

International Negotiations A Case Study

Heather Winters

Assistant Director – Contracts

OCGA

heather.winters@research.ucla.edu



Previous *vs.* New agreement

PRO's

- UCLA had an existing relationship with sponsor
- Both parties eager to continue relationship and project
- Provided a position to start from

Previous *vs.* New agreement

CON's

- Existing and new agreement vastly different
- Three UC campuses received differing terms from one another

Previous *vs.* New agreement

CON's

- Staggered contracts (Campuses couldn't coordinate a response)
- Problematic language due to the evolution of the scope of work

External Challenges

- Sponsor took offense to “standard” language for US institutions
 - “help facilitate” = “lack of competency”

External Challenges

- Returned multiple times with signatures and made changes which had not been agreed upon
 - more casual approach than US institutions

External Challenges

- C&G counterpart changed multiple times – difficult to establish a working relationship
- Appearances of conflict of interest
- Lack of transparency

Internal Challenges

- Multiple interpretations of IP language within UC
- Too many “cooks in the kitchen” (27 distinct individuals involved during negotiation)

Internal Challenges

- Pressure from highest levels at School/Dept.
 - Interjected themselves into negotiation process
- Divisive tactics
 - PI was threatened with loss of funding
 - Campuses were pitted against each other

Final Outcome.....

What works?

- PI involvement
 - Face-to-face interaction
 - Relating problematic terms to their project and in 'lay' terms
 - Faculty may have established relationships

What works?

- PI's 'negotiating' on behalf University
 - Facilitator versus obstructionist
- Detailed budget and scope of work
 - Not US centric
 - US dollars

What works?

- Risk Assessment and Management
 - Ensure safeguards and protections for faculty and students
 - Proper and sufficient insurance
- Recognize Differing Expectations
 - Pomp and circumstance – signing ceremonies

Questions?