Computing Center at FCSE, in coordination with the heads of the laboratories offering services, are responsible for coordination of use of **Research Infrastructure**, accounting for the use of **Research Infrastructure**, list of equipment, list of services, registering access to the **Research Infrastructure**.
8. They can participate or be consulted in the processes of: giving consent to the use of the **Research Infrastructure**, decisions on pricing, identification of **Users**, training of equipment **Users**, determining rules for the same use, providing support and maintenance of equipment / software, provision of information about **Research Infrastructure**, marketing etc.

CHAPTER III USERS OF RESEARCH INFRASTRUCTURE

9. Services of **FCSE** are provided to both internal and external **Users**.
10. **Internal User** is a researcher and students from any **UKIM** organizational unit. They use **UKIM Research Infrastructure** without a fee but are welcome to make in-kind contributions or participate in the work of the **Research Infrastructure**.
11. **External User** is a researcher from other higher educational institution, a researcher from commercial organisations, a member of the civil society etc.
12. An internal **Applicant**, who wants to use or be entitled to use **FCSE Research Infrastructure** reserves the required equipment by providing **Research Infrastructure usage Application**. The Head of the Computing Center and the head of the laboratory offering the service provide Decision on the **Application**.
13. An **External Applicant**, who wants to use or be entitled to use **FCSE Research Infrastructure** applies by providing **Research Infrastructure Application**. The details of **Research Infrastructure Application** depend on the type of a service. The application form will be made public on the **FCSE** web site.
14. After receipt of the external **Applicant's** request, the Head of the computing center and the head of the laboratory offering the service, make a Decision on the **Application**. In case of a positive decision, the **User** receives an **Agreement** from an authorised person from **FCSE** containing description of Services, Services Fees, Combinational Information.
15. The **Agreement** is concluded in writing. Negotiations on the **Agreement** may take place by email, but it enters into force when both parties exchange the originals.

CHAPTER IV ACCESS TO RESEARCH INFRASTRUCTURE

16. **Research Infrastructure** is accessible to the **Users** in compliance with procedures defined by the **Time of Access** to the **Research Infrastructure**.
17. The **Research Infrastructure Operating Time** is divided into **Experimental Time**, **Technical Time** and **Off Time**.
18. The **Experimental Time** is divided into **Open Access Time**, **Guaranteed Time** and **Commercial Time**.
19. The Head of the computing center and the Head of the laboratory offering specific service approves 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**.
20. The Head of the computing center and the head of the laboratory offering specific service guarantee the provision of at least **10%** of all **Research Infrastructure** working time to external **Users**, if needed. The remaining working time is provided to internal **Users** and meeting of internal needs, including organisation of the process of the **FCSE** studies.
21. **Research Infrastructure** services are provided to external **Users** as a priority in case demand exceeds the quota of **Research Infrastructure Resources** and related services provided to external **Users**.
22. 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 R&D activities.
23. To encourage newly established (during the last 12 months before the date of application submission) small and medium-sized enterprises performing R&D activities to use the services provided by FCSE can apply preferential treatment.
24. **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

25. Pricing of the **Research Infrastructure** services is made under the principle of reimbursement of **Research Infrastructure** costs.
26. The price of the **Research Infrastructure** services is 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.
27. After an external **User's** application is received and decision to grant access is made, the **FCSE** financial department prepares a commercial offer of service provision.
28. The Head of the computing center and the head of the laboratory offering specific service, who receives an application of internal **User**, automatically accepts the request and reserves equipment if the following provisions are met:
 - internal **User** is trained and has a permit to use the reserved equipment;
29. Prices of the **Research Infrastructure** services for the **external Users** are announced publicly. 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

In this section you can explain how the income collected will be used. You may need to address accounting issues as well as tax and VAT issues in this section to reflect national Law and institutional norms.

You may find it useful to consult **Section 2.4 of the Principals and Guidelines: Costing and pricing**

This section is not mandatory but may be useful. Some examples are given below from existing **Open Access** Policies from EU MS. You can also lay out who is responsible for looking after the finance or make some general statements about use of received finance.

30. Income received from the provision of the **Research Infrastructure** services have to be used for the up-keep, improvement and renovation of the **RI**. Other purposes might include *improvement of qualification of the staff conducting maintenance, salaries and other expenses directly related to the **Research Infrastructure** activities.*
31. The income received 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.*
32. Accounting of these funds is conducted in the *department providing services.*
33. *Utility expenses are collected and used to pay for the department expenses for premises' rent, electricity, water and heating expenses.*
34. *Expenses for materials required for research and consumables are collected in the department 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.*
35. *Depreciation deductions are deducted from the received income and collected at the HEI level in the 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.*
36. *Costs of human resources are collected at the department and used to cover the costs of salary of the employee providing services.*
37. *Sales and marketing are deducted from the received funds and collected at the department. These funds can be used for the following:*
 - *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;*
 - *To cover the expenses related to the sales of services and use of equipment;*
 - *To cover the expenses of provided services, preparation and update of the lists of equipment and information.*
38. 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 the **Research Infrastructure**, transferred and accounted at the University's Finance. *[this text can be changed if your choice is different]*
39. Added value tax is a state tax, calculated as a fixed part of the price of provided services, transferred to the State Tax Inspectorate. *[change if need to fit national legislation]*

CHAPTER VII OBLIGATIONS RELATED TO CONFIDENTIALITY AND PROTECTION OF INTELLECTUAL PROPERTY

In this section you define issues related to the protection and use of the intellectual property (IP) generated during the use of the **Research Infrastructure** including ownership, exploitation, confidentiality (secrecy) and publication (dissemination).

You may find it useful to consult **Section 2.3 of the Principals and Guidelines: Contractual and intellectual property aspects**

40. The Head of the computing center and the head of the laboratory offering specific services 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 external **User**.
41. Ownership and management of intellectual property created at the *HEI* and confidentiality obligations are regulated by *university Intellectual Property rules*.
42. In the case of research performed by external **Users**, all intellectual property produced by the external **User** within the **Open Access Time** shall be the intellectual property of the external **Users** unless otherwise specified.
43. In the case of research performed by external **Users** as part of the **Guaranteed** or **Commercial Access Time**, all intellectual property questions will be specified in [the contract/ a special agreement signed for this particular access].
44. 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.

CHAPTER VIII DISPUTE SETTLEMENT

In this section you describe how any dispute settlements will be handled, including all the questions related to the damage of the **Research Infrastructure** from use.

You may find it useful to consult the Order No. V-852 "On Approval of Open Access Centre Management Regulations" of the Minister of Education and Science of Lithuania 8th June 2010

Some examples are given below.

45. **FCSE** 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**.
46. If the Research Infrastructure or one of its elements is damaged or destroyed, **FCSE** has the right to request remuneration for this damage or deduct it from the collateral (described in point 45).
47. When the **User** has finished using the **Research Infrastructure** without damaging or destroying the **Research Infrastructure**, **FCSE** shall credit the amount referred to in point 45 towards the remuneration or return it to the **User**.
48. 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 Research Infrastructure manager.
49. After receipt of a written claim or complaint the **Research Infrastructure** manager transfers it for the consideration of the responsible departments or specially formed bodies. Any claim or complaint must be considered and examined in 15 calendar days from its receipt. Responsible department prepares an answer and sends it to the applicant by *e-mail* in 3 working days.
50. In case a dispute is not settled, interested persons can protect their rights under procedure established by the national legal acts of Republic of North Macedonia.

CHAPTER IX FINAL PROVISIONS

51. This Policy is amended or repealed under the order of the **FCSE's** Dean (or Dean's office).