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1. PURPOSE

To describe the administrative practice required to request the issuance of an Independent Researcher Agreement (IRA).


2. DEFINITIONS

- i. An *IRA* is the mechanism by which an individual who is not affiliated with CUNY nor is acting as an employee or agent of another institution (the “Independent Researcher”) can be involved in research activities being conducted by CUNY. The IRA requires the completion of an Independent Researcher Agreement Application.
- ii. *Research* means: a systematic experiment, study, evaluation, demonstration or survey, in any academic field, designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating or confirming information about, or the underlying mechanism relating to, causes, functions or effects.

3. VOLUNTEER OR PAID RESEARCHER

- i. *Volunteers*. Most Independent Researchers will be unpaid. A PI requesting involvement of a volunteer Independent Researcher is required to confirm that the volunteer is not displacing a regular, paid CUNY employee (see justification requirement in Independent Researcher Agreement Application).
- ii. *Paid Researchers*. If the unaffiliated individual is to be paid and will be conducting work that is the same or largely the same as that of a paid CUNY or RF employee on the research team, then the individual should be hired as an employee and will not be an Independent Researcher covered by this Standard Operating Procedure.

If the Independent Researcher is to be paid as an independent consultant, the PI shall: (a) contact his or her campus purchasing office for assistance with an independent contractor agreement if CUNY College/School funds (whether tax levy or non-tax levy) will be used; or (b) coordinate with his or her campus grants/sponsored program office and/or the RF as appropriate, if funds administered by the RF will be used. In both cases the Independent Researcher and the PI is still required to follow this Standard Operating Procedure regarding an IRA.

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4. THE IRA

The Independent Researcher Agreement Application is comprised of two (2) Parts. Both Parts, Request for Approval to Use Independent Researcher in CUNY Research (Part 1) AND the Independent Researcher Agreement Application (Part 2) must be completed and signed prior to the Independent Researcher’s involvement in CUNY research:

i. **PART 1: Request for Approval to Use Independent Researcher in CUNY Research**

A CUNY PI shall request approval to use an Independent Researcher in CUNY research by completing the Request for Approval (Part 1) of the Independent Researcher Agreement Application. This Request for Approval must be signed by the PI and the Chair of the Department with which the PI has primary affiliation. Approval, if granted, by the Chair shall then be sent to the Provost of the College or School where the PI is conducting research or his/her designee for the College or School’s approval.

ii. **PART 2: Independent Researcher Agreement Application**

The Independent Researcher must sign the Independent Researcher Agreement, as well as any applicable Appendices, prior to becoming involved in CUNY research. The Agreement addresses: (a) Conduct of Research, (b) Assumption of Risk, and (c) Waiver of Liability. The Agreement includes the following Appendices:

Appendix A – Human Subject Research

This Appendix applies only to Human Subjects Research and addresses: (a) the Belmont Report, (b) U.S. Department of Health and Human Services (HHS) regulations for the protection of human subjects at 45 CFR part 46, (c) CUNY FWA and applicable terms of the FWA, and (d) CUNY’s institutional policies and procedures for the protection of human subjects.

Human subject research is defined as a systematic investigation designed to develop or contribute to generalizable knowledge, which involves a living individual about whom an investigator conducting research obtains: (a) data through intervention or interaction with the individual or (b) identifiable private information. [45 CFR 46.102(d) & (f)] Department of Health and Human Services (DHHS)

Appendix A must be completed and signed when the Independent Researcher seeks to become engaged in CUNY’s non-exempt human subject research by:

1. Obtaining data about the subjects of the research through intervention or interaction with them; and/or

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2. Obtaining identifiable private information about the subjects of the research; and/or
3. Obtaining the informed consent of human subjects for the research.

Appendix B – Parent/Legal Guardian Consent

This Appendix is required to be completed by the Independent Researcher’s parent or legal guardian if the Independent Researcher is under the age of 18.

5. AUTHORITIES

The Provost of the College or School where the PI is conducting research or his/her designee are the Institutional Authorities for IRAs. Research team members (including the PI), or others at the CUNY Colleges or Schools do not have the authority to issue or sign IRAs on behalf of CUNY.

6. WORK INSTRUCTIONS

- i. To request an IRA, the PI or his/her designee shall complete the Request for Approval of Use of Independent Researcher Part 1, sign it and provide it to their Department Chair for review.
- ii. If the Department Chair grants permission for use of an Independent Researcher and signs the request for approval, the PI shall then submit the form to the Provost’s Office of the College or School where the PI is conducting the research for review and either approval or denial by the Provost or his/her designee.
- iii. If the Request is approved, the PI shall then obtain signatures on all relevant parts of the Independent Researcher Agreement. The Independent Researcher shall not begin involvement in the CUNY research until the Request for Approval is fully approved and signed, and the Independent Researcher has signed the Agreement and signed and/or obtained signature for any applicable Appendices.
- iv. If the research involves human subjects research, animal research and/or hazardous biological materials, the PI shall submit the fully signed Request for Approval and Independent Researcher Agreement with all applicable Appendices to the relevant oversight body: the Institutional Review Board (IRB), the Institutional Animal Care and Use Committee (IACUC), and/or the Institutional Biosafety Committee (IBC).