

## PPM 295: Researcher’s Access Agreements

<b>Responsible Officer:</b>	PCPA Director
<b>Responsible Office:</b>	<a href="#">Policies, Compliance, and Programmatic Agreements (PCPA)</a>
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<b>Scope:</b>	UC ANR Personnel

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**Note: For links to referenced documents see Section VI, *Related Information*, below.**

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## POLICY SUMMARY

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- A. This section of the Policy and Procedure Manual (PPM) for the University of California (UC) Agriculture and Natural Resources (ANR) describes how Researcher's Access Agreements, also known as Land Access Agreements, are used in the UC ANR environment.
- B. The information presented here is general and cannot address all of the unique concerns that can arise regarding researcher's access agreements. *Before the UC academic begins to use the cooperating party's property*, they should direct questions regarding specific situations to the Contact person noted on page 1 above.
- C. With UC ANR's mission of research and public service, UC ANR academics may have occasion to work with small, cooperating private property owners to access their property for fieldwork for various purposes of study and inquiry. This PPM section describes how the UC ANR's Researcher's Access Agreement is used to quickly memorialize the agreement to allow the UC ANR academic permission to access the cooperating grower's property.

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## I. DEFINITIONS

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Not used.

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## II. POLICY TEXT

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- A. As described above, the nature of UC ANR's mission is such that UC ANR academics may find it advantageous to perform their research on the land of a cooperating property owner. In such circumstances, it is a best practice to briefly memorialize the consent of the property owner for the UC ANR academic to access the private property. However, small, private property owners do not usually have any form of agreement at their disposal to use in these situations. Accordingly, the two-page Researcher's Access Agreement Form (see link in Section VI, *Related Information* below) should be used.
  - 1. For property owned by public agencies such as the state and federal government, the property owner will usually have their own form of agreement that must be processed before the property may be accessed. For assistance processing such agreements, email your request to [newagreement@ucanr.edu](mailto:newagreement@ucanr.edu). Such agreements may take time to process as state and federal terms and conditions may require negotiation.
- B. Use of the Researcher's Access Agreement will clarify for the private property owner how UC ANR intends to use the property, will assure them of the University's insurance coverage, and will articulate other key terms of importance to both the property owner and to UC ANR.
- C. Researcher's Access Agreements are limited term, no-cost agreements for access to – and in some cases, certain use of – the land (not the buildings on the property). If the UC ANR academic wants to use the property for a number of years, wants to use the buildings on the property, and/or if the property owner will

be charging for the use of the property, a different, more detailed form of real property agreement will be required. For such situations email [newagreement@ucanr.edu](mailto:newagreement@ucanr.edu) for additional information and support in issuing a real property license or lease.

- D. As described in Section V., *Procedures*, below, Researcher's Access Agreements can be issued quite quickly as long as the University's terms and conditions are unchanged. In preparing the Agreement, it is important that the UC ANR academic provide a good description of the way in which they intend to use the property. This is especially true if invasive and/or high risk procedures will be used, e.g., vegetation sampling that kills plants, controlled burns, etc. In such situations a special permit, license or authorization of some kind may be required by the County, the State or other regulatory agency. For questions regarding use of the property, email [newagreement@ucanr.edu](mailto:newagreement@ucanr.edu) for additional information and support.

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### III. COMPLIANCE / RESPONSIBILITIES

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**A. UC ANR Vice President (Vice President)**

The Vice President is responsible for the overall implementation of this policy, and has authority for execution of Researcher's Access Agreements in accordance with Presidential Delegation of Authority No. 2629, *Capital Project Matters*.

**B. UC ANR Associate Vice President for Business Operations (AVP-BO)**

The Vice President has re-delegated the overall responsibility for implementation of this policy to the Associate Vice President for Business Operations, and has re-delegated signature authority as well.

**C. UC ANR Controller (Controller)**

The Controller is responsible for assuring compliance with this policy, and has been re-delegated authority to execute Researcher's Access Agreements on behalf of UC ANR.

**D. UC ANR Policies, Compliance and Programmatic Agreements (PCPA)**

The Policies, Compliance and Programmatic Agreements (PCPA) unit is responsible to review, issue and arrange for execution of Researcher's Access Agreements.

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### IV. PROCEDURES

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- A. To initiate a Researcher's Access Agreement, the UC ANR academic should meet with the property owner and have a detailed discussion about their intended use of the property. This should include the the length of time the academic intends to use the property, and the fact that no monetary reimbursement will be made. Assuming the property owner is amenable, the academic should share a copy of the Researcher's Access Agreement Form with the property owner for

their review, emphasizing that it will benefit the researcher by clarifying their use of the property, and verifying the University's insurance coverage.

- B.** The most efficient way to proceed is for the UC ANR academic to complete the Researcher's Access Form, and email to PCPA at [newagreement@ucanr.edu](mailto:newagreement@ucanr.edu) for review.
- C.** To complete the Agreement the UC ANR academic will need to insert the following information in place of the red font:
  - 1. The name of the research project/program (e.g., UC Cooperative Extension Sonoma County, etc.)
  - 2. The address of the property to be accessed.
  - 3. A complete description of the intended property use (it is especially important to call out potentially invasive or high-risk uses such as controlled burning, etc.). Use plain language and to the extent possible, avoid the use of non-essential jargon. Include activities associated with the research: measurements, sampling methods, frequency and duration of entry into an area, materials and equipment used, and the amount and nature of disturbance to the property (if any). Also include the time of year and frequency of visits, including the number of visitors.
  - 4. The length of time the property will be used by the UC ANR academic (provide a specific end date).
  - 5. The property owner's name, address, phone number and email address.
- D.** After the PCPA review, PCPA will provide the following steps for execution:
  - 1. Electronic signatures are preferred and can be executed via a email on a smart phone or on a computer, but only if the property owner agrees to sign electronically. PCPA will arrange for this process via direct email with the property owner.
  - 2. If the property owner prefers hard copies, the UC ANR academic will have the property owner "wet sign" (ink-sign) two original counterparts of the Agreement.
  - 3. The property owner, or UC ANR academic, will then forward the two wet-signed Agreements to PCPA (mailing address will be given via email from PCPA).
  - 4. PCPA will obtain the signature of the Controller on the Agreement, and will email a copy of the fully-executed Agreement to the property owner and to the UC ANR academic. When the above process has been followed and the form has not been altered outside of the red font, the turn-around time for counter-signature of the Agreement is about one week.
    - a. If the terms of the Agreement have been altered outside the guidelines, PCPA will have to review the modifications and determine if the Agreement can be counter-signed by UC ANR as is, or if further modifications and negotiation with the

property owner will be required. In such cases, the turn-around time for counter-signature of the Agreement will be dependent on the extent of the alterations made to the Agreement, as well as the extent to which the above procedures were followed.

- E. Important Note: Some research projects may involve the use of paid vendors (e.g., for tree trimming, etc.) who will perform work on the private property site. In such cases, a separate agreement will have to be issued to secure the work of the vendor(s), usually a purchase order. Purchase orders are initiated by contacting the Business Operations Center (BOC – see contact information in Item VI, *Related Information* below). The Business Operations Center will then work with the UC Davis campus who will issue the actual purchase order. Please plan for the time needed to issue a purchase order(s) if that is part of your research project.

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## V. RELATED INFORMATION

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- [UC ANR Researcher's Access Agreement Template](#)
- [UC ANR New Agreement Request Form](#) (Information Guide for new agreements)
- [UC ANR PPM Section 208, License Agreements for Real Property](#)
- [UC Presidential Delegation of Authority No. 2629 – Capital Project Matters](#)
- [UC ANR Re-Delegations of Authority](#)
- [UC ANR Business Operations Center](#)

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## VI. FREQUENTLY ASKED QUESTIONS

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- A. ***What is the difference between a Facilities Use Agreement and a Researcher's Access Agreement?***

Just as it's name describes, a Facilities Use Agreement should be used when UC ANR will be using a building, or room, on non-UC-owned property. In contrast, a Researcher's Access Agreement should be used when UC ANR needs access only to the land.

- B. ***What is the difference between a Researcher's Access Agreement and a license or a lease?***

The Researcher's Access Agreement is a license; it is just a more simple contract form appropriate to the kind of informal, relatively short-term use of the property needed by the UC ANR academic for many kinds of research projects. The longer Regents form license agreement is appropriate to more formal arrangements in which more extensive use of the property will be made (e.g., installing a large piece of equipment on the property for a number of years, and so on).

In very broad terms, licenses are used when non-exclusive use of the property is needed whereas leases are used when exclusive use is needed. PCPA will direct you if you choose the wrong type of Agreement.

**C. *I'm confused and really don't know which kind of agreement I need.***

No problem; email [newagreement@ucanr.edu](mailto:newagreement@ucanr.edu) and describe your planned project. There is a New Agreement Request Form to help guide the type of information needed located in Section VI. of this policy. After learning more from you, PCPA will advise you as to the next steps.

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## **VII. REVISION HISTORY**

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**April 2020:**

Not applicable (Initial issuance of section).

**February 2024:**

Replaced APBC to PCPA.