

REPORT OF THE SCHOLARLY, RESEARCH AND CREATIVE ACTIVITY COMMITTEE

Report #F2021–1; October 18, 2021

In this report the Scholarly, Research and Creative Activity Committee brings to Senate its recommendations to approve the revisions to Policy 51 Ethical Conduct for Research Involving Human Participants; to approve Policy 171 SRC Intellectual Property Policy; and to retire Policy 63 Policy on Ownership of Student Work in Research.

Recommendation:

- The SRCAC unanimously recommends:
 - that Senate approve the revisions to Policy 51 Ethical Conduct for Research Involving Human Participants;
 - that Senate approve Policy 171 SRC Intellectual Property Policy; and
 - that Senate retire Policy 63 Policy on Ownership of Student Work in Research.

Respectfully Submitted,

Steven N. Liss, Chair for the Committee

SRCAC Members:

- Naomi Adelson, Associate Vice-President, Research and Innovation
- Andrew McWilliams, Faculty, Faculty of Science
- Julia Spaniol, Faculty, Faculty of Arts
- Yuanshun Li, Faculty, Ted Rogers School of Management
- Mandana Vahabi, Faculty, Faculty of Community Services
- Ravi Ravindran, Faculty, Faculty of Engineering & Architectural Science
- Nancy Walton, Associate Dean, Student Affairs, Yeates School of Graduate Studies
- Liping Fang, Associate Dean, Undergraduate Programs and Student Affairs, Faculty of Engineering and Architectural Science
- Asher Alkoby, Chair, Ryerson University Research Ethics Board
- Michael Kolios, Associate Dean, Research, Innovation and External Partnerships, Faculty of Science
- Patrizia Albanese, Associate Dean, Research and Graduate Studies, Faculty of Arts
- Ozgur Turetken, Associate Dean, Research, Ted Rogers School of Management
- Jennifer Martin, Associate Dean, Graduate Studies & Scholarly, Research and Creative (SRC) Activity, Faculty of Community Services
- Stephen Waldman, Associate Dean, Research and External Partnerships, Faculty of Engineering & Architectural Science
- Natalie Alvarez, Associate Dean, Scholarly Research and Creative Activities, The Creative School
- Sari Graben, Associate Dean Research and Graduate Studies, Lincoln Alexander School of Law
- Dana Thomas, Associate Chief Librarian, Library and Archives
- Brian Cameron, Librarian, Library and Archives
- Claudia Idzik, Graduate Student
- Naomi Chen, Undergraduate Senate Representative
- Donna Bell, Secretary of Senate, Senate Office

REPORT OF THE SCHOLARLY, RESEARCH AND CREATIVE ACTIVITY COMMITTEE

Report #F2021–1; October 18, 2021

At its meeting on October 18, 2021, the Scholarly, Research and Creative Activity Committee (SRCAC) undertook reviews of Policy 51 Ethical Conduct for Research Involving Human Participants, Policy 171 SRC Intellectual Property Policy, and Policy 63 Policy on Ownership of Student Work in Research.

This report provides a rationale for the policy revisions as well as an explanatory note for the changes made. Enclosed are the updated Policy 51 Ethical Conduct for Research Involving Human Participants (Appendix A) and Policy 171 SRC Intellectual Property Policy (Appendix B). Policy 171 Procedures (Appendix C) and FAQs (Appendix D) are included for information.

Policy 51 Ethical Conduct for Research Involving Human Participants

The University undertook a cyclical review of Policy 51, the Policy on Ethical Conduct for Research Involving Human Participants. Policy 51 was last reviewed on December 6, 2016.

The revisions to Policy 51 reflect and align with the requirements of the Tri-Council Policy Statement (TCPS2), released in August 2019. TCPS2 (2018) addresses the feedback, questions and requests for guidance expressed by the national research community, and the responses generated by the federal Panel on Research Ethics and the Secretariat on Responsible Conduct of Research.

At its April 5, 2021 meeting, the SRCAC approved the formation of a Review Committee, chaired by the Associate Vice-President, Research and Innovation, and consisting of the Research Ethics Board Chair, Research Ethics Board Vice-Chair, Research Ethics Manager, Executive Director, and Research Services. The committee also consulted the SRC Leaders Group, which includes Associate Dean representatives from each of the faculties as well as the Library and Yeates School of Graduate Studies.

The consultation process included a jurisdictional scan of other post-secondary institution's policies and regulatory landscape, monthly Committee meetings from May 2021 to October 2021, stakeholder meetings, community consultations, a dedicated review website and an online feedback form.

At its October 18, 2021 meeting, the SRCAC reviewed the recommended revisions and unanimously approved them.

Summary of changes

Ethics Review of Course-Based Activities:

- The recent revision of the Tri-Council Policy Statement (2018) clarified the requirements for ethics review of student research, accordingly:
 - Section 1.6 now clarifies that the ethics review requirement extends to students conducting research with human participants and biological materials as part of class assignments, even when done for pedagogical purposes

- The Process of establishing Faculty-based committees and an REB sub-committee to review course-based research is underway

Board Composition and Quorum:

- TCPS2 (2018) supports the application of existing guidance for research involving Indigenous peoples in Ch. 9 to other distinct communities, where appropriate. There is growing emphasis on the role of the ethics review process in ensuring respectful relationships, collaboration and engagement between researchers and communities (Article 2.11)
- The University's OECl recommended that the "diversity in gender" requirement in Policy 51 with respect to the composition of the REB be broadened to be inclusive of other equity-deserving groups
 - The REB's terms of reference were modified to require "diversity in gender with appropriate representation from racialized and other distinct communities." This applies to the REB's composition (s. 2.2), quorum (2.7), and ad-hoc appeal committee (s.5.3.5)

Reconsideration and Appeal of REB Decisions

- Feedback received from the most recent REB appeal committee process indicated that Policy 51 did not provide sufficient guidance on the process and was somewhat misaligned with the TCPS2 with respect to the specified grounds for appeal
- Sections 4 and 5 now clarify that as per TCPS2, grounds for reconsideration requests and appeals include (i) any alleged breaches to the established research ethics review process, or (ii) any elements of the REB decision that are not supported by the TCPS2
 - Timelines were added to each step of the process

Minor Edits and Clarifications

- Updated references to the TCPS2 and more directly citing all quoted paragraphs (throughout)
- Clarified the scope of review with respect to external professional activities by students and faculty (s. 1.7)
- Added a definition of "anonymous data" as per TCPS2 (s. 1.9.4.)
- Clarified the exemption relating to creative practice (s. 1.9.6)
- Clarified that the requirement for member with legal expertise applies to biomedical research only (ss. 2.7.3., 5.3.3), as per TCPS2
- Revised to gender-neutral pronouns

Recommendation

The Senate SRC Activity Committee recommends that Senate approve the revisions to Policy 51 Ethical Conduct for Research Involving Human Participants.

Policy 63 Policy on Ownership of Student Work in Research Review

Policy 63, (originally titled Policy on Ownership of Student Work in Research) was introduced and last reviewed in 1989. Since that time, there have been numerous changes in the regulatory environment and in best practices related to intellectual property, copyright and commercialization processes. Through the review of Policy 63, the University has the opportunity to establish a SRC Intellectual Property Policy.

At its October 19, 2020 meeting, SRCAC approved the formation of a Steering Committee to guide the policy development process, as well as an Advisory Group, given the complex subject matter.

The Advisory Group was chaired by the Associate Vice-President, Research and Innovation and consisted of the: Associate General Counsel, Assistant Vice-President, Business Development and Strategic Initiatives (BD&SI), and representatives from the Vice-Provost Faculty Affairs (VPFA), Ryerson Faculty Association (RFA) and CUPE, Unit 1. These advisors were engaged throughout the process to provide guidance and expertise in relation to drafting the policy and providing analysis and support, as required, to the Steering Committee.

The Steering Committee provided advice and input in establishing the framework for the policy as well as its key provisions. The committee was chaired by the Associate Vice-President, Research and Innovation and included 14 members:

- Naomi Adelson, Chair, Associate Vice-President, Research and Innovation
- Cheo Bannis, Undergraduate Student Senator
- Alexandre Douplik, Faculty of Science
- Tom Duever, Faculty of Engineering and Architectural Science
- Johannes Dyring, Office of the Vice-President, Research and Innovation
- Anatoliy Gruzd, Ted Rogers School of Management
- Farokh Kakar, Graduate Student Senator
- Eric Kam, Faculty of Arts
- Jennifer MacInnis, Office of the General Counsel and Board Secretariat
- Henry Parada, Faculty of Community Services
- Carol Shepstone, Library
- Jeremy Shtern, The Creative School
- Ali Tavallaei, Faculty of Engineering and Architectural Science
- Nancy Walton, Yeates School of Graduate Studies
- Celina Yang, Faculty of Science

The Steering Committee and Advisory Group reviewed the institutional framework at the University and policies at other Canadian universities. The environmental scan included 10 universities: 5 within Ontario (McMaster University, Queen's University, University of Guelph, University of Toronto and University of Waterloo), and 5 in other provinces (McGill University (QB), Simon Fraser University (BC), University of British Columbia (BC), University of Manitoba (MB) and University of Saskatchewan (SK)).

In June 2021, the AVPRI and General Counsel representative met with relevant stakeholder groups from across the University including: Centre for Engineering Innovation and Entrepreneurship, Office of Zone Learning, CUPE 3904, the Library, Academic Integrity Office, Ryerson Student Union and Ryerson Graduate Student Union. Three town halls were held from August 31, 2021 to September 2, 2021 for members of the Ryerson community to provide feedback on the draft revisions to the policy. If community members were unable to attend a town hall session, they could submit comments via an online feedback form available on the designated review website or by emailing a designated policy review email account (policy63@ryerson.ca).

Due to the significant changes from the original policy, the Steering Committee and Advisory Group approved via email on October 14, 2021 to recommend to SRCAC to approve Policy 171: SRC Intellectual Property Policy and retire Policy 63: Ownership of Student Work in Research.

At its October 18, 2021 meeting, the SRCAC reviewed the recommendations and unanimously approved the establishment of Policy 171: SRC Intellectual Property Policy and retirement of Policy 63: Ownership of Student Work in Research.

Policy 171 SRC Intellectual Property Policy Highlights

Application of the policy

- Applies to all IP created in the course of SRC activity by any member of the university's community, including visiting researchers, unless such activity was demonstrably separate from and unrelated to the individual's role at the university and did not involve the use of facilities, resources or funds administered by the university
- In the event of a conflict between the policy and a collective agreement (i.e., Article 25 of the RFA Agreement), the collective agreement prevails

Approach to ownership and commercialization

- Inventor owns IP (consistent with historic approach to ownership at Ryerson) unless Ryerson has agreement that states otherwise (i.e., a research agreement), or if created in the course of an individual's employment (i.e., SRC support staff)
- Ryerson has a non-exclusive right to use all IP internally
- Inventors can choose to commercially exploit IP themselves or ask Ryerson for assistance
- University receives 10% share of revenue arising from commercialization of inventions unless we have agreed otherwise (i.e., if we provide assistance)

Other Policy Highlights

- The Vice-President, Research and Innovation is responsible for administration of policy and resolving disputes
- The Office of the Vice-President, Research and Innovation (OVPRI) is responsible for informing and educating members of the Ryerson community as to the policy and regarding IP best practices

Recommendation

The Senate SRC Activity Committee recommends that Senate approve Policy 171 SRC Intellectual Property Policy and retire Policy 63 Policy on Ownership of Student Work in Research.

APPENDIX A
Policy 51: Ethical Conduct for Research Involving
Human Participants

RYERSON UNIVERSITY POLICY OF SENATE

ETHICAL CONDUCT FOR RESEARCH INVOLVING HUMAN PARTICIPANTS

(formerly called: Ethical Conduct in Research Involving Human Subjects)

Policy Number:	51
Approval Date:	TBC
Previous Approval Dates:	December 6, 2016 October 4, 1999 (reformatted May 7, 2002)
Presented by:	Research Ethics Board (REB)
Responsible Office:	Vice-President, Research and Innovation
Implementation Date:	TBC
Procedural Review:	Upon revision of the Tri-Council Policy Statement (TCPS)

The REB, established by the Senate and operating independently of any administrative offices at the institution, is charged with the oversight of this policy within the institution. As per Article 6.2 of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Human Participants (TCPS2, 2018; hereafter TCPS), the institution shall ensure the REB has the necessary and sufficient ongoing financial and administrative resources to fulfill its duties.

1. MANDATE AND SCOPE

- 1.1 The University has both a legal and moral responsibility to take steps to ensure that any research¹ carried out by faculty, research staff, postdoctoral fellows and/or students meets appropriate standards of ethical acceptability as outlined by the TCPS. The Research Ethics Board (REB) will develop and implement procedures and guidelines to fulfill the objectives of this policy.
- 1.2 It is the responsibility of researchers (faculty, research staff, postdoctoral fellows and/or students) and the REB to ensure that the research is conducted in an ethical manner. As outlined in the latest version of the TCPS, research involving human participants must be guided by the following overriding core ethical principles:

¹The TCPS defines research as “an undertaking intended to extend knowledge through a disciplined inquiry and/or systematic investigation. The term ‘disciplined inquiry’ refers to an inquiry that is conducted with the expectation that the method, results, and conclusions will be able to withstand the scrutiny of the relevant research community” (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, & Social Sciences and Humanities Research Council of Canada, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*, December 2018, pp 13-14).

- 1.2.1 **Respect for Persons** – Respect for persons recognizes the intrinsic value of human beings (including their data and biological materials) and incorporates the dual moral obligation to respect autonomy while protecting those with developing, impaired, or diminished autonomy. Respecting autonomy requires participants' free, informed, and ongoing consent and choice. Informed choice is based on as complete an understanding of the purpose of the research as is reasonably possible, including what it entails and its foreseeable risks and benefits. Respect for persons includes a commitment to accountability and transparency in the ethical conduct of research and ensuring privacy and confidentiality of the participant.
- 1.2.2 **Concern for Welfare** – Welfare of a person is the quality of that person's experience in life and is inclusive of physical, mental, and spiritual health, as well as their physical, economic, and social circumstances. Researchers should not only aim to protect the welfare of participants but promote that welfare in view of any foreseeable risks associated with the research. Such being the case, researchers and the REB must ensure that participants are not exposed to unnecessary risk. In addition, researchers and the REB must attempt to minimize risk and to achieve a balance of risks and potential benefits. Concern for welfare also includes welfare of groups. Groups may benefit from the knowledge gained from the research but might also suffer from stigmatization, discrimination, or damaged reputation. In such a perceived risk, engagement of such groups in the process of the design of the research is warranted so that group benefits and risks can be appropriately determined.
- 1.2.3 **Justice** – Justice refers to the obligation to treat people fairly and equitably. Treating people fairly and equitably does not always mean treating people in the same way. Differences in treatment or distribution are justified when failures to take differences into account may result in the creation or reinforcement of inequities. Historically some groups of people have been either excluded or inappropriately targeted in research. As such, the recruitment process should be based on inclusion and/or exclusion criteria that are justified by the research question. Inequity is created when particular groups fail to receive fair benefits of research or when excluded from research arbitrarily or for reasons unrelated to the research question.²

² Tri-Council Policy Statement 2, pp 5–9 (2018).

- 1.3 The REB mandate is to approve, reject, propose modification to, or terminate any proposed or ongoing research involving human participants that is conducted within the University or by its faculty, staff, and/or students so as to protect research participants and ensure that research is conducted in an ethical manner. In addition, all research involving human biological materials, including human embryos, fetuses, fetal tissue, reproductive materials, and stem cells derived from both living and deceased individuals is subject to review by the REB before the research may be undertaken.
- 1.4 Review and approval are required for all research involving human participants and biological materials regardless of funding or where the research is conducted.³
- 1.5 This policy applies to all faculty, research staff, postdoctoral fellows, graduate and undergraduate students conducting research with human participants regardless of where the research is being conducted.
- 1.6 All course-based research activities involving human participants or biological materials are also subject to REB review. While the primary purpose is pedagogical, they may pose possible risks to those recruited to participate in such activities, and from their perspective, such activities may appear indistinguishable from those that meet the TCPS's definition of research.⁴
- 1.7 In cases where faculty, research staff, postdoctoral fellows and/or students are engaging in research outside of their roles at Ryerson (e.g., faculty engaging in consulting or professional activities; students involved in professional activities at placements), such projects would not require REB review. However, if members of Ryerson make reference to their affiliation with Ryerson University and/or use any of Ryerson's resources then REB review and approval may be required if it meets the definition of research in the TCPS.
- 1.8 The ethics review process itself must be fair both in standards and procedures, as well as impartial towards particular proposals and independent of institutional agendas or pressures. As per Article 2.7 of the TCPS, research ethics review includes scholarly review of the ethical implications of the methods and design of the research.
- 1.9 The REB **only** reviews research that falls within the scope of research as defined by the Tri-Council Policy Statement; however, the REB is responsible for reviewing research involving human participants to

³ *Tri-Council Policy Statement 2*, pp 13–20 (2018).

⁴ *Tri-Council Policy Statement 2*, pp 13–20 (2018).

determine if it is exempt from ethical review. Researchers are responsible for obtaining confirmation from the REB on whether or not their project is exempt from ethics review. In accordance with the TCPS, research not requiring REB review and approval include:

- 1.9.1 interaction with individuals who are not themselves the focus of the research (e.g., collecting information from authorized personnel about the ordinary course of their employment, organization, policies, procedures, professional practices, or statistical reports);
 - 1.9.2 legally and publicly accessible information or data where there is no reasonable expectation of privacy;
 - 1.9.3 observation of people in public spaces where there is no reasonable expectation of privacy, is not epidemiological in nature, involves no direct interaction or intervention by the researcher, and dissemination does not identify specific individuals;
 - 1.9.4 research that relies exclusively on secondary use of anonymous⁵ information, or anonymous human biological materials, so long as the process of data linkage or recording or dissemination of results does not generate identifiable information. However, when there is a reasonable prospect that this data could generate information identifiable as originating from a specific Indigenous community or a segment of the Indigenous community at large, REB review is required;
 - 1.9.5 quality assurance and improvement studies, program evaluation and performance reviews, testing within normal educational requirements when used exclusively for assessment, management, or improvement purposes;
 - 1.9.6 creative practice whereby an artist makes or interprets a work or works of art or studies the process of how a work of art is generated. However, research that employs creative practice to obtain responses from participants that will be analyzed to answer a research question is subject to REB review.
- 1.10 All research involving human participants must be submitted to the REB for review and approval before the research may proceed. Specifically,

⁵ The Tri-Council Policy Statement defines anonymous information as information that never had identifiers associated with it (e.g., anonymous surveys) and the risk of identification of individuals is low or very low (Article. 2.4).

REB approval must be obtained prior to recruitment and data collection.

2. COMPOSITION AND TERMS OF REFERENCE OF THE REB

- 2.1 The Senate shall approve appointments to the REB.
- 2.2 The REB is constituted by the Vice-President, Research and Innovation and approved by Senate. The REB membership shall have representation across Faculties at the University and be diverse in gender with appropriate representation from racialized and other distinct communities. The REB shall consist of:
 - 2.2.1 a Chair (1) with experience in research ethics;
 - 2.2.2 a Vice Chair (1) with experience in research ethics;
 - 2.2.3 at least twelve (12) faculty members, including representation from across Faculties as appropriate to ensure adequate expertise in relevant research disciplines, fields, and methodologies covered by the REB;
 - 2.2.4 at least three (3) members representing the School of Graduate Studies;
 - 2.2.5 at least one (1) member knowledgeable in ethics theory, knowledge, and practice;
 - 2.2.6 at least one (1) member knowledgeable in relevant law (cannot be legal counsel or risk management representative for the university);
 - 2.2.7 at least four (4) community members who have no current affiliation with the institution;
 - 2.2.8 at least two (2) undergraduate students;
 - 2.2.9 at least two (2) graduate students; and
 - 2.2.10 at least one (1) member who self identifies as First Nations, Inuit, or Métis and/or who is informed in the traditional knowledge and culture of First Nations, Inuit or Métis peoples.
- 2.3 The above noted composition is the minimum requirement. The REB shall establish the necessary composition above and beyond these minimal requirements to ensure adequate and appropriate review of ethics

protocols and to ensure protocols are reviewed in a timely manner. Given the demands on the REB, representation shall surpass the minimum requirement to ensure efficient and timely review of ethics protocols.

- 2.4 The REB shall make use of ad hoc advisors in the event that it lacks specific expertise and/or to assist with excessive workload. Ad hoc reviewers shall not be counted in quorum for the REB, nor be allowed to vote.
- 2.5 The REB Chair, appointed by the Vice-President, Research and Innovation and approved by Senate, is responsible for ensuring that the REB review process conforms to the requirements of the TCPS and University policies and procedures. The REB Chair provides overall leadership for the REB, oversees decisions of the REB for consistency, and ensures that REB decisions are recorded accurately and communicated clearly to researchers in writing as soon as possible by the Chair or their designate.
- 2.6 The REB shall have regular meetings to discharge its duties and meet face-to-face to review proposed research that is more than minimal risk (i.e., not assigned to delegated review).
- 2.7 Quorum for decisions of the REB must satisfy the minimum requirements:
 - 2.7.1 at least two members with expertise in relevant research disciplines, fields, and methodologies covered by the REB;
 - 2.7.2 at least one member knowledgeable in ethics theory, knowledge, and practice;
 - 2.7.3 for biomedical research, at least one member knowledgeable in the relevant law (cannot be legal counsel or risk management representative for the university);
 - 2.7.4 at least one community member who has no current affiliation with the institution; and
 - 2.7.5 diversity in gender and appropriate representation from racialized and other distinct communities.
- 2.8 The REB shall present an annual report to Senate that includes general statistics related to REB review and any challenges experienced by the REB in executing their mandate.

3. AUTHORITY OF THE RESEARCH ETHICS BOARD

The REB is accountable to the Senate for its research ethics review processes. However, in conducting research ethics reviews, the REB must operate in an impartial manner, without interference, and the decisions of the REB with respect to any given research project are not subject to review by the Vice-President, Research and Innovation or any other person except to the extent that such decisions may be appealed pursuant to the procedures to this policy.

4. RECONSIDERATION OF REB DECISION

A researcher may request reconsideration of a decision made by the REB within 30 days of receiving notice of the REB's decision. The onus is on researchers to justify the grounds on which they request reconsideration and to indicate any alleged breaches to the established research ethics review process, or any elements of the REB decision that are not supported by the TCPS. The REB shall review the reconsideration request and respond to the researcher within 30 days of receiving the request. Final decision rests with the REB.⁶

5. APPEAL OF REB DECISION

- 5.1 If, after the completion of the REB's reconsideration, a researcher believes that the REB's decision is in breach of the established review process or that it is inconsistent with the TCPS, the researcher may make a written request to the Vice-President, Research and Innovation to appeal such decision within 30 days of receiving the REB's final decision.
- 5.2 The Vice-President, Research and Innovation shall appoint individuals to an Ad Hoc Research Ethics Appeal Committee, which shall hear such appeal.
- 5.3 The composition of the Ad Hoc Research Ethics Appeal Committee, as well as its terms of membership and quorum requirements, must satisfy the minimum REB requirements of the TCPS including:
 - 5.3.1 at least two members with expertise in relevant research disciplines, fields, and methodologies covered by the REB;
 - 5.3.2 at least one member knowledgeable in ethics theory, knowledge, and practice;
 - 5.3.3 for biomedical research, at least one member knowledgeable in the relevant law (cannot be legal counsel or risk management representative for the university);

⁶ *Tri-Council Policy Statement 2*, p 84 (2018).

- 5.3.4 at least one community member who has no current affiliation with the institution; and
- 5.3.5 diversity in gender and appropriate representation from racialized and other distinct communities.
- 5.4 No person can serve as a member of the Ad Hoc Research Ethics Appeal Committee with respect to a review of a decision made by the REB if such person was a participant in the original review, decision, or reconsideration of the original decision.
- 5.5 The Research Ethics Appeal Committee shall function impartially, provide a fair hearing to those involved, and provide reasoned and appropriately documented decisions and reasons for such decisions.
- 5.6 Both the appealing researcher and a representative of the REB whose decision is being appealed shall be granted the opportunity to address the Ad Hoc Research Ethics Appeal Committee, but neither shall be present when the Ad Hoc Research Ethics Appeal Committee deliberates and makes a decision.
- 5.7 When reviewing decisions made by the REB with respect to a research project, the Ad Hoc Research Ethics Appeal Committee may approve, reject, or request modifications to such research project.
- 5.8 The decision made by the Ad Hoc Research Ethics Appeal Committee on behalf of the University shall be final and shall be communicated in writing to the relevant researcher and to the REB whose decision was appealed.

6. RELATED DOCUMENTS

[Tri-Council Policy Statement \(2018\)](#)

Senate Policy 118: Scholarly, Research and Creative Activity (SRC) Integrity Policy

APPENDIX B

Policy 171: SRC Intellectual Property Policy

RYERSON UNIVERSITY POLICY OF SENATE

SCHOLARLY, RESEARCH AND CREATIVE (SRC) INTELLECTUAL PROPERTY POLICY

Policy Number:	171
Policy Approval Date:	TBC
Implementation Date:	TBC
Next Policy Review Date:	TBC
Responsible Office:	Vice-President, Research and Innovation

1. PREAMBLE

The advancement of knowledge and the creation of new and original intellectual property is fundamental to the University's scholarly, research and creative (SRC) endeavours.

Core to the University's mission is the creation, promotion, and dissemination of intellectual property so that the public benefits from the inventive and creative advancements in artistic, creative, technical and scientific knowledge which has been created at the University.

While that mission can be achieved through supporting the creation and promotion of SRC and any other intellectual activity and the training of highly qualified personnel, it can also be achieved through the Commercialization or other sharing of University-created Intellectual Property through the development of commercial products, processes and services for the benefit of the broader public.

A fundamental premise of this Policy is that members of the Ryerson community who create or invent any Intellectual Property by conceptualizing the intellectual activity in the course of SRC Activity are free to make decisions with respect to the dissemination, disposition, or use of the results of those SRC Activities. Nevertheless, the University may have obligations to disclose Intellectual Property created in the course of SRC Activity by any member of the community to fulfil its obligations under various funding agreements with sponsors and government agencies that support research. As such, it is important to clearly delineate in whom at the University intellectual property rights vest, and who has the authority to make decisions regarding the disposition of Intellectual Property arising from SRC Activity. It is also important to provide for the equitable sharing of any material benefits that result from the Commercialization or sharing of Intellectual Property arising from SRC Activity.

2. PURPOSE

The purpose of this Policy is to:

- 2.1 support the mission of the University to further the advancement of knowledge and research for societal benefit, including through the dissemination and sharing of Intellectual Property;
- 2.2 clarify ownership of Intellectual Property created in the course of SRC Activity;
- 2.3 ensure that revenue generated from Intellectual Property that is created in the course of SRC Activity is shared in an appropriate manner; and
- 2.4 to ensure that all creators of Intellectual Property are provided with appropriate guidance around their rights.

3. APPLICATION, SCOPE AND RELATIONSHIP TO OTHER POLICIES

- 3.1 This Policy applies to all Intellectual Property created in the course of SRC Activity by any member of the University's community, including visiting researchers. This Policy does not replace any Intellectual Property language in any applicable collective or employment agreement and in the event of a conflict such collective or employment agreement shall prevail.
- 3.2 This Policy does not apply to Intellectual Property developed by an individual as part of SRC Activities that are demonstrably separate from and unrelated to the individual's role at the University and which do not make use of facilities, resources, or funds administered by the University, or any Intellectual Property created in the course of teaching activities.
- 3.3 This Policy is to be read in conjunction with applicable University policies and statements, including Senate Policy 118: Scholarly, Research and Creative Activity (SRC) Integrity Policy. In particular, the determination of Intellectual Property ownership under this Policy does not relieve a researcher of the obligation to properly acknowledge and cite contributors in publications arising from SRC Activity.
- 3.4 Notwithstanding any provision of this Policy, all agreements between the University and third parties that relate to Intellectual Property, including any SRC funding and Zone member agreements, remain in full force and effect. In the event of any conflict between the terms of this Policy and the existing agreement, the agreement shall prevail.

4. DEFINITIONS

Within this Policy the following words have the following meanings:

- 4.1 **“Creative or Inventive Contribution”** means conceptualizing or contributing to the creation of the Intellectual Property in a sufficient manner that would confer ownership under Canadian law, such as inventorship in the case of an invention, or authorship in the case of a copyrightable work. For clarity, the act of merely executing the intellectual activity conceptualized or directed by another may not constitute a Creative or Inventive Contribution.
- 4.2 **“Commercialization”** means the creation of commercial or marketable products, processes, and/or services derived in whole or in part from Intellectual Property with the goal of financial return including through the assignment or licensing of the Intellectual Property.
- 4.3 **“Dispute Resolution Committee”** means a committee appointed by the Vice-President, Research and Innovation under section 7 which shall consist of at least three impartial individuals, the majority of which are drawn from the University community, including faculty, staff and/or students, and which may also include an external expert. The committee members shall have the necessary expertise, including at least one individual working in the relevant discipline/field of study.
- 4.4 **“Extraordinary Support”** means financial or other support of the University including the use of personnel, equipment, supplies and facilities which is specific to the individual and is more than the individual would normally receive or be able to access in the standard course through their role at the University.
- 4.5 **“Intellectual Property”** means all Intellectual Property, including without limitation technical information, know-how, copyrights, patents and trade secrets, ideas, concepts, processes, techniques, data, development tools, models, drawings, specifications, works, prototypes, inventions and software.
- 4.6 **“Invention”** means any invention, prototype, method, product, composition of matter, machine, process, or any improvement to such, whether or not patentable that has been reduced to practice, computer software, research tool, including, without limitation, biological material and other tangible research material, integrated circuits, plant cultivars, trade-marks, and industrial designs.

- 4.7 **“Net Revenue”** means any revenue, income or equivalent financial return including any proceeds resulting from equity or other financial instruments, that result from the Commercialization or other dissemination of Intellectual Property, less any legal or other fees directly incurred in the course of the protection of the underlying Intellectual Property. For clarity, Net Revenue does not include any contributions to SRC Activities made to the University by third parties to fund the continued development or improvement of Intellectual Property.
- 4.8 **“RFA Member”** means a member of the Ryerson Faculty Association as determined by the terms of the then current collective agreement entered into between the Ryerson Faculty Association and the Board of Governors of Ryerson University. For clarity, the term RFA Member does not include individuals who are Associate Members of the Ryerson Faculty Association as that term is defined in the collective agreement.
- 4.9 **“SRC Activity”** means funded and non-funded creative, scholarly, and/or knowledge-generating activities, whether fundamental or applied, whose primary objective is discovery, problem-solving, or to achieve some desired result that can be specified to a significant extent but that cannot be produced with existing knowledge. SRC Activity is undertaken in the course of an individual’s role at the University, and is made, discovered or developed using the University facilities, support personnel, support services, equipment, materials or funds, or otherwise under the auspices of the University.
- 4.10 **“Zone”** means programming, services, spaces and equipment overseen by the Office of Zone Learning intended to support the entrepreneurial and innovation activities of participants.

5. CREATION AND OWNERSHIP OF SRC INTELLECTUAL PROPERTY

- 5.1 Ownership of Intellectual Property that is created in the course of SRC Activity by an RFA Member is determined in accordance with the terms of the Ryerson Faculty Collective Agreement.
- 5.2 Unless otherwise set out herein, individuals who are not RFA members will own Intellectual Property to which they make a Creative or Inventive Contribution.
- 5.3 Notwithstanding section 5.2, the Intellectual Property created in the course of SRC Activity by an individual who is not an RFA member shall be owned by the University where:

- 5.3.1 the rights to such Intellectual Property have been granted by the University, in whole or in part, to a third party under a written agreement;
 - 5.3.2 the Intellectual Property was created by an employee in the scope of their employment with the University as SRC administrative or support staff; or
 - 5.3.3 the Intellectual Property was created pursuant to a formal agreement with the University and the individual who created the Intellectual Property, where ownership of Intellectual Property is determined by specific terms of the agreement.
- 5.4 For clarity and unless otherwise set out herein, Intellectual Property that is created in the course of SRC Activity jointly by two or more individuals (regardless of whether they are RFA Members) is jointly owned by those individuals.
- 5.5 The University shall be deemed to have a non-exclusive, royalty-free, irrevocable and non-transferable licence to use solely for the University's internal use any Intellectual Property created in the course of SRC Activity. Such right shall not include the right to commercially exploit the Intellectual Property, or to licence anyone to do so.

Disclosure of Invention

- 5.6 An individual who creates an Invention in the course of SRC Activity, regardless of ownership, shall normally make full and complete disclosure of the Invention to the University in accordance with the University's procedures, without unreasonable delay.

6. COMMERCIALIZATION

- 6.1 Owners of Intellectual Property created in the course of SRC Activity may choose to engage in Commercialization of such Intellectual Property, and may request the University's assistance in Commercializing the Intellectual Property. The University is under no obligation to provide any Commercialization assistance.
- 6.2 The University has the right to share in any Net Revenue resulting from the Commercialization or dissemination of Inventions created in the course of SRC Activities as follows:
- 6.2.1 The University shall receive 10% of any Net Revenue received by the owner(s);

- 6.2.2 In the event that the University has provided Extraordinary Support towards the creation, development or protection of the Invention, the owners shall remit 50% of any Net Revenue until the University has recovered its Extraordinary Support, and then a minimum of 10% thereafter.
- 6.3 All agreements with respect to the Commercialization of Intellectual Property created in the course of SRC Activity shall include indemnification of the University. The owner(s) shall provide to the University in confidence, on an annual basis, a copy of any Commercialization agreements entered into by the owner(s), together with a report of all protection activity and business transactions undertaken and revenues received expenses incurred with regard to the protection of the Intellectual Property.
- 6.4 The University's share of Net Revenue shall be administered under the authority of the Vice-President, Research and Innovation and shall be used to support further SRC activity, including protection, and Commercialization of Intellectual Property.

7. DISPUTE RESOLUTION

- 7.1 In the absence of and/or subject to any process set out in an applicable policy or collective agreement grievance procedure of the University, any disputes arising under this Policy will be considered by a Dispute Resolution Committee appointed by the Vice-President, Research and Innovation. Such committee will investigate the matter under dispute, prepare a written report of their review, and provide it to the Vice-President, Research and Innovation who shall render a decision.
- 7.2 Complainants will be notified of the proposed names of the committee members and will be given 10 business days to protest their inclusion on the grounds of bias or any other reasonable grounds to the Vice-President, Research and Innovation.

8. RESPONSIBILITY, ACCOUNTABILITY, AND EDUCATION

- 8.1 The Vice-President, Research and Innovation is responsible for the administration of this Policy and is authorized to approve guidelines, regulations and procedures pursuant to this Policy. The Vice-President, Research and Innovation (or designate) is also authorized to execute such assignments, agreements, consents, and other documents as may be necessary or desirable to implement this Policy, and the disposition of rights in Intellectual Property thereunder, on behalf of the University.

- 8.2 To promote an understanding of Intellectual Property issues across the University, the Office of the Vice-President, Research and Innovation shall use appropriate vehicles to ensure that the University community members are informed and educated as to this Policy, and shall work with other units of the University including the Library as appropriate to educate and promote awareness across the University community on Intellectual Property.

9. RESCINDED POLICIES AND RELATED DOCUMENTS

This Policy supersedes Policy 63: Policy on Ownership of Student Work in Research.

APPENDIX C
Policy 171: Procedures

RYERSON UNIVERSITY POLICY OF SENATE

PROCEDURES: SRC INTELLECTUAL PROPERTY (POLICY 171)

Related Documents:	Policy 171: Scholarly, Research and Creative (SRC) Intellectual Property Policy
Implementation Date:	TBC
Responsible Office:	Vice-President, Research and Innovation

The University encourages all University community members to clarify, plan, and formalize provisions related to ownership, protection, disclosure, utilization, and disposition of Intellectual Property at the very outset of any SRC Activity undertaking that may result in Intellectual Property. Having clarity at the outset will help identify the most effective strategy to achieve desired outcomes for any member of the University's community involved.

All capitalized terms not otherwise defined in these Procedures have the meanings set out in Policy 171.

1. DISCLOSURE OF INVENTION

- 1.1 To initiate the process of Invention disclosure in accordance with Section 5.6 of the Policy, the individual(s) who made a Creative or Inventive Contribution to the Invention must complete and sign a Confidential Invention Disclosure Form (the "Disclosure Form") available at <https://www.ryerson.ca/content/dam/ceie/inventiondisclosure.pdf>.
- 1.2 Completed and signed Disclosure Forms should be filed with the Office of the Vice President, Research and Innovation (OVPRI) via email to the Applied Research and Innovation Advisor, Business Development and Strategic Initiatives.
- 1.3 Disclosure Forms should be filed as soon as the Invention can be clearly described in writing, or has been reduced to practice.
- 1.4 The OVPRI will undertake a preliminary review of the Disclosure Form to ensure that the Disclosure Form is complete, and will return the Disclosure Form to the submitters in the event that the Disclosure Form is incomplete or requires clarification.

- 1.5 The OVPRI will accept and record completed Disclosure Forms and will communicate the acceptance of the Disclosure Form, including the registration number, to the disclosing individual(s).
- 1.6 After the acceptance and recording of the Disclosure Form, the OVPRI will determine ownership of the disclosed Invention in accordance with the Policy, and will communicate such determination to the disclosing individual(s).
- 1.7 In the event that the OVPRI confirms that, as between the University and the disclosing individual(s) the ownership of the disclosed Invention rests with the disclosing individual(s), upon the request of the disclosing individual(s) the OVPRI shall provide written confirmation of ownership to the disclosing individual(s).

2. PROCESS TO REQUEST COMMERCIALIZATION ASSISTANCE

- 2.1 Owner(s) of Inventions created in the course of SRC Activity may request the University's assistance to Commercialize the Invention by submitting a written request to the OVPRI via email to the Applied Research and Innovation Advisor, Business Development and Strategic Initiatives.
- 2.2 All such requests must reference the specific Invention that has been disclosed to the University in accordance with Section 5.6 of the Policy.
- 2.3 Upon receipt of a request for assistance the OVPRI will initiate a due diligence process to determine whether an investment of University resources in the particular Invention is warranted by the probabilities for successful Commercialization. In undertaking the due diligence, the OVPRI may reach out to the Inventors seeking further information or details.
- 2.4 The decision to provide Commercialization support is at the OVPRI's sole discretion.
- 2.5 If support for Commercialization cannot be extended by the University, the OVPRI will inform the requester via email and will record the decision as a matter of record.
- 2.6 If support for Commercialization is extended, the OVPRI will provide confirmation to the requesters and will enter into a written agreement with the owner(s) of the Invention which sets out the obligations of the parties including the support provided, and arrangements regarding revenue sharing (the "Support Agreement"). The University is not obligated to provide any Commercialization support until the parties have executed the Support Agreement.

- 2.7 All support provided by the University to Invention owners under a Support Agreement is considered Extraordinary Support.
- 2.8 The OVPRI may negotiate a revenue share in excess of the amounts set out in the Policy as part of a Support Agreement.
- 2.9 Except as set out in a Support Agreement, the University is under no obligation to continue to provide Commercialization support to owner(s) notwithstanding the OVPRI initially extended support for an Invention.

3. SCOPE OF EMPLOYMENT

In making the determination whether an employee of the University is SRC administration or support staff contemplated under Section 5.3.2 of the Policy, the OVPRI will first look to the specific employment conditions applicable to the employee. If there are no explicit provisions in the applicable job description or employment agreement, the OVPRI will consult with the employee's manager and Human Resources to determine the employee's scope of employment.

4. DISPUTE RESOLUTION

- 4.1 The University recognizes that conflicts may arise due to an inability to reach an agreement with respect to the determination of Intellectual Property ownership. Such conflicts may or may not involve allegations of wrong-doing; members of the University community may simply have incompatible perceptions of the meaning or application of the Policy and the relevant Creative or Inventive Contributions made by individuals to the Intellectual Property in question.
- 4.2 In general, conflicts are best dealt with at an informal level. It is advisable for persons in conflict to seek mediation or other forms of informal dispute resolution. If a conflict cannot be resolved informally, the matter may be submitted to the Vice-President, Research and Innovation for a decision.
- 4.3 All individuals raising a dispute under the Policy must submit a written request for dispute resolution to the Vice-President, Research and Innovation via email to ovpri@ryerson.ca.
- 4.4 In the absence of and/or subject to any process set out in an applicable policy or collective agreement grievance procedure of the University, any disputes arising under Policy 171 will be considered by a Dispute Resolution Committee appointed by the Vice-President, Research and Innovation.

- 4.4.1 Within ten (10) business days of the receipt of the written request, the Vice-President, Research and Innovation will appoint the Dispute Resolution Committee.
- 4.1.2 The Dispute Resolution Committee shall consist of at least three impartial individuals, the majority of which are drawn from the University community, including faculty, staff and/or students, and which may also include an external expert. The committee members shall have the necessary expertise, including at least one individual working in the relevant discipline/field of study.
- 4.5 The Dispute Resolution Committee will be tasked with undertaking an investigation. The committee will determine its own investigative process, so long as the complainant(s) and the respondent(s) are provided with an opportunity to be heard.
- 4.6 The Dispute Resolution Committee shall prepare a written report of its investigation to the Vice-President, Research and Innovation, and such other parties as it deems appropriate. The report shall include a summary of the issues, the factual findings, and the conclusions.
- 4.7. The Vice-President, Research and Innovation will provide the complainant(s) and the respondent(s) with a copy of the final report within ten (10) business days of their receipt of the final report.

5. RELATED PROCESSES AND FORMS

[Process: Invention Disclosure Reporting](#)

[Process: Invention Disclosure Assessment for Commercialization](#)

[Process: Initiation of Commercialization Project](#)

[Process: Establishing a Commercialization Plan](#)

[Invention Disclosure Form](#)

[Software Disclosure Form](#)

[Data Management Planning](#)

APPENDIX D

Policy 171: FAQs

SRC INTELLECTUAL PROPERTY (POLICY 171) FREQUENTLY ASKED QUESTIONS

A. POLICY

Definitions:

1. What does “Extraordinary Support” cover (or does not cover)?

Extraordinary Support is financial or other SRC support provided by the University to an individual(s) which is specific to the individual(s) and is more than the individual(s) would normally receive or be able to access through their role at the University (i.e. the library resources, internal SRC grants, faculty accessible equipment). Extraordinary Support can include departmental, faculty or university supplied funding, use of personnel, software, facilities or equipment an individual would not otherwise normally have access to, or Commercialization support including financial support to patent or to otherwise protect specific Intellectual Property.

All support provided by the University to owners under a Support Agreement is considered Extraordinary Support.

2. What kind of activities are included in SRC Activity?

Any and all activities that would be entailed in the execution of SRC Activities as defined in the Policy.

3. What kind of activities are excluded from SRC Activity?

All activities relating to pedagogy are excluded from SRC Activities.

Work done by individuals operating as a member company of a University Zone is excluded from SRC Activities.

4. Does SRC include teaching materials?

SRC Activity relating to pedagogy is excluded from SRC Activities, including the development of materials primarily for the purposes of instruction.

Applicability:**1. Who does this Policy apply to?**

This Policy applies to all members of the University community including faculty, staff, students, and visitors to the University that are undertaking SRC Activities under the auspices of the University or otherwise using facilities, equipment, or resources of the University.

2. Who is excluded? When is the Policy not applicable?

The Policy does not apply to individuals outside of the University community, including co-investigators and contractors, or members of the University community that are undertaking SRC Activities not in affiliation with the University. This may include individuals engaging in outside professional activity or acting in a consulting or advisory capacity to public or private clients, where they do not identify themselves as a member of the University or as an agent of the University, provided no University resources are used in the course of such outside activity.

Operability With Other Policies/Agreements:**1. How would the Policy work for CUPE 3904 units 1 and 2?**

The Policy would apply to members of CUPE 3904 Units 1 and 2 in so far as they are undertaking SRC Activity under the auspices of the University.

2. How would the Policy interact with Policy 60: Academic Integrity?

Policy 60 applies to actions or behaviours that could lead to unearned academic advantage or benefit. Policy 60 applies to students only. There is no direct interaction between this Policy and Policy 60.

3. How would the Policy interact with Policy 118: Scholarly, Research and Creative Activity (SRC) Integrity?

Any question of breach of SRC Integrity as a result of actions undertaken in relation to this Policy may be actionable under Policy 118. For example, this could include misappropriation of another's Intellectual Property or failure to acknowledge the creative and inventive contributions of an individual to the creation of Intellectual Property.

B. OWNERSHIP OF INTELLECTUAL PROPERTY

1. Who owns the IP created at the University?

Generally, Intellectual Property created in the course of SRC Activity at the University will be owned by the individual who creates it unless there is (i) an agreement with a third party, including a third party funder of research, (ii) an agreement between the University and the person who creates it that states otherwise, or (iii) the individual creating the Intellectual Property is a staff member that has been specifically engaged by the University to create Intellectual Property in the course of their employment at the University.

2. Who owns the IP created outside of an individual's employment role and/or without using any University resources?

The University will make no claim to Intellectual Property that is created outside of an individual's role at the University without the use of the University resources. The creation of the Intellectual Property in such a context should be demonstrably distinct from any role the individual(s) has at the University.

3. How do we approach jointly owned IP?

Intellectual Property that is created by more than one individual, who would normally own the Intellectual Property under the Policy, will be co-owned by the individuals that create it.

4. Is there a difference between whether a student is creating IP within the academic term versus creating IP within the summer months?

The determination of ownership of Intellectual Property at the University is dependent on an individual's role at the University and the nature of the project that they are working on (including any agreements that affect that project) regardless of the term they are working in.

5. What are my rights as an inventor?

An inventor of Intellectual Property has the right to be identified as an inventor on any patents filed in respect of the invention. Inventorship of an invention does not automatically confer ownership of an invention.

6. What are my rights as a licensor?

Any rights granted to a licensor of any Intellectual Property created in the course of SRC Activity would be determined by the license agreement.

7. How does this Policy work when applied to collaborations, e.g. a non-RFA member collaborating with an RFA member?

Individual collaborators from within the University are subject to this Policy regardless of their role at the University. If you are collaborating with individuals from outside of the University they would not be subject to the Policy as they may however be subject to other agreements that the University has entered into with them or their employers with respect to the collaboration. It is good research practice to have a discussion with collaborators with regard to the expectations as to the operation of the collaboration and use of the results prior to commencing the collaboration.

8. When an individual is employed specifically to create Intellectual Property, who owns the material created by that individual in that role?

The University will own the Intellectual Property created by an individual specifically engaged by the University to create Intellectual Property in the course of their employment at the University.

9. Who owns the IP created by a student while working for the University?

If the student is appointed by the University to create Intellectual Property within their role, the Intellectual Property will be owned by the University.

10. How will the ownership of IP be determined if a student performs multiple roles (student, TA, volunteer, part-time employee)?

The ownership of Intellectual Property will be determined by the nature of the specific role that led to the creation of IP and any applicable agreements.

11. If a CUPE 3904 Unit 3 member creates IP as a student, who owns the IP?

The ownership of Intellectual Property will be determined by the nature of the specific role that the person was undertaking that led to the creation of IP and any applicable agreements.

12. If a CUPE 3904 Unit 3 member creates IP as an employee, who owns the IP?

The ownership of Intellectual Property will be determined by the nature of the specific role that the person was undertaking that led to the creation of IP and any applicable agreement.

13. Who owns the academic work of a graduate student?

In the first instance, Intellectual Property that was created or conceived of by a graduate student in the course of their academic work will be owned by the student. In the case that the University has entered into an agreement with a research sponsor or other third party, ownership would be determined through the agreement. Other individuals at the University, including a student's supervisor, may make creative or inventive contributions to the Intellectual Property to such a degree that they would also be considered an owner.

14. Who owns the academic work of an undergraduate student?

Generally, Intellectual Property created by an undergraduate student in the course of their academic work at the University will be owned by the student who creates it. In the case of a group project, Intellectual Property may be jointly created and jointly owned.

15. If two or more students collaborate on a project, who owns the IP in the project?

Intellectual Property that is created by more than one student, who would normally own the Intellectual Property under the Policy, will be co-owned by the students that create it.

C. DISCLOSURE**1. Why should I disclose my Intellectual Property? What will be the benefit of disclosing?**

The Policy obligates inventors of any Intellectual Property created in the course of SRC Activity to disclose the invention to the University. A failure to do so would be a violation of the Policy.

Disclosure to the University provides an independent record of invention and is therefore able to provide confirmation of ownership to individuals. Also, filing invention disclosures to the University provides surety to individuals seeking to commercialize Intellectual Property that they are free to do so. Finally, the number of invention disclosures filed at the University is a performance metric by which the University is judged, and which can drive funding to the University.

2. Am I obligated to disclose?

Yes, the Policy requires disclosure of inventions created in the course of SRC Activity.

3. When should I disclose my Intellectual Property?

The invention should be disclosed as soon as it is reduced to practice or can otherwise be clearly described in writing.

4. What is the disclosure process?

The invention disclosure form can be accessed [here](#). The details of the disclosure process are provided in the Procedures.

The disclosure process begins by submitting a disclosure form to the Office of the Vice-President, Research and Innovation (OVPRI). If the form is complete, OVPRI will record the acceptance and issue a registration number to the disclosing party.

D. COMMERCIALIZATION

1. What rights do faculty/students/staff have in terms of Commercialization if they have not used University resources to create the IP?

Individuals who create Intellectual Property without any support from the University and wholly separate from their role at the University are at liberty to commercialize their Intellectual Property without involving the University. An individual can choose to disclose such Intellectual Property to the University with details regarding its creation and get confirmation from the University that it has no interest in the Intellectual Property.

2. How much revenue will I share with the University?

The University is entitled to 10% Net Revenue received by the owner(s) of Intellectual Property resulting from its Commercialization.

However, if the University has provided Extraordinary Support in the creation, development, or protection of the Invention, the owners shall share 50% of any Net Revenue with the University until the University has recovered its Extraordinary Support, and 10% thereafter.

3. For how long will I have to share the Net Sales with the University?

The University has the right to a share in the Net Revenue for as long as the owners are receiving Net Revenue.

4. Can faculty members commercialize on their own?

Provided an individual has disclosed the Intellectual Property to the University, the owner(s) is at liberty to commercialize on their own without involving the

University in the Commercialization process. The owner is obligated to remit to the University the appropriate share of Net Revenue.

5. Is the University obligated to assist in Commercialization?

No, the University is under no obligation to assist owners in the Commercialization of Intellectual Property.

6. Who would bear the filing costs?

The owner(s) of Intellectual Property are responsible for the filing costs of a patent application or other Intellectual Property protection, unless the owner(s) have entered into an agreement with the University that states otherwise.

7. How do I know if I have entered into an agreement with the University (re Commercialization/Extraordinary Support)?

The University and the owner(s) will enter into an express Support Agreement providing for the rights and responsibilities of each party.

8. How is the decision to support Commercialization undertaken by the University?

The University will undertake a due diligence process to determine whether an investment of University resources in the Commercialization of the Intellectual Property is financially reasonable. The decision will be based on factors such as patentability of the invention, marketability, and other developmental or financial risks.

E. DISPUTE RESOLUTION

1. When should I consider initiating a dispute resolution process?

Consider initiating the formal dispute resolution process if the dispute concerning creative contribution towards the creation of Intellectual Property cannot be settled through informal discussions.

2. What is the University's role in resolving disputes between inventors?

In situations covered under the Policy, upon receipt of a written request for dispute resolution the Vice-President, Research and Innovation ("VPRI") will appoint a Dispute Resolution Committee to investigate and report back. VPRI will review the report of the committee to render a decision.

3. Are students allowed to bring advocates?

Students involved in a dispute under the Policy referred to the Dispute Resolution Committee may consult with an advocate as a resource for the student at meetings or formal discussions.

4. Who is an advocate?

An advocate is an individual sanctioned by one of the recognized University student bodies (e.g. the Students' Union [RSU], Continuing Education Students' Association [CESAR]), or any other arm's length student group sanctioned by the University. An advocate is available at the request of a student to advise and assist with submissions, appeals, and to act as a resource for the student at meetings/formal discussions.