

# **TORONTO METROPOLITAN UNIVERSITY POLICY OF SENATE**

## **Policy 56: Publication of Scholarly, Research and Creative (SRC) Results**

Policy Number: 56

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Responsible Office: Vice-President, Research and Innovation

### **1.0 Purpose**

Academic freedom and free access to the results of scholarly, research or creative (SRC) Activity form the basis of University SRC activity, thus any restrictions placed upon this freedom must have strong justification. In the case of SRC activity undertaken for or in conjunction with private sector and/or public sponsors certain restrictions may be necessary, but at no time should private or public sponsors be allowed to prohibit the publication of SRC activity results. Academic freedom must remain paramount, and the University is committed to this practice.

### **2.0 Application and Scope**

This policy applies to any agreements concerning scholarly, research or creative (SRC) activity entered into by the University.

### **3.0 Confidential Information**

In the course of SRC activity, the University may receive proprietary or confidential information pertinent to the activity from a sponsor, collaborator or other party. All individual researchers will be bound by the University's obligation of confidentiality with respect to the information as a condition of their participation in the SRC activity.

Where proprietary or confidential information is provided by a third party to facilitate SRC activity the University can, on behalf of the individual researchers, agree that such information will be kept confidential and will not be divulged, except where such information:

1. becomes public knowledge; or
2. was developed independently by the University or by another body without access to the information; or
3. was lawfully received from a third party; or
4. was disclosed in response to a court order by a Canadian court of law, or
5. is permitted to be disclosed by the provider of the information.

### **4.0 Publication of SRC Results**

As part of a SRC agreement a sponsor may wish to negotiate provisions that allow for a delay in the publication, presentation, or other disclosure of SRC findings. Such a delay

should not normally exceed ninety days. In exceptional circumstances the University may agree to a delay up to one year or longer in the event that:

- i) the sponsor has industrial or commercial rights which it wishes to protect arising out of the research;
- ii) the sponsor has requested a right of first publication.

As part of a SRC agreement the University may agree that a sponsor of SRC activity can review proposed publication(s) or presentation(s) arising from the SRC activity for a period of up to sixty days to evaluate if the results warrant protection and/or to confirm that proprietary or confidential information provided by the sponsor is not divulged by the publication, presentation, or other disclosure. This review period will be included in the timeframe specified for any delay in publication. Sponsors should not have any editorial control over the publication, presentation, or other disclosure of SRC results.

## **5.0 Trainee Publications**

At the request of the supervisor, the University may delay publication, presentation or other disclosure of trainee SRC results or up to one year, or in exceptional circumstances longer. Such requests will not be unreasonably withheld. However, any such delay cannot interfere with the completion of course credit, thesis defence, or a degree to the student.

It is the faculty supervisor's responsibility to inform all students working on the project that such a request may be forthcoming prior to the student commencing work on the project.

In the case of graduate theses, all requests must be made to the Dean of the Yeates School of Graduate and Postdoctoral Studies (or designate), stating the reason(s) for the requested delay. Prior to granting approval, the Dean (or designate) will consult with the Office of the Vice-President, Research and Innovation.

In the case of undergraduate theses or any other relevant trainee publications, presentations or other SRC disclosure, all requests must be made to the Dean of the relevant Faculty, stating the reasons for the requested delay. Prior to granting approval, the Dean will consult with the Office of the Vice-President, Research and Innovation.

## **6.0 Related Documents and Resources**

[Senate Policy 171: Scholarly, Research and Creative Activity \(SRC\) Intellectual Property Yeates School of Graduate and Postdoctoral Studies Dissertation & Thesis](#)

[TMU Libraries](#) has a number of resources on publication, open access publishing and research data management (RDM)

[Research Security at TMU](#)