

THE UNIVERSITY OF MICHIGAN

REGENTS COMMUNICATION

Approved by the Regents

April 19, 2007

ACTION REQUEST

Subject: Subcontract Agreement between the University of Michigan and Southwest Research Institute

Action Requested: Authorization to enter into an Agreement

Preamble:

A statutory conflict of interest situation was identified by the Division of Research Development and Administration while reviewing the research agreement which then triggered a review by the OVPR Conflict of Interest Review Committee. A plan for management of the possible risks associated with the conflict of interest was then developed by the Committee and agreed to by the parties involved.

This proposed subcontract agreement ("Agreement") falls under the State of Michigan Conflict of Interest Statute because Professor Jack H. Waite is an employee of both the University of Michigan ("University") and Southwest Research Institute. The law permits such an Agreement provided it is disclosed to the executive officers and approved in advance by a 2/3 vote of the Regents of the University of Michigan.

Background:

The University received an award from the National Aeronautic Space Agency ("NASA") for the project "X-Ray Generation on the Surface of Europa." The Principal Investigator for the project is Jack H. Wait, Professor of Atmospheric, Oceanic and Space Sciences in the College of Engineering. Dr. Wait is currently on leave of absence and employed at the Southwest Research Institute.

Nature of the Agreement:

The proposed research with NASA includes a subcontract with Southwest Research Institute to continue development of x-ray production from the surface of Europa induced by energetic particle bombardment.

Agreement Terms:

It is anticipated that the normal contract terms and conditions will be set forth in the award from NASA. The typical University subcontract terms and conditions will be applied to the subcontractor Southwest Research Institute. Standard disclaimers of warranties apply, and the contract may be amended by consent of the parties. University procedures for approval of these changes will be followed and additional conflict of interest review will be done as appropriate.

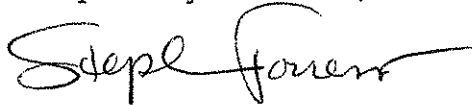
Impact of the Agreement:

The contract with Southwest Research Institute will allow the University to meet the goals and objectives originally submitted, and approved on May 6, 2005 to NASA.

Recommendations:

This matter has been reviewed and approved by the OVPR Conflict of Interest Review Committee. In light of this disclosure and our finding that the Agreement was negotiated in conformance with standard University practices, I recommend that the Board of Regents approve the Subcontract Agreement between the University and Southwest Research Institute.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen R. Forrest". The signature is fluid and cursive, with the first name "Stephen" and last name "Forrest" clearly distinguishable.

Stephen R. Forrest  
Vice President for Research

April 2007