

Chapter 15

Protecting the University of Regina's Research

1.0 MAIN POINTS

The University of Regina (University) was established pursuant to *The University of Regina Act* as a non-profit educational organization. Research is one of the core functions of the University. Research also plays a pivotal role in the University's ability to carry out its other core function, education, since a strong research program helps to attract qualified professors, which in turn attracts students.

The University's research mission is to "use the exceptional talents of research scholars – professors and students – to extend the boundaries of human knowledge and to use these discoveries to understand and resolve present and future challenges to humanity and the environment."¹ To fulfill its mission, the University must effectively protect its interests as it fosters research and commercialization of research. Effective protection of interests arising out of research should contribute to the success of the University, its academic staff, and students.

This audit examined the effectiveness of the University's processes to protect its interests (e.g., financial, reputational, ownership) as it fosters research and commercialization of research. We focused on the University's processes to identify and participate in research initiatives. We did not audit the financial administration of research funds.

We concluded that as of March 31, 2013, while the University of Regina had many structures and processes in place intended to protect its interests (e.g., financial, reputational, ownership) as it fostered research and commercialization of research, these structures and processes could be improved. The University needs to focus on improving its processes for oversight, updating policies and procedures, evaluating risks and benefits of research initiatives, and monitoring compliance.

In this chapter, we describe the key findings for our audit and make 26 recommendations to the University.

2.0 INTRODUCTION

The University of Regina (University) was established pursuant to *The University of Regina Act* as a non-profit educational organization. It provides post-secondary education and conducts research.

The University's mission includes the production of "innovative research and scholarship to expand human knowledge and support social, environmental, and economic development."² The research mission of the University of Regina is to "use the exceptional talents of research scholars – professors and students – to extend the boundaries of human knowledge and to use these discoveries to understand and

¹ University of Regina, Strategic Research Plan 2010-15, p. 3.

² University of Regina, *Annual Report 2011-12*, p. 4.



resolve present and future challenges to humanity and the environment.” The University’s Strategic Research Plan 2010–2015 outlines the importance of research and the University’s intent to foster commercialization of research and communicate research achievement to benefit citizens of Saskatchewan, Canada and the world.³

We audited whether the University had effective processes to protect its interests (e.g., financial, reputational, ownership) as it fosters research and commercialization of research. In evaluating the University’s protection, we focused on the University’s processes to identify and participate in research initiatives. We did not audit the financial administration of research funds.

3.0 BACKGROUND—THE IMPORTANCE OF RESEARCH

Research is one of the core functions of the University of Regina. Research also plays a pivotal role in the University’s ability to carry out its other core function, education, since a strong research program helps to attract qualified professors, which in turn attracts students.

Research is crucial in the careers of academic staff/researchers (hereafter referred to as academic staff). Academic staff are expected to spend a large proportion of their time – as much as teaching – in conducting research. The research dollars that academic staff can attract through grants from funding agencies or contracts from companies is regarded as a key indicator of their performance as well as confirmation that they are doing valuable research. The amount and quality of research that this funding permits academic staff to engage in, together with publication of research results, are key factors in whether academic staff are tenured and promoted.

The many forms that research can take, and the many paths to development of innovations – including collaboration with other academic institutions, commercial ventures, or governments – present risks that must be managed. As the University carries out research activities and identifies and pursues opportunities to commercialize research, it is important that it protects its interests. Just as the University must adequately manage its physical assets, so must it manage its intangible assets, including its interests arising through research.

Effective protection of interests arising out of research should contribute to the success of the University, its academic staff, and students. The impact of ineffective processes to protect interests in research could be significant. Inadequate protections would lessen the University’s ability to deliver on its stated research mission. The University could risk loss of reputation, a diminished ability to recruit academic staff or engage in collaborations, a diminished ability to attract research funding, and loss of potential earnings that could have been achieved through commercialization. Ineffective control over research knowledge and protection of its related interests could negatively impact the University’s core functions and reputation.

The Government of Saskatchewan (Government) is a key funder of the University of Regina, providing core funding for the University’s operations as well as providing funding directed at research initiatives. The University recorded \$22.9 million of research

³ University of Regina, Strategic Research Plan 2010-2015, p. 3.

revenue in 2011-12, including \$2.8 million from the Government of Saskatchewan.⁴ The Government appoints five out of eleven members on the University's Board of Governors.

4.0 ORGANIZATIONAL STRUCTURES AND SUPPORTS FOR RESEARCH

The University of Regina Act (Act) establishes the governance structure of the University, including the Board of Governors and the Senate. The Senate is responsible for making academic decisions for the University, which may include research as it relates to academic programs. The Senate's decisions that may have a significant financial impact for the University must be approved by the Board of Governors. The Senate may consider recommendations from the Council (a large, diverse advisory body representing management, faculty, students, and other interested parties identified by the Act). Until recently, the Council had not met in over 20 years. Council has delegated its authority to the Executive of Council (a representative body of the Council). A subcommittee of the Council, called the Council Committee on Research,⁵ provides advice to the Vice-President (Research) on the University's research policies, allocation of block research funding, and changes to research institutes, and guides the development of the University's Strategic Research Plan. See **Exhibit 8.1** for a diagram of the University's overall governance structure.

The University's Board of Governors is responsible for general oversight of the University, including administration (e.g., management of the University's finances and property). The Board of Governors delegates the management of the University's operations, including research, to the President. Under the direction of the President, the Vice-President (Research) is responsible for providing overall leadership in developing and promoting the University's research, scholarly, and artistic work activities and in increasing research intensiveness and performance.⁶ The deans of the University's faculties,⁷ who play a key role in support and oversight of research performed by academic staff, report to the Vice-President (Academic). See **Exhibit 8.2** for a diagram of the University's research reporting relationships and accountabilities related to our audit.

It is an expectation of the University that academic staff will obtain research funding and perform research. Research occurs in many different ways. Research takes place within the various faculties at the University and also in collaborative efforts between academic staff, faculties, or universities. Research takes place within formal management structures (e.g., a research institute⁸ with a constitution) and in less structured ways (e.g., an individual academic staff member with a grant from a funding agency or a contract to do research for a private sector company).

Research institutes help universities to support collaboration of academic staff both internally and externally, which can help to generate the significant funding required to

⁴ University of Regina, *Annual Report 2011-12*, p. 24.

⁵ This committee was previously called the President's Research Council and is responsible for advising Executive of Council on all matters related to University research activities.

⁶ University of Regina Vice-President (Research) job description.

⁷ Faculties are academic and administrative divisions within the University in specific subject areas, such as Arts, Business Administration, and Engineering and Applied Science.

⁸ The University uses *institute* and *centre* interchangeably.



complete larger research projects. Institutes also use a management structure that can help the University to oversee its research projects.

The University uses what it calls Type I institutes to pursue areas of research that are of overall strategic importance to the University. Type I institutes are intended to manage cross-disciplinary collaboration. The Board of Governors' approval is required for the creation of a Type I institute. The Board of Governors approves an institute's purpose, funding sources, and management structure (e.g., a management board). Generally, a management board is established to oversee the Type I institute. A director who is appointed by and reports to the Vice-President (Research) manages the administration of a Type I institute including any administrative staff assigned. At the time of our audit, the University had 12 Type I institutes (see **Exhibit 8.3**).

Individual faculties may use what the University calls Type II institutes to bring together academic staff with a common interest in a specific research area or topic. Faculties may also create "other" institutes⁹ to encourage collaboration among academic staff. The dean of a faculty approves the creation of institutes that are managed within that faculty. At the time of our audit, the University indicated that there were 7 Type II institutes and 13 "other" institutes (see **Exhibit 8.3**).

The University also supports research in other ways. The Office of Research, Innovation and Partnership¹⁰ is the University's central research office that provides administrative support to all faculties for obtaining research funding, partnering with external organizations, and managing intellectual property¹¹ and commercialization¹² of intellectual property. The Vice-President (Research) is responsible for this Office.

The University's research initiatives take a number of forms. The University provided us with lists of its research agreements and initiatives as of March 31, 2013, which include at least:

- › 300 research grant agreements (e.g., from federal government, provincial government)
- › 100 research contracts (e.g., to conduct specific research on a fee-for-service basis for governments or corporations)
- › 70 research partners (e.g., partnerships with other universities or corporations that are managed through agreements)
- › 19 intellectual property files (including 109 patents and various agreements with University staff and external companies related to commercialization)¹³

⁹ These may be called institutes, centres, laboratories, units or groups.

¹⁰ The Office of Research, Innovation and Partnership was formed in 2012. It combined the University Industry Liaison Office and the Office of Research Services into one office. The Vice-President (Research) was responsible for the former University Industry Liaison Office and Office of Research Services.

¹¹ The Canadian Intellectual Property Office defines intellectual property as legal rights that result from intellectual activity in the industrial, scientific, literary and artistic fields. Patents, trademarks, copyrights, and industrial designs are examples of specific rights regarding intellectual property. www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00331.html (5 May 2013).

¹² Commercialization of intellectual property means using the intellectual property to make money (i.e., through using the intellectual property to develop a product or service that has commercial value, or selling or licensing the intellectual property to someone else for that purpose).

¹³ Insufficient controls exist for us to verify the completeness of this list. Grants, contracts, and partnership agreements are examples of research agreements.

The University may create companies to manage research. The Board of Governors approved a policy in December 2010 that requires the Board to approve the creation of new University companies. Prior to 2010, there were instances where the Board of Governors had not approved the creation of such companies. Since January 2011, the Board of Governors has not approved the creation of any University companies. The University also may appoint representatives to serve as directors on the boards of external organizations where it has research interests.

The diversity of research opportunities and the multitude of management processes available is very broad, so the University must have strong processes to protect its interests.

5.0 AUDIT OBJECTIVE, SCOPE, CRITERIA, AND CONCLUSION

The objective of this audit was to assess whether the University of Regina had effective processes at March 31, 2013 to protect its interests (e.g., financial, reputational, ownership) as it fosters research and commercialization of research.

We examined the University's governance processes, strategic plans, policies, and procedures that relate to having effective processes to protect its interests as it fosters research and commercialization of research. We examined central administrative supports, processes, and documents. We examined selected institutes, research agreements, partnership agreements, contracts, intellectual property files, and University appointments of directors on boards of external organizations. We interviewed academic and administrative staff. We did not audit the financial administration of research funds.

To conduct this audit, we followed the *Standards for Assurance Engagements* published in the *CICA Handbook - Assurance*. To evaluate the University's processes, we used criteria based on the work of other auditors, our Office, and current literature. Management and our Office worked together to develop the criteria and agreed that the criteria were appropriate (see **Figure 1**).

Figure 1 – Audit Criteria

To protect its interests (e.g., financial, reputational, ownership) as it fosters research and commercialization of research, the University of Regina must:

- 1. Have an accountability framework**
 - 1.1. Require appropriate governance structure
 - 1.2. Have appropriate policies
- 2. Make informed decisions on whether or how to participate in research initiatives**
 - 2.1. Identify significant research and proposals
 - 2.2. Evaluate risks
 - 2.3. Document selected approach and assumption of residual risk
- 3. Determine strategies to protect interests**
 - 3.1. Evaluate approaches (e.g., agreements, registrations, board representation)
 - 3.2. Document selected approaches and assumption of residual risk
 - 3.3. Implement selected approaches
- 4. Monitor research interests**
 - 4.1. Maintain inventory (e.g., of research, potential projects, agreements, intellectual property)
 - 4.2. Evaluate performance (e.g., research programs, intellectual property)
 - 4.3. Evaluate compliance with requirements (e.g., policies, agreements)
 - 4.4. Require reporting to Executive and Board of Governors



We concluded that as of March 31, 2013, while the University of Regina had many structures and processes in place for protecting its interests (e.g., financial, reputational, ownership) as it fostered research and commercialization of research, these structures and processes could be improved.

6.0 KEY FINDINGS AND RECOMMENDATIONS

In this section, we set out our key findings along with related recommendations. See **Section 7.0** for a summary list of the recommendations.

6.1 Evolving Accountability Processes

6.1.1 Improved Oversight of Research Needed

The Vice-President (Research) is responsible for overseeing research at the University, under the direction of the President. Research is expected to be a major part of the regular duties of academic staff and is carried out widely throughout the University. The Associate Vice-President (Research), the directors of Type I institutes, the Dean of the Faculty of Graduate Studies and Research, and the Director of the Office of Research, Innovation and Partnership are involved in the central facilitation of research and report directly to the Vice-President (Research).

Deans of faculties manage research in their respective faculties, including Type II and “other” institutes, and report to the Vice-President (Academic). Since deans do not report directly to the Vice-President (Research),¹⁴ it is important that adequate communication occurs between the two vice-presidents who each manage research activities. Since 2005, five different people have acted in the capacity of Vice-President (Research) and four different people in the capacity of Vice-President (Academic). This high turnover has created difficulties with adequate oversight of research and consistent communication between the two vice-presidents.

- 1. We recommend that the University of Regina assess whether its organizational structure is effective to support the achievement of its strategic research goals and make any necessary changes.**

The University expects staff to use the Office of Research, Innovation and Partnership to help manage risks related to research, but has not documented this expectation in policy. This Office seeks to ensure that agreements (e.g., with funding agencies or private companies hiring research services) include requirements that will protect the interests of the University and its academic staff. However, we observed several examples where staff, faculties, or institutes were not using this Office to create or review their research agreements.

¹⁴ The only exception is the Dean of the Faculty of Graduate Studies and Research who reports directly to the Vice-President (Research).

- 2. We recommend that the University of Regina document in policy and enforce its requirement to centrally manage all research agreements to protect its interests in research.**

6.1.2 Expectations Not Clear

The University's Strategic Plan 2009–2014 sets out the goals and objectives for the entire University. This plan includes promoting and rewarding the pursuit of research and fostering research partnerships. The University's *Annual Report 2011-12* reported information about research funding received compared to targets. While the amount of funding obtained from funding agencies and for contracts is one indication of success, other indicators are also needed to fully analyze the success of the University's research strategies.

The University's Strategic Research Plan 2010–2015¹⁵ builds on the University's Strategic Plan 2009–2014 and sets the mandate for research at the University. The Strategic Research Plan includes the following four goals for research:

- 】 Encourage, nurture, promote, and sustain excellence in all aspects of research
- 】 Foster and support signature themes of research that have demonstrated and sustained excellence
- 】 Provide the needed space, infrastructure, and administration to support excellence in research
- 】 Demonstrate the relevance of pure and applied research to the community

The Strategic Research Plan includes high-level strategies for each goal, but does not include action plans or performance measures and targets. The University does not describe how it intends to actualize its Strategic Research Plan or how it will know if it is successful in its research activities.

Based on our discussions with academic and administrative staff at the University, this plan was intended to drive the research operations of the University, but instead is primarily used for public relations and to support funding requests. Lack of clear expectations (including the absence of performance measures and targets) and poor communication of the Strategic Research Plan with University academic staff may have contributed to poor adoption of the plan.

Organizations require carefully selected indicators that balance quantitative and qualitative information to permit a full and accurate analysis of performance. For example, the University could analyze how often its research is cited by others as an indication of the impact of its research.¹⁶ The University could also consider measures used by other Canadian universities to help it develop its own measures (e.g., the number of graduate students involved in research). The University should engage its

¹⁵ The Strategic Research Plan was created by the Vice-President (Research)'s Office and approved by Executive of Council on February 23, 2011.

¹⁶ We were shown examples of such measures by the then Associate Vice-President (Research).



staff in the development of meaningful performance measures and targets that will indicate whether the University is delivering on strategic goals and objectives.

3. We recommend that the Board of Governors of the University of Regina receive and review regular reports on the University's Strategic Research Plan.

4. We recommend that the University of Regina prepare action plans for review by the Board of Governors to support the University's strategic research direction.

5. We recommend that the University of Regina prepare more detailed performance measures and targets for approval by the Board of Governors to support measurement of progress towards the University's research goals.

The University has an Enterprise Risk Management Policy that is intended to ensure risk management is an integral part of all university activities and a core capability.¹⁷ The University has set out a framework for identifying risks and controls to reduce those risks to an acceptable level. The process is intended for use at the University level, the faculty/administrative branch level, and by individual staff members. All staff have responsibility for managing risks as part of their daily activities. An administrative staff member of the University coordinates the risk processes and reports regularly to the Audit and Risk Management Committee of the Board of Governors.

The University identified several risk areas in 2012-13 that impact research. It also identified strategies to reduce those risks to levels accepted by the Board of Governors. In this report, we describe various additional research-related risks that have not yet been appropriately mitigated by the University. We make several recommendations in this report that should help the University manage research risks.

6. We recommend that the University of Regina reassess its risks related to research and develop further mitigation strategies.

6.1.3 Policies and Procedures Need to be Improved

The University has overarching policies that all staff are required to follow, such as policies for the financial administration of funds, purchasing, and the delegation of signing authorities. The University also has policies and procedures that are specific to research that were developed with advice from the Council Committee on Research (see

¹⁷ University of Regina's Enterprise Risk Management Policy.

Exhibit 8.4). Research responsibilities and principles are also reflected in the Collective Agreement between the University of Regina Faculty Association and the University (see **Exhibit 8.5**). This Collective Agreement has expired, so the University will need to assess if any changes are required to policies once a new agreement is signed. The University's Intellectual Property Policy (see **Exhibit 8.6**) specifies that it does not supercede the provisions of the Collective Agreement.

Faculties and academic staff are required to follow research policies but have freedom to pursue their own research interests (i.e., academic freedom). Many of the research policies have not been reviewed in several years (e.g., more than five years). Our testing of research processes and interviews with University academic staff found that there are several policies that are not functioning as expected (e.g., overhead policy) and may require revision and/or education of staff. We further discuss these policies below.

- 7. We recommend that the University of Regina regularly review and update its research policies, educate staff about the policies, and have senior staff sign off on an annual basis that they have read and understand the policies.**

Intellectual Property

The University's academic staff are the owners of the intellectual property they create. We note that this is consistent with the practice of many other Canadian universities.¹⁸ This practice is reflected in the Intellectual Property Policy and the Collective Agreement. Academic staff may decide that they wish to pursue commercialization of intellectual property they have created (that is, sell or license related rights). The Intellectual Property Policy sets out the process for academic staff to disclose to the University their intent to commercialize intellectual property through completion of a disclosure form provided to the Office of Research, Innovation and Partnership. We found that intellectual property files did not always include disclosures. The University has not received any new disclosures of intellectual property from academic staff for over 18 months. We were not able to determine if the absence of disclosures over this time frame was reasonable.

- 8. We recommend that the University of Regina ensure that intellectual property disclosures are completed in accordance with policy and communicate this requirement to staff.**

The University has the right to share in commercialization of intellectual property with its academic staff if it was created by staff, in the course of carrying out their University duties, using the University's "specialized resources."¹⁹ According to the Intellectual Property Policy and the Collective Agreement, what constitutes specialized resources is to be set and documented by the dean of each faculty. Because Type I institutes are not managed by faculties, the policy does not describe how specialized resources will be

¹⁸ Centre for Policy Research on Science and Technology, *Intellectual Property Policies at Canadian Universities*. January 2010.

¹⁹ Specialized resources are resources owned or controlled by the University beyond the payment of a staff member's salary (e.g., mass spectrometer) and the provision of a standard environment in which staff perform their normal duties (e.g., desk).



defined for Type I institutes. We found that opinions at the University differed on what constitutes specialized resources. We also found that no Type I institutes and only one faculty have documented their criteria for determining specialized resources. This increases the risk that the University may not have enforceable rights to share in the intellectual property created by academic staff and any potential profits from commercialization. Because of the significance of the definition of specialized resources to the University's right to share in intellectual property, the University's Board of Governors should review and approve the definition.

9. We recommend that the University of Regina define and the Board of Governors approve what constitutes specialized resources for the purposes of the University's Intellectual Property Policy in order to protect the University's rights to intellectual property.

10. We recommend that once the University of Regina defines and the Board of Governors approves what constitutes specialized resources, the University ensure that the definition is consistently used and applied.

If the University supports the creation of research as defined in its Intellectual Property Policy and an academic staff member wishes to pursue commercialization, the policy requires the University to assess the merits of pursuing commercialization and decide whether to enter into a commercialization partnership with the academic staff member. The University has recently developed a form for completing this analysis. Since the University has experienced recent reorganizations and turnover of staff in the research administration area, it needs to ensure it has the expertise to assess the commercialization potential of new intellectual property that may be disclosed by academic staff.

11. We recommend that the University of Regina ensure it has the expertise to assess the commercialization potential of intellectual property.

The University must assess whether and how to actively pursue commercialization (e.g., identify industry partners) and how it will protect intellectual property rights (e.g., patent, copyright, industrial design). Commercialization efforts can be very costly and the policy provides little guidance for the processes to follow to ensure that benefits are achieved and risks are managed appropriately. The University may take various steps, from offering to acquire sole ownership of the intellectual property from academic staff to deciding to waive its rights to intellectual property (for example, if the risk of commercialization failure is too high). The Intellectual Property Policy establishes the Intellectual Property Committee. The Committee's mandate includes advising the Vice-President (Research) on matters related to intellectual property (see **Exhibit 8.6**). The University has not effectively utilized the Committee to help develop stronger processes for managing and providing further guidance for staff.

12. We recommend that the University of Regina establish policies and procedures for evaluating when to pursue and when to discontinue commercialization efforts.

Institutes

The Policy on University of Regina Centres/Institutes (see **Exhibit 8.7**) establishes the processes for the creation and management of research institutes. As described in **Section 4.0**, Type I institutes must be approved by the Board of Governors and managed through a governance structure that reports to the Vice-President (Research) as required by the policy. Deans can approve the creation of Type II or “other” institutes within their faculties. The University’s Type II and “other” institutes are not fully defined.

Type II institutes are approved and managed by faculties (a director of a Type II institute reports to the dean of the faculty) in accordance with criteria that are to be established by each faculty. We found that only one faculty had documented criteria for the creation and management of Type II institutes. The University also has “other” institutes that operate within faculties. The University does not consider these “other” institutes (which may be called institutes, laboratories, centres, units, or groups) to be Type II institutes. There is no definition of “other” institute or requirements for how an “other” institute would be created, operated, and managed. There is no clear reporting structure to enable the Vice-President (Research) to adequately monitor institutes within faculties to ensure they are performing as expected and complying with research policies. A lack of clear definitions and requirements for Type II and “other” institutes increases the risk of financial and reputational damage to the University.

For example, the University had a research initiative called the International Performance Assessment Centre for Geological Storage of CO₂ (IPAC-CO₂) that involved multiple researchers and funding organizations and was strategic to the University. The University did not classify IPAC-CO₂ as a Type I institute, which would have required more appropriate reporting structures. As a result, reporting was inadequate to enable appropriate oversight by senior management and the Board of Governors of the University, and created risks to the University’s finances and reputation. **Figure 2** describes examples of how a lack of clear policy led to confusion regarding the appropriate classification of two “other” institutes.

Figure 2—Example of Lack of Clear Policy for Institutes

We examined two “other” institutes owned by the University that were created using significant external grant funding (i.e., the International Test Centre for CO₂ Capture and the Institute of Environmental Change and Society). These “other” institutes, also called laboratories, operated with directors who reported to the deans of their respective faculties. Both laboratories have had significant external funding to support their operations. Both have a number of researchers working within the laboratories. Both laboratories appear to be innovative leaders in research.

The International Test Centre for CO₂ Capture uses multiple patents in which the University and its researchers have an interest. The University has not completed evaluations of all of these patents to assess their potential for commercialization. The laboratory has been involved in partnerships with numerous national and international companies. The laboratory has struggled to put adequate management processes in place. The University plans to consolidate the International Test Centre for CO₂ Capture with other research areas at the University to form a new Type I institute. The creation of the new institute was approved by the Board of Governors in December of 2011, and management advised us that it has been working to put the governance structure and funding in place to operationalize the new Type I institute. Given the significance of the research in this laboratory, it is not clear why this has been classified as an



“other” institute historically and did not receive the scrutiny of the Board of Governors as would be required if it had been classified as a Type I institute. Also, it is not clear why more prompt action was not taken to operationalize the Board of Governors’ decision.

The Institute of Environmental Change and Society employs three dedicated research positions (i.e., with no teaching responsibilities). The Institute recently changed its name for branding purposes, but remains an “other” institute. It is not clear why this laboratory is not classified as either a Type I or a Type II institute.

We make a recommendation in **Section 6.2** that the University review its classifications of institutes.

Source: Provincial Auditor Saskatchewan (2013)

13. We recommend that the Board of Governors of the University of Regina update its Policy on University of Regina Centres/Institutes to define the creation, classification, monitoring, and reporting requirements for institutes/centres.

14. We recommend that the University of Regina take prompt action on Board of Governors’ decisions regarding institutes/centres.

Overhead

The University has a Policy for the Recovery of the Indirect Costs of Research and Service Contracts (i.e., overhead) (see **Exhibit 8.8**). According to the University’s policy, overhead includes costs incurred in the conduct of research that cannot be easily traced to specific expenses. Examples of these central, indirect costs include accommodation, equipment maintenance, insurance, legal fees, as well as administrative support from the Office of Research, Innovation and Partnership, Financial Services, and Human Resources. Overhead is calculated by applying standard rates to research grants and service contracts, except when waived or another rate is approved by the Vice-President (Research). This policy has not been updated since October 2006.

During our examination of research documents and in interviews with University academic and administrative staff, we found that the overhead policy was not well understood or supported. Staff do not always understand or appreciate the purpose of overhead charges. Some faculties do not think that the benefits are worth the amounts expected to be paid. As a result of these issues, the University struggles to enforce its overhead policy and may not be collecting overhead on all agreements. The University should review its overhead policy in consultation with academic and administrative staff to develop a system that is generally perceived as fair and appropriate, educate staff about the new policy and the value of overhead, and enforce the new policy.

15. We recommend that the University of Regina update, communicate to its academic and administrative staff, and enforce its Policy for the Recovery of the Indirect Costs of Research and Service Contracts.

6.1.4 Signing Authority is Not Followed

The Board of Governors has delegated the signing authority for research contracts to the Vice-President (Research). As set out in the Signing Authorization Policy, the Vice-President (Research) can delegate this authority as he or she deems appropriate. The Vice-President (Research) had informally delegated to the Associate Vice-President (Research) and to the Dean of the Faculty of Graduate Studies and Research the authority to sign certain contracts (e.g., under a certain dollar value, related to graduate studies or when the Vice-President (Research) is unavailable). These delegations are not documented.

The University's Intellectual Property Policy delegates the responsibility for deciding how and when to protect research including intellectual property to the Vice-President (Research). In some cases, administrative staff working at the Office of Research, Innovation and Partnership approve decisions (e.g., continuing a sub-grant for an academic staff), even though the University's policies do not include this delegation. We also found that in many cases the decision to pursue commercialization was made without the approval of the Vice-President (Research).

Formal documentation helps to ensure all staff who has the proper authority for making decisions and reduces confusion or error. A review of the administrative duties related to research may also identify further opportunities or risks related to the delegation of the Vice-President (Research)'s authority.

16. We recommend that the University of Regina immediately confirm, document, and enforce its delegations to staff of research-related signing authority.

6.2 Better Processes to Protect Rights Needed

As described in **Section 4.0**, academic staff are expected to perform research. The University's policies guide staff in determining when they must inform their supervisors (e.g., deans, Vice-President (Research)) about their research activities. This takes place, for example, through staff annual activity reports, performance reviews, and notifications of intent to commercialize research (using the disclosure form mentioned earlier).

The University does not have effective processes to maintain information about all of its research initiatives. It uses a database managed by the Office of Research, Innovation and Partnership to track grants and contracts. During our audit, we became aware that some agreements are not tracked by this Office. We found that the University does not maintain up-to-date lists of its institutes (Type I, Type II, "other"), external board directorships for all staff, and external partnerships. The University also provided us with lists of existing patents, which it advised were the complete lists of its intellectual property. During the audit, the University had to gather information to create these lists for the purposes of our audit. Insufficient controls exist to allow us to confirm that these lists are complete. The University cannot effectively manage and oversee research initiatives if it does not have effective processes to identify and track them.



17. We recommend that the University of Regina centrally maintain complete and up-to-date information about all of its research initiatives and intellectual property (e.g., grants, contracts, partnership agreements, patents).

The University's Policy on Conflict of Interest, Conflict of Commitment and External Directorships (see **Exhibit 8.9**) requires staff to declare all conflicts of interest or external commitment, including any external directorships. The policy requires all staff to disclose conflicts. The University indicated that currently, only the President, vice-presidents, and members of the Board of Governors annually complete a disclosure form confirming or updating the University about any conflicts. The University should ensure that all staff comply with the policy for declaring conflicts. The University needs to take appropriate action when it identifies non-compliance with the policy. The University could explore options for efficient annual verification that staff understand and have complied with the policy.

18. We recommend that the University of Regina ensure that all staff follow its policy requiring declaration, at least annually, of any conflicts of interest or conflicts of external commitment.

In some cases, the University has appointed staff to serve on external boards to represent the University and protect its interests. The University was able to provide us with lists of external directorships appointed by the President or the Board of Governors. However, these appointments have been made over many years. The University was not able to clearly define the purpose for many of these directorships or indicate whether they were achieving their intended purposes. To protect the interests of the University, these University representatives need to be able to share what they learn from these external directorships with the University (for example, with the President). The University should follow its policy by seeking to have external boards pass resolutions allowing the directors it nominates to share information on a need-to-know basis with the University. We are aware of only one external board that has passed such a resolution.

19. We recommend that the University of Regina follow its policy to have external boards pass resolutions allowing University-nominated directors to share information with the University. Where such resolutions cannot be obtained, the University should consider not naming directors to these external boards.

Additionally, staff may serve on external boards, for example to maintain their professional knowledge, to provide service to society, or for their own business or personal purposes. The University did not have a list of these external directorships. Depending on the nature of the directorship, these directorships may pose risks to the University (e.g., conflict of interest or commitment). The University needs to assess the

risks that external directorships held by staff may pose to the University (e.g., inappropriate financial transactions, reputation) and take action on those risks.

20. We recommend that the University of Regina regularly evaluate external directorships held by staff.

21. We recommend that the University of Regina take action when it identifies conflicts of interest or conflicts of external commitment.

The University has processes to review research agreements to assess whether University and staff interests are protected (however, as noted earlier, the Office of Research, Innovation and Partnership does not receive all research agreements for review). Assessments can also be required for institutes. For example, the University has processes to assess and approve the creation of a Type I institute when it determines that research will take place that is of strategic importance to the University. Type I institutes are to be formally reviewed every five years. These reviews have not occurred on time for all Type I institutes. The process to evaluate when Type II or “other” institutes should be formed or wound-up is not clearly set out, as discussed in **Section 6.1.3**. We did not find evidence of formal reviews of Type II institutes.

22. We recommend that the University of Regina review the classification and operations of all of its research institutes, assess their contribution to the University’s strategic research goals, and take any necessary actions identified by the reviews.

6.3 Need to Strengthen Agreements

The Office of Research, Innovation and Partnership has procedures and agreement templates for developing and assessing research agreements. We expected the agreements the University signed with its staff and external partners to include all relevant requirements such as governance requirements, research ownership and rights, operating rules and procedures, identification and allocation of funding, identification of interests on wind-up, and the “right to audit.” We found that the research agreements we examined did not always include all relevant requirements.

23. We recommend that the University of Regina strengthen its research agreements by including all relevant requirements to protect both researcher and University interests.



6.4 More Timely Review of Patents Needed

The University also requires the Office of Research, Innovation and Partnership to manage its intellectual property with direction from the Vice-President (Research). In **Section 6.1.3**, we recommended that the University establish procedures for evaluating when to pursue or discontinue commercialization efforts. We found that, in the past, patents were obtained without adequate evaluations to support the decisions to pursue commercialization. The University is now trying to re-evaluate these patents as patent renewals are required in order to determine if it should maintain the patents or discontinue commercialization efforts. Both maintaining the patents and re-evaluating them involves significant expense.

As described earlier in **Section 6.1.3**, the University needs to obtain the expertise to assess the commercialization potential of intellectual property. Recently, the University entered into agreements with external agencies to help it complete the re-evaluations of some of its patents. The University has received some evaluations in exchange for the evaluating agencies receiving options to license the intellectual property. The University has not analyzed all of the risks of this approach. The University advised us that it plans to complete the evaluations depending on the availability of funding, focusing first on patents that will expire soon. If the University cannot afford to evaluate its patents and it allows them to lapse, it will lose the benefit of any potential commercialization of the intellectual property. The University has completed its evaluation for about 30% (6 of 19 files) of research initiatives. The 19 files have an estimated 109 patents.

24. We recommend that the University of Regina complete its evaluation of patents to support its decisions to continue maintaining patents.

We describe in **Section 6.2** that the University needs to complete its review of its institutes and external directorships held by its staff.

6.5 Research Interests Need to be Monitored

We expected the University to track research and decisions about how to manage the risks associated with research. As described in **Section 6.2**, the University needs to maintain up-to-date information of its research initiatives, including institutes, grants, contracts, and partnerships. Unless it maintains more accurate information about the research in which its staff are engaged, the University cannot ensure that its reporting on research is complete and accurate, and that its interests are protected.

The Board of Governors has set out reporting requirements, including financial reports, annual reports, and regular reports from the President. In **Section 6.1.2**, we describe that the University's strategic plans and annual reports do not set out an adequate framework for evaluating the overall performance of research. Action plans and performance measures and targets are needed for meaningful analysis of research. The Board of Governors and senior administrative staff receive reports summarizing the total research funding received for grants and contracts, recommendations to create or modify Type I institutes, ad hoc reports about significant research issues that management has identified, reports about compliance issues identified by external

funding agencies, and University-prepared interim financial statements that include research operations. These internal reports do not provide sufficient information to evaluate the success of the University's research strategies.

The Vice-President (Research) receives annual reports from Type I institutes that describe their results for the past year, with a focus on activities such as publishing or grants received. No reports for Type II or "other" institutes are required or regularly received by the Vice-President (Research). Additionally, no process exists to evaluate the fulfillment of research agreements or performance of patents. Agreements often have planned actions (e.g., milestones), but these are not monitored centrally.

25. We recommend that the University of Regina review and update research reporting requirements to ensure both senior management and the Board of Governors receive and review sufficient information to assess the success of the University's research strategies.

6.5.1 Compliance Needs to be Evaluated

The University's policies require staff members and research institutes to follow University policies and procedures. In our examination of research initiatives (e.g., institutes, agreements), we found that the University could improve its processes to monitor compliance with policies and agreements. There is no regular review process, such as an internal audit function, to help identify non-compliance issues. The University has an internal audit policy, and the Board of Governors approved the creation of an internal auditor position in May 2013. The University needs to staff its internal audit function and determine how this function could help improve the University's risk management, internal controls, and administrative processes.

The University has identified lack of compliance with research policies, procedures and contracts as a risk. Some non-compliance issues have been identified by the University in recent years (e.g., recommendations from audits by external research funders) and reported to the Board of Governors. The Board of Governors received updates on these matters to monitor follow-up. In this report, we make recommendations to help the University identify and address non-compliance with research-related policies and procedures. When academic staff do not follow policies and procedures or the requirements in agreements, the University's reputation could be harmed and future research funding could be placed at risk.

26. We recommend that the University of Regina regularly monitor compliance with research-related policies and agreements.



7.0 SUMMARY LIST OF RECOMMENDATIONS BY CATEGORY

Oversight

1. We recommend that the University of Regina assess whether its organizational structure is effective to support the achievement of its strategic research goals and make any necessary changes.
3. We recommend that the Board of Governors of the University of Regina receive and review regular reports on the University's Strategic Research Plan.
4. We recommend that the University of Regina prepare action plans for review by the Board of Governors to support the University's strategic research direction.
5. We recommend that the University of Regina prepare more detailed performance measures and targets for approval by the Board of Governors to support measurement of progress towards the University's research goals.
6. We recommend that the University of Regina reassess its risks related to research and develop further mitigation strategies.
16. We recommend that the University of Regina immediately confirm, document, and enforce its delegations to staff of research-related signing authority.
25. We recommend that the University of Regina review and update research reporting requirements to ensure both senior management and the Board of Governors receive and review sufficient information to assess the success of the University's research strategies.
26. We recommend that the University of Regina regularly monitor compliance with research-related policies and agreements.

Updating Policies and Procedures

2. We recommend that the University of Regina document in policy and enforce its requirement to centrally manage all research agreements to protect its interests in research.
7. We recommend that the University of Regina regularly review and update its research policies, educate staff about the policies, and have senior staff sign off on an annual basis that they have read and understand the policies.
9. We recommend that the University of Regina define and the Board of Governors approve what constitutes specialized resources for the purposes of the University's Intellectual Property Policy in order to protect the University's rights to intellectual property.
12. We recommend that the University of Regina establish policies and procedures for evaluating when to pursue and when to discontinue commercialization efforts.
13. We recommend that the Board of Governors of the University of Regina update its Policy on University of Regina Centres/Institutes to define the creation, classification, monitoring, and reporting requirements for institutes/centres.
15. We recommend that the University of Regina update, communicate to its academic and administrative staff, and enforce its Policy for the Recovery of the Indirect Costs of Research and Service Contracts.

Evaluating Risks and Benefits of Research Initiatives

11. We recommend that the University of Regina ensure it has the expertise to assess the commercialization potential of intellectual property.
17. We recommend that the University of Regina centrally maintain complete and up-to-date information about all of its research initiatives and intellectual property (e.g., grants, contracts, partnership agreements, patents).
19. We recommend that the University of Regina follow its policy to have external boards pass resolutions allowing University-nominated directors to share information with the University. Where such resolutions cannot be obtained, the University should consider not naming directors to these external boards.
22. We recommend that the University of Regina review the classification and operations of all of its research institutes, assess their contribution to the University's strategic research goals, and take any necessary actions identified by the reviews.
24. We recommend that the University of Regina complete its evaluation of patents to support its decisions to continue maintaining patents.



Monitoring Compliance

8. We recommend that the University of Regina ensure that intellectual property disclosures are completed in accordance with policy and communicate this requirement to staff.
10. We recommend that once the University of Regina defines and the Board of Governors approves what constitutes specialized resources, the University ensure that the definition is consistently used and applied.
14. We recommend that the University of Regina take prompt action on Board of Governors' decisions regarding institutes/centres.
18. We recommend that the University of Regina ensure that all staff follow its policy requiring declaration, at least annually, of any conflicts of interest or conflicts of external commitment.
20. We recommend that the University of Regina regularly evaluate external directorships held by staff.
21. We recommend that the University of Regina take action when it identifies conflicts of interest or conflicts of external commitment.
23. We recommend that the University of Regina strengthen its research agreements by including all relevant requirements to protect both researcher and University interests.

8.0 EXHIBITS

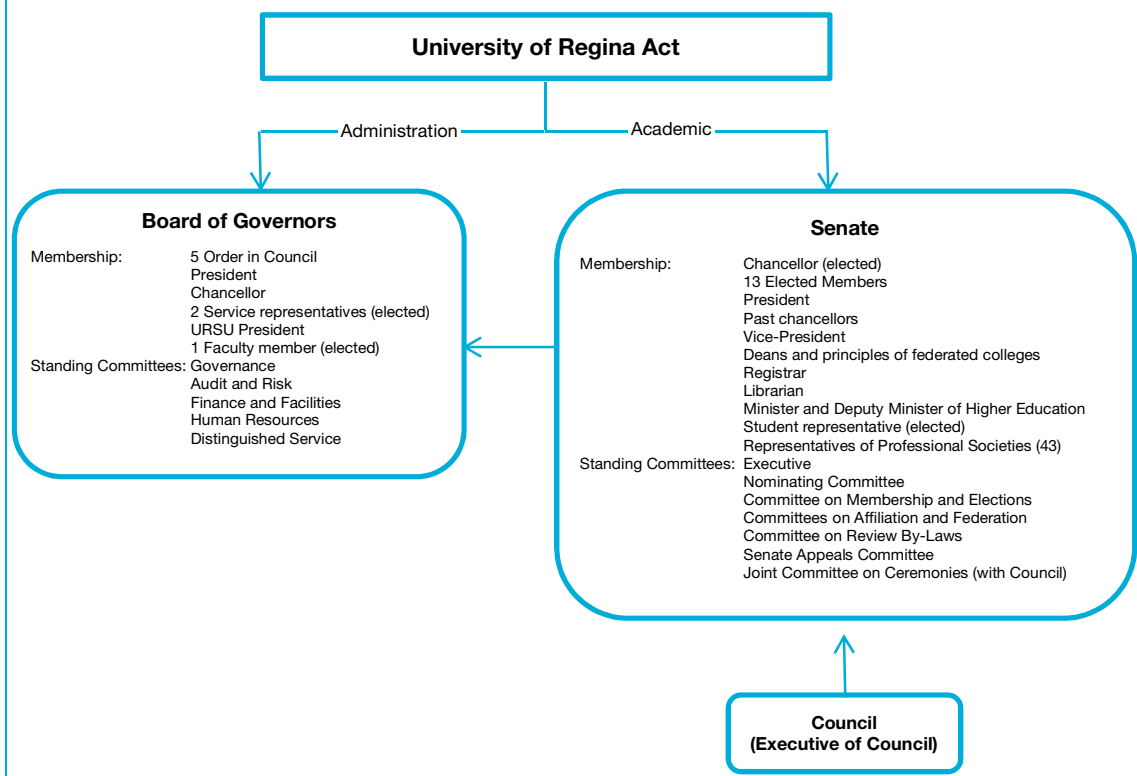
Exhibit 8.1 – University Governance

The University’s governance structure is established by *The University of Regina Act* and is bicameral – simply put, there is one decision stream for academic decisions and another for administrative ones.

Decisions on academic programs and related matters generally originate in the faculties, are reviewed by a University academic committee, are considered by Executive of Council on behalf of the University’s Faculty Council, and then are decided upon by Senate.

Issues requiring administrative decisions may originate almost anywhere, and the Board of Governors makes major final administrative decisions, particularly where significant expenditures are concerned.

The two streams often come together at the Board; for example, Senate decisions regarding establishment of new or major expansions of academic units and programs or major changes thereto are subject to ratification by the Board of Governors.



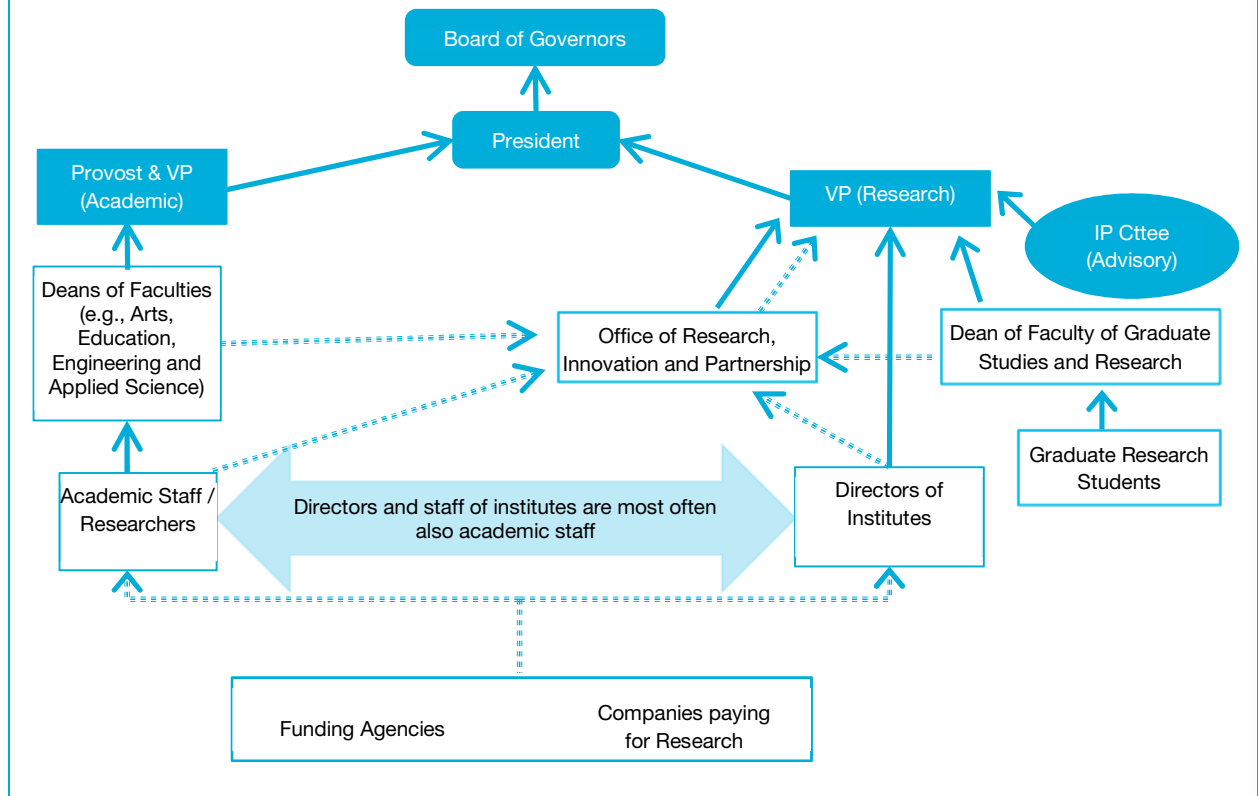
Source: www.uregina.ca/president/governance/index.html (10 May 13)



Exhibit 8.2—Research Responsibilities Related to this Audit

The solid line shows formal reporting relationships.

The dotted line shows academic staff and director of institute responsibility for obtaining research funds, their accountability (through the Office of Research, Innovation and Partnership) to the Vice-President (Research) for the use of the funds (the research money itself is received centrally by Financial Services at the University), and disclosing any intent to commercialize intellectual property.



Source: Provincial Auditor Saskatchewan (2013)

Exhibit 8.3—List of Institutes by Type

The following is a list of institutes as of March 31, 2013 as provided by University management. Insufficient controls existed to enable confirmation of the completeness of this list.

Type I Institutes

- Canadian Centre for Public Safety and Policing
- Canadian Plains Research Center (now University of Regina Press)
- Centre canadien de recherche sur les francophonies en milieu minoritaire
- Centre on Aging and Health
- Clean Energy Technologies Institute
- Humanities Research Institute
- Indigenous Peoples' Health Research Centre
- Institute for Energy, Environment and Sustainable Communities
- Prairie Adaptation Research Collaborative - University of Regina
- Prairie Particle Physics Institute
- Saskatchewan Justice Institute
- Saskatchewan Population Health and Evaluation Research Unit

Type II Institutes

- Canadian Institute for Peace, Justice and Security
- Centre for International Education and Training
- Community Research Unit
- Dr. Paul Schwann Applied Health and Research Centre
- Saskatchewan Instructional Development and Research Unit
- Social Policy Research Unit
- Survey Research Unit

“Other” Institutes

Anxiety and Illness Behaviours Laboratory
 Energy Informatics Laboratory
 Environmental Quality Analysis Laboratory (now Institute of Environmental Change and Society)
 Interactive Media and Performance Studio Laboratories
 International Test Centre for CO₂ Capture
 Johnson-Shoyama Graduate School of Public Policy - Outreach and Training Unit
 New Media Studio Laboratory
 Regina Integrative Cognitive Experimentation Laboratory
 Research and Education for Solutions to Violence and Abuse
 Rough Music and Audio Digital Interaction Laboratory
 The Environmental Research and Response Applications Laboratory
 Trace Analysis Facility
 Traumatic Stress Group

Source: University of Regina (3 April 2013)

Exhibit 8.4—Summary of the University’s Research-Related Policies

The University uses various policies to manage its operations. In addition to the general policies that apply to all of the University’s operations, it has set out certain policies that are of specific application to its research operations. The following is a list of those policies.

Budgetary Limits on Spending from Research Funds – describes processes to control research spending.

Care and Use of Animals Policy – describes processes to ensure ethical and humane use and responsible care of animals used to conduct research and education, including compliance with applicable regulations.

Conflict of Interest and Conflict of Commitment Policy – aims to minimize the occurrence of conflicts of interest or commitment, and to manage such conflicts when they arise.

Intellectual Property Policy – explains the University’s role in the commercialization of intellectual property developed by its faculty, staff, and students.

Misconduct Policy – explains acceptable and unacceptable conduct. Misconduct Procedures explain the University’s processes to address misconduct if it occurs.

Policy on University of Regina Centres/Institutes – explains the types of institutes used by the University and processes for creating and managing those institutes.

Recovery of Indirect Costs on Research Policy – explains the University’s processes to fund expenditures incurred in the conduct of research that are not readily or effectively traceable to specific expenses.

Research and Professional Personnel – describes the various types of personnel involved in research at the University, including information about recruitment and appointment, duties and responsibilities, and administration.

Research Ethics Board Policies – provides guidelines, forms, checklists, or other information for ethics requirements of the University or research funders (e.g., Tri Council).

Signing Authorization Policy – specifies who may sign documents on behalf of the University, including delegating to the Vice-President (Research) the signing authority for research contracts (including all contracts involving research, intellectual property, copyrights, and international exchange students) and permitting further delegation by the Vice-President (Research).

Source: Summarized from www.uregina.ca/research/About_ORIS/Policy/main.shtml (9 May 2013)

Exhibit 8.5—Excerpt from the Collective Agreement between the University of Regina and the University of Regina Faculty Association**Article 29—Intellectual Property****29.1 Definition and General Principles**

29.1.1 Intellectual property (IP) means any result of conceptual or artistic activity that is created by an academic staff member and can be owned by a person. This includes all works that can be protected under copyright, patent, trademark, or other equivalent legislation.

29.1.2 It is recognised that a major purpose of the University is to promote the advancement and dissemination of knowledge. The University endorses and encourages the lively engagement of academic staff members in research, scholarship, and professional activities, and shall assist and enhance members’ capabilities to pursue these aims, insofar as it is reasonable to do so.

As an academic community, the University values scholarly activity, including the creation and sharing of ideas. Ideas are to be shared as widely as possible and do not constitute IP. The



- tangible material or electronic form that ideas take may give rise to issues of ownership. It is to these issues of ownership that Article 29 is addressed.
- 29.1.3 The University encourages academic staff members to make their IP freely accessible to the academic community and to the general public. The University and the Faculty Association recognize that in specific circumstances it may be in the public interest to limit access.
- 29.1.4 No academic staff member shall be required to engage in any research activity the findings of which are prohibited from being published or fully disclosed to the public. The term “full disclosure” shall be subject to the limitations imposed by the University’s Research Ethics Board.
- 29.1.5 In the absence of a written agreement to the contrary, academic staff members are the owners of all intellectual property, and all rights (including copyright, patents, trademarks, and other equivalent rights) to intellectual property, that they create in the course of their employment at the University. Except as provided for by Article 30, IP shall not be used or distributed by the University without the express written consent of the members who own it.
- 29.1.6 Academic staff members shall have the exclusive authority to decide whether to pursue commercialization of their IP.
- 29.1.7 Notwithstanding Article 29.1.5, the University shall have certain prerogatives (namely those specified in Article 29.1.8) over the IP of academic staff members when all of the following conditions are met:
- › the IP was created by members in the course of carrying out their university duties (as defined in Article 16);
 - › the IP was created by members using facilities or equipment that were deemed specialized as specified in Article 29.1.7.1, at the time the work began, and that were provided by the University (directly or obtained through external funding) without personal cost to the members;
 - › members intend to pursue commercialization of the IP in question.
- 29.1.7.1 Deans or equivalent shall establish written, public criteria for determining the facilities and equipment available in their Faculty that shall be deemed “specialized”. When establishing or revising these criteria, the Dean shall consult in committee with the academic staff members of the Faculty.
- 29.1.7.2 The terms “specialized facilities” and “specialized equipment” shall not be construed to include the standard academic resources with which by custom all members are provided.
- 29.1.7.3 Payment of salary to members shall not in itself confer upon the University any ownership rights over the IP developed by members.
- 29.1.8 When all of the conditions specified in 29.1.7 have been met, the University shall have the following prerogatives:
- › to co-manage the commercialization process;
 - › if it chooses to co-manage the commercialization process, to claim up to 50% of the profits resulting from commercialization;
 - › to make an offer to the academic staff member for acquiring partial or full ownership of the IP being commercialized.
- 29.1.8.1 If the University enters into a co-management agreement with an academic staff member, the member shall be reimbursed for personal expenses incurred in creating and commercializing the IP before the University became a co-manager.
- 29.1.9 In cases not covered by 29.1.7 and 29.1.8, an academic staff member who owns IP may elect to transfer ownership or use of the IP to the University. The transfer agreement shall be in writing and signed by the member and the University. Where the University commercializes the IP, the member shall be entitled to a share of any profits resulting from the commercialization. Agreements shall be in accordance with the provisions of the Collective Agreement and the IP Policy of the University.
- 29.1.10 The University shall encourage the development, production, and dissemination of IP, and shall endeavour to protect the IP of academic staff members. The University shall not arbitrarily abandon, destroy, or neglect activities and projects in which the IP of members is embodied.
- 29.1.11 Any IP created by an academic staff member shall be owned by the University when all of the following conditions have been met:
- › the member was specifically assigned, outside the scope of the member’s normal duties, to create the IP;
 - › the member received advance, written notice from the University of this assignment;
 - › the member accepted the assignment in advance and in writing;
 - › the member agreed in advance and in writing to transfer ownership to the University of any resulting IP.

- 29.1.12 The University shall not oblige or pressure academic staff members to follow any particular course of action with regard to IP-related matters. Members' decisions on IP-related matters shall not be recorded in their performance reviews, shall not affect their performance review adversely in any way, and shall not be an occasion for discipline.
- 29.1.13 The University maintains a Policy on IP. The Intellectual Property Committee shall advise the Vice-President (Research and International) or designate on any review or amendment of the Policy. Nothing in the Policy shall contravene the provisions of the Collective Agreement.

29.2 Intellectual Property Committee (IPC)

- 29.2.1 The University shall maintain an Intellectual Property Committee. The Committee shall have no more than eight members. The Faculty Association shall appoint two academic staff members to the Committee. The University shall be entitled to appoint members of its own. The number of members appointed by the University shall not exceed the total number of members appointed by all of the employee groups having representation on the Committee.
- 29.2.2 The appointed members of the Intellectual Property Committee shall select a mutually agreeable person (who shall not be from among their own number) to serve as Chair of the Committee. If the Committee cannot agree on a Chair, the Vice-President (Research and International) and the Faculty Association shall jointly agree on a Chair. The Chair shall vote only in the case of a tie.
- 29.2.3 The Intellectual Property Committee shall consider all IP-related matters concerning academic staff members before the University makes a decision upon them. The University shall not alter the IP policy without first having received the advice of the IPC.
- 29.2.4 The IPC shall have the following duties specific to academic staff members:
- › to deal with any IP-related matter referred to it by an academic staff member, the Faculty Association, or a member of the University administration;
 - › to adjudicate any IP-related disputes between members and the University (including the criteria for determining what are specialized facilities and equipment, as specified in Article 29.1.7.1), between members, or between members and another party, including disputes about profit shares, and make recommendations to the Vice-President (Research and International);
 - › to review the IP Policy and advise the Vice-President (Research and International) on changes to the Policy.
- 29.2.5 The Intellectual Property Committee shall report to the Vice-President (Research and International), who shall decide on its recommendations. If the decision is contrary to the Committee's recommendation, the Committee shall be provided with reasons for the decision. The Vice-President shall convey all decisions (and reasons where appropriate) to the Committee and/or the affected individual(s) in writing.
- 29.2.6 Academic staff members may submit any IP-related decision of the Vice-President (Research and International) to the Appeal process outlined in Articles 18.8 and 18.9.
- 29.2.7 Following the appeal procedure outlined in Articles 18.8 and 18.9, academic staff members and the Faculty Association may submit any IP-related decision of the Vice-President (Academic) to the Arbitration process outlined in Article 21.6.

Article 30 – Instructional and Information Technology

- 30.1 In this collective agreement, Instructional and Information Technology is defined as any electronic media used to deliver academic instruction.
- 30.2 The University recognises that the use of Instructional and Information Technology in the performance of the duties of academic staff members can have unforeseeable implications for the fair and equitable distribution of normal workload within an academic unit. The University is committed to ensuring that members receive appropriate recognition through the performance review process for their contributions when Instructional and Information Technology is used in the performance of duties.
- 30.3 When academic staff members receive project funding from an external, public or non-profit agency (for example Campus Saskatchewan) specifically to develop a course designed around the use of Instructional and Information Technology, the University shall have the right to use the resulting course materials for a period of five years. The five year period shall commence on the first day of lectures of the first term in which the newly-developed course is offered. This right shall extend only to internal use for non-commercial purposes. The University must notify the member(s) in writing, before the member begins to develop the course, that it intends to claim this right. If the member is not provided such notification, the University shall not receive the right to use the course materials. During the five-year period the University shall consult with the member(s) who developed the course concerning scheduling and further development that might be required.



- 30.3.1 If a course is scheduled to be delivered during the period that the University has the right to use the course materials, the appointment for teaching the course shall normally go to the academic staff member who developed it (or if the course was developed by more than one member, to one of the members who developed it). Should the course developer(s) be unavailable or decline to teach the course, the appointment shall go to another member.
- 30.3.2 Normally the academic staff member who first developed a course shall be the one to determine whether it requires any further development and to undertake that work.
- 30.4 The particular expertise, effort, or amount of time necessary for individual academic staff members to prepare Instructional and Information Technology courses varies from one setting to the next and among individuals. It is recognised that preparing and delivering courses using Instructional and Information Technology frequently requires skills and efforts beyond those required for “traditional” courses. Therefore, with the approval of the Dean or equivalent, courses that employ Instructional and Information Technology shall be deemed to carry a teaching load equal to 1.5 times the credit hours assigned to the course. Any members teaching such courses on a sessional or overload basis shall be compensated accordingly.
- 30.5 Matters of intellectual property are governed by Article 29 of this agreement.

Source: University of Regina 2008-2011 Collective Agreement for the University of Regina Faculty Association

Exhibit 8.6—Intellectual Property Policy**Policies and Procedures Manual****10 - GENERAL**

Policy Number:	10.95
Name:	Intellectual Property Policy
Origin:	Vice-President (Research & International)
Approved:	February 28, 2006
Approval Process:	Board of Governors

Revision Date(s):**Introduction**

The University of Regina is committed to the advancement and the sharing of knowledge. It follows that one of the University's primary responsibilities is to disseminate the results of the intellectual activities of its faculty, staff, and students to the benefit of the communities that have created it and sustain it. The University has a responsibility to support its employees in the creation and dissemination of their Intellectual Property. It provides this support by making available facilities, equipment, human resources and information resources, and actively helps to seek additional support for creative activity from external sources, both public and private.

In particular, the University supports the scholarly research and other creative activities that form part of the basic duties of its Academic Staff Members, in part by making technical and legal assistance available through the Office of the Vice-President (Research and International). The University encourages Academic Staff Members to make their Intellectual Property as freely accessible to the academic community and the public as is reasonable in any given situation.

While the University may enter into a commercialization partnership with an employee, its primary objective in so doing is to support and protect both the individual and the institution. The University does not necessarily have a financial interest in all research and related activities carried out by its employees. However, when the University contributes significantly to such activities, it is entitled to a reasonable share of the benefits. In principle, the University's share of revenues generated from such a commercialization partnership should be used both to support research and related academic activities in the University and to provide the administrative infrastructure to support this policy.

This policy defines a subset of Intellectual Property called "Traditional Academic Works;" these are works created by Academic Staff Members, encompassing teaching materials in any format and all traditional forms of scholarly publication. Three important principles underlie this policy:

- 1. The University has no claim on Traditional Academic Works unless they have been created with the use of the University's Specialized Resources;**
- 2. For Intellectual Property created by Academic Staff Members, neither the Creator nor the University may be compelled to commercialize any Intellectual Property; and**
- 3. Nothing in this policy shall supersede the provisions of any applicable collective agreement.**

Definitions

Within this policy, the following terms will have the following meanings:

"Academic Staff Member"

means an Employee of the University who holds an academic appointment (whether in or out of the scope of the academic collective agreement) or is an academic assistant covered by CUPE 2419.

"Creator"

means the originator or discoverer of the Intellectual Property.

"Employee"

means an individual employed by the University in any capacity.

"Institutional Work"

means Intellectual Property created at the request of the University, under the specific direction of the University, for the University's use, by a person acting within the terms of his or her employment. Intellectual Property created by Academic Staff Members may be considered an Institutional Work if a written agreement to this effect has been negotiated between the individual and the University prior to the work being created.



“Intellectual Property”

means any result of scholarly or creative activity that can be owned by a person, including all works that can be protected under copyright, patent, trademark, industrial design, integrated circuit topography, or other equivalent legislation. It includes, but is not limited to, text, works of art, databases, audio-visual material, electronic circuitry, biotechnology and genetic engineering products, computer software recorded in any format, inventions, and all other products of research.

“Traditional Academic Work”

means Intellectual Property that is created to support teaching, regardless of the medium, or that falls into one or more of the traditional kinds of academic output related to research and publication. This includes, but is not limited to, educational, scholarly, artistic, or literary works in any medium. Intellectual Property created for public service (such as speeches, briefs, etc.) shall normally also be considered a Traditional Academic Work.

“University”

means The University of Regina created under *The University of Regina Act*, as amended.

“*University’s Specialized Resources”

means those resources owned or under the control of the University beyond the payment of salary to Employees and the provision of a standard academic or administrative environment to Employees in which to perform their normal duties. (“Standard academic or administrative environment” should be understood as those resources normally made available to an Employee at the beginning of his or her employment. This will vary by unit. A piece of specialized instrumentation or equipment purchased with external funding, such as a CFI New Opportunities grant, is one example of a Specialized Resource.) Deans or equivalent will establish written, public criteria for determining the facilities and equipment available in their Faculty that will be deemed the University’s Specialized Resources.

Words used in the singular include the plural and vice versa. Other parts of speech and grammatical forms of a word or phrase defined in this policy have a corresponding meaning.

Scope

This policy shall apply to all Employees of the University, including those on leave unless otherwise agreed in writing prior to the commencement of the leave. It also applies to visitors using the University’s Specialized Resources. Intellectual Property issues involving students will be addressed in a manner consistent with this policy. This policy does not apply to Intellectual Property created by an individual prior to being employed by the University.

External funding sources may impose certain conditions or requirements that supersede elements of this policy.

Policy Statement

- i. Intellectual Property created by an Academic Staff Member is owned by the Academic Staff Member as Creator, unless an agreement in writing to the contrary is reached between the individual and the University.
- ii. Intellectual Property created by Employees who are not Academic Staff Members are Institutional Works, unless an agreement in writing to the contrary is reached between the individual and the University.
- iii. Institutional Works are owned by the University, unless an agreement in writing to the contrary is reached between the individual and the University.
- iv. The University has no claim on Traditional Academic Works, unless they are created with the use of the University’s Specialized Resources.
- v. The University has no claim on Intellectual Property that is created by Employees outside of the scope of normal duties and without the use of the University’s Specialized Resources.
- vi. Intellectual Property that is created by Academic Staff Members with the use of the University’s Specialized Resources and/or which is not a Traditional Academic Work may be commercialized upon mutual agreement of the Creator and the University. Neither the Academic Staff Member nor the University may be compelled to commercialize any Intellectual Property.
- vi. A Creator who decides to pursue commercialization of Intellectual Property shall follow the procedures set out in **Appendix 1**.
- viii. A decision to commercialize or not to commercialize notwithstanding, prior to public disclosure all individuals covered by this policy are encouraged to disclose to the University any Intellectual Property that is created with the use of the University’s Specialized Resources or is not a Traditional Academic Work in order for the individual to obtain advice about how best to protect his or her interests (and the interests of the University, if applicable) in the Intellectual Property.
- viii. In the case of jointly discovered or created Intellectual Property, decisions about ownership and commercialization should be agreed to in writing by the Creators as early as possible in the process in order to avoid later dispute. Should such a dispute arise, it may be referred to the Intellectual

Property Committee for a recommendation.

Intellectual Property Committee

Any disagreement that arises between individuals involved in creating Intellectual Property and individuals administering this policy will be heard in the first instance by the Intellectual Property Committee according to the Terms of Reference attached as **Appendix 2**. All decisions of the Intellectual Property Committee shall be rendered as recommendations to the Vice-President (Research and International) who shall either accept or reject such recommendations.

Commercialization Partnership with the University

- i. Neither the Creator nor the University is required to commercialize any Intellectual Property.
- ii. If the Creator and the University decide to enter into partnership to commercialize the Intellectual Property, the following terms and conditions will apply:
 - › The University will make every reasonable effort to commercialize the Intellectual Property in a manner most likely to generate the maximum advantage for all parties concerned;
 - › The University may make an offer to the Creator to acquire sole ownership of the Intellectual Property;
 - › Normally, administrative costs relating to the commercialization of the Intellectual Property will be covered or raised by the University;
 - › Sharing of revenues from commercialization of Intellectual Property will be negotiated between the Creator(s) and the University. Normally, not less than 50% of the annual total net proceeds (total income less expenses directly related to the commercialization of the Intellectual Property) will be paid or assigned to the Creator; revenue sharing may be renegotiated at any time by mutual agreement between the Creator and the University. The Intellectual Property Committee may be consulted if a dispute arises between the parties as to sharing of revenues;
 - › The agreement relative to commercialization of Intellectual Property will include a provision for the termination of the agreement and the resultant effect on ownership of the Intellectual Property and sharing of any future revenues.
- iii. The terms and conditions relative to the commercialization partnership will be put in writing and signed by the Creator and the University (by the Vice-President (Research and International), or designate), prior to the active pursuit of commercialization.
- iv. If the University is not interested in entering into a commercialization partnership with the Creator and the Creator decides to pursue commercialization outside the University, the University may seek to recover its reasonable costs, if any. If an agreement as to reasonable costs cannot be reached, the matter may be submitted to the Intellectual Property Committee for a recommendation.
- v. The University is committed to the creation and dissemination of knowledge and does not normally condone or promote undue restriction of or delay in the dissemination of Intellectual Property. However, when a Creator and the University are discussing a commercialization partnership, a Creator may be asked to delay publication or public presentation of the Intellectual Property for a period normally not to exceed six (6) months in order to ensure protection of the interests of the Creator and of the University.

Responsibility

The Vice-President (Research and International) bears overall responsibility for the policy. He or she, in consultation with the Intellectual Property Committee, will decide where the administrative responsibility for this policy will reside and may appoint an administrator. The administrator will normally report directly to the Vice-President (Research and International).

The Vice-President (Research and International) may seek advice on any Intellectual Property matters from appropriate sources, both within and outside the University.

Implementation

The University may develop guidelines or procedures to assist in the administration of this policy. The Intellectual Property Committee will be consulted in the development of these guidelines or procedures.

The University's License

The University has a non-exclusive, royalty-free, license to use for non-commercial administrative, educational and research purposes, all Intellectual Property developed by its Employees and subject to the terms of this policy (keeping in mind that Traditional Academic Works are normally excluded from the terms of this policy). This license does not include teaching materials developed with instructional and information technology. The right of the University to reuse these materials is subject to Article 30 of the academic collective agreement.

Effect on Collective Agreements

Nothing in this policy shall be construed as limiting any right that exists under an applicable collective agreement, or the right of the University to manage the institution.

APPENDIX 1



Procedures for Disclosing Intellectual Property

1. A Creator who wishes to pursue the commercialization of his or her Intellectual Property, or who wishes to obtain advice before public disclosure of the Intellectual Property, shall complete the Disclosure of Intellectual Property Form, or the Disclosure of Software Development Form, and submit it to the Director of the University-Industry Liaison Office.
2. If appropriate, the Creator should also complete the No Significant Use of University Resources or Waiver of University of Regina Ownership Rights Form.
3. A copy of the completed Disclosure Form will be forwarded to the appropriate Dean or Director by the Director of the University-Industry Liaison Office.
4. The University recognizes that it is in the interest of both parties to act with due expediency. However, a Creator may be asked to withhold publication or public presentation of the Intellectual Property for a period of time normally not to exceed six (6) months in order to ensure protection of the interests of the Creator and of the University.
5. The Director of the University-Industry Liaison Office will evaluate the merits of the Intellectual Property and will advise the Creator in writing within ninety (90) days of receipt of the completed Disclosure Form whether the University is interested in entering into a commercialization partnership with the Creator. In conducting this evaluation, the Director may consult with third parties, providing that such parties sign a non-disclosure agreement.
6. This deadline may be extended up to an additional thirty (30) days by the Director of the University-Industry Liaison Office by notifying the Creator in writing and providing reasons for the extension.
7. The Director of the University-Industry Liaison Office will make a recommendation to the Vice-President (Research and International) as to whether the University should enter into a commercialization partnership with the Creator. The Vice-President (Research and International) will make the final decision as to whether to enter into a commercialization partnership with the Creator, and that decision will be conveyed to the Creator in writing.
8. If the University is not interested in entering into a commercialization partnership with the Creator, the Creator is free, subject to law and prior agreements, to proceed independently only with respect to the specific Intellectual Property disclosed.

APPENDIX 2

Intellectual Property Committee

Term of Office

Three years, renewable.

Membership

Seven (7) members:

- Two Academic Staff Members appointed by the Faculty Association
- Two Academic Staff Members appointed by the Vice-President (Research and International)
- One non-Academic Staff Member appointed by the Faculty Association
- One non-Academic Staff Member appointed by the Vice-President (Research and International)
- Chair, selected by the six appointed members

The Chair shall be an Academic Staff Member. If the members are unable to agree on a Chair, the Vice-President (Research and International) and the Faculty Association will jointly agree on a Chair. The Chair shall vote only in the case of a tie.

Terms of Reference

1. To deal with any matter relating to Intellectual Property referred to the Committee by an Academic Staff Member, the Faculty Association, the Vice-President (Research and International), or any out-of-scope member of the University administration according to the procedures set forth below.
2. To develop expertise in matters related to Intellectual Property.
3. To provide advice or make recommendations to the Vice-President (Research and International) on matters related to Intellectual Property, including the administration of revenues arising from the Intellectual Property of Academic Staff Members.
4. To ensure consistency between University Intellectual Property policies and procedures and the terms and conditions of the collective bargaining agreements and to make recommendations to both the University and the bargaining units regarding any inconsistencies that need to be addressed.
5. To review its terms of reference when appropriate.

Procedures

1. The Intellectual Property Committee (IPC) will meet as necessary, but at least twice annually, or at the call of the Chair.
2. The IPC may call on the expertise of individuals who are not Committee members, but recommendations will be made by Committee members only, by majority vote.
3. The IPC will make a written recommendation to the Vice-President (Research and International), with a copy to all relevant parties, for all matters referred to the Committee. This recommendation will contain the reasons for the recommendation. Before making its recommendation, the IPC will ensure that all relevant parties have an opportunity to present the case fully and will thoroughly familiarize itself with any documents and arguments presented to it.
4. The Vice-President (Research and International) will either accept or reject the recommendation of the IPC, and will convey his or her decision, along with the reasons therefore, in writing to all relevant parties.
5. If the Academic Staff Member is dissatisfied with the decision of the Vice-President (Research and International) he or she may have recourse to the appeals procedure outlined in s. 29.6 of the academic collective agreement. Other Employees have recourse to the grievance procedures set forth in the applicable collective agreement.

Source: www.uregina.ca/presoff/vpadmin/policymanual/general/1095.shtml (26 April 13)

Exhibit 8.7 – Policy on University of Regina Centres/Institutes

Policies and Procedures Manual

140 – RESEARCH SERVICES

Policy Number:	140.20
Name:	Policy on University of Regina Centres / Institutes
Origin:	Office of the Vice-President (Research & International)
Approved:	April 18, 2007
Approval Process:	President's Research Committee (approval), Executive of Council (info), Senate (info), Board of Governors (approval)
Revision Date(s):	This policy replaces policies 140.20.05 University Centres and Institutes - Guidelines, Policies and Procedures and 140.20.10 Constitutional Framework for University Centres/Institutes

1. Purpose

A research centre/institute is a formally structured organizational unit of the University that is established to bring together researchers with an interest in a specific research area or topic. The words *centres* and *institutes* are used interchangeably for the purpose of this policy. A centre/institute serves to focus and sustain activities in specific research areas and to encourage collaboration among the disciplines and programs.

Research centres/institutes provide an identity and reputation to enable the leveraging of new opportunities and external funding. They are flexible and responsive to changing circumstances and opportunities. They create synergy and community engagement, as well as provide opportunities for mentoring, and the development of expertise.

Centres/Institutes provide for the strengthening, coordination or facilitation of research initiatives that are not readily undertaken within the University's departmental structure, and build upon the expertise, competence and staff interests that exist within the University.

Centres/Institutes are generally expected to:

- › have clearly identified goals and objectives;
- › have some degree of permanence, transcending collaboration on a specific, limited project;
- › bring together scholars from different disciplines and/or areas of specialization within a particular discipline;
- › maintain high levels of research or other types of scholarly productivity;
- › foster the training of future researchers;
- › co-operate with scholars at other universities and/or institutions;
- › seek external funding in order to operate on a cost-recovery basis

On occasion, research centres/institutes may involve formal partnerships with other universities and/or institutions (see Section 13 of this policy). Involvement in such partnerships is subject to formal agreement guided by the intent of conditions in this policy, and signed by the Vice-President (Research and



International).

2. Academic Responsibilities

Academic programs shall not be housed in a centre/institute, although academic programs within Faculties may be associated with a centre/institute. No faculty position is to be housed in centres/institutes.

3. Duration

Research centres/institutes are initially established for five years. A centre/institute may be extended for additional three- or five-year terms pending successful review using the process specified for that type of centre/institute (Sections 10 (c) and 11 (c) of this policy). Terms for centres/institutes will terminate at the end of the academic year.

4. Funding

Centres/Institutes are expected to secure funding from external sources and not be principally reliant on University-based funding. Centres/Institutes are normally expected to develop financial self-sufficiency through external cost recovery during their first five years of operation. Exceptions to that normal expectation require the approval of the President. University contributions may be provided to centres/institutes in the form of operating funds and/or in-kind support in compliance with University policies and procedures.

5. Directors

Each research centre/institute will have a Director who has administrative responsibility for the centre/institute, including its overall management, budget, and reporting requirement. Directors will exercise general supervision over the operation of the centre/institute, with specific responsibilities varying with the size of the centre/institute, as well as with the complexities of its policies and operations.

The Director will normally be an in-scope faculty member (term or tenured) at the University of Regina.

Typically, the Director is appointed for a three- or five-year term that is consistent with the tenure of the centre/institute. A Director who is a faculty member of the University will receive all benefits and privileges accordingly.

With the approval of the relevant Dean, the teaching responsibilities of the Director may be reduced in recognition of the responsibilities of the role in the centre/institute. When the position of Director is funded through external sources, the role may comprise 100 per cent of the incumbent's responsibilities. Work as Director of a research centre or institute should be recognized through the faculty performance review process.

6. Membership

Within its constitution, each research centre/institute shall identify criteria for membership. Membership in a center/institute is supplemental to a member's academic home. Members may be appointed to a centre/institute in accordance with the needs of the centre/institute. Examples of memberships include but are not limited to:

- › research fellows
- › research or professional associates
- › adjunct professors (when external to the University)

7. Committee or Board

While the organizational and administrative structures of centres/institutes vary as a function of their objectives, size and funding arrangements, each centre/institute shall normally be served by a committee or board that provides guidance and oversight of the conduct and management of its affairs. The specific terms of reference of such committees or boards may vary from one centre/institute to another; however, the general purpose of the committee or board is to provide advice on the activities and programs of the centre/institute.

8. Compliance

Research centres/institutes must conform to University policies and procedures.

9. Types of Centres/Institutes

All University of Regina centres/institutes must have an approved constitution. The constitution shall define the mandate of the centre/institute and describe the organization, management and membership. University of Regina centres/institutes shall be identified as either a Type I, or Type II:

- › Type I research centres/institutes are intended to address areas of strategic research importance to the University and are under the authority of the Vice-President (Research and International).
- › Type II research centres/institutes are located within a faculty and are under the authority of a Dean.

Type I, and Type II research centres/institutes are more fully discussed below.

10. Type I Centres/Institutes

A) Reporting

Type I research centres/institutes will report annually to the Vice-President (Research and International). The Vice-President (Research and International) will meet with the Director on an annual basis to review activities during the year and establish goals for the coming year. As part of this review, the Director's accomplishments in this role will be assessed, and such assessment will be made available to the Dean of the Faculty constituting the academic home of the Director as part of the Faculty performance review process. The Vice-President (Research and International) will also provide the Director with a copy of the assessment.

As part of the annual review, the Director shall provide a report to the Vice-President (Research and International) detailing the activities of the centre/institute and its personnel, including scholarly and research accomplishments, graduate training and other research-related activities (e.g. conferences, workshops, seminars, etc.) and financial status of the centre/institute.

B) Creation

- i) A proposal to create a Type I research centre/institute will be submitted to the Vice-President (Research and International). The proposal must include a draft constitution that addresses the following points:
 - › Name and purpose of centre/institute.
 - › Rationale for need of centre/institute.
 - › Short-term and long-term goals.
 - › Membership (including name of Director).
 - › Administrative structure.
 - › Funding – This shall include a detailed budget proposal for the first three to five years that includes the anticipated revenue from all sources (e.g. University, government, industry, recovery of indirect costs, royalties etc.) and all annual operation costs, as well as plans for achieving financial self-sufficiency through external cost recovery.
 - › Physical resources – Required research facilities (e.g. space, equipment, library holdings, laboratories etc.) must be identified.
 - › Staff requirements must be identified with an indication of how they will be met.
 - › Complementarity with existing research initiatives of the University.

In addition, letters of support and commitment should be provided that are signed by the appropriate University officer(s). Any commitments or agreements to provide space, teaching release time or other resources (e.g. clerical support), including the recovery of indirect costs from contract research, should be documented and signed by those authorized to make such commitments.

- ii) The President's Research Council (PRC) will receive and review all proposals for the establishment of Type I research centres/institutes. In regard to this policy, PRC responsibilities relate only to Type I research centres/institutes.
- iii) Based on the above review, the Vice-President (Research and International) may recommend to the Board of Governors that the centre/institute be created, normally for a period of five years. The authority to establish centres/institutes resides with the Board of Governors. Academic implications of new centres/institutes will be reported to Senate.

C) Review of Centres/Institutes

To ensure that all research carried out by Type I centres/institutes is consistent with the goals of the University and that centres/institutes enhance the general reputation of the University, the Vice-President (Research and International) shall review such centres/institutes on a periodic basis, but not less often than every five years. Normally, the review process will take the following form but is subject to revision upon the approval of the Vice-President (Research and International):

- i) Notice of review will be communicated to the Director of the centre/institute by the Vice-President (Research and International) at least nine (9) months prior to the end of the current term of the centre/institute. In response, the Director shall within one (1) month submit a report to the Vice-President (Research and International) which contains the following:
 - a) a description of how and why the centre/institute has achieved or revised its original objectives; a detailed listing of its accomplishments; a current membership list; and a



- detailed financial statement that identifies all past and projected sources of revenue and annual operating costs;
 - b) the requested period of extension, and a plan which identifies future directions and development strategies for the proposed term;
 - c) letters or references indicating support for the requested extension.
 - ii) On the basis of the above report, the Vice-President (Research and International), in consultation with the PRC, may recommend:
 - a) the centre/institute continue for a specified period of time;
 - b) the centre/institute be terminated, with any legal agreements that affect the status of the centre/institute taken into consideration in the recommendation; or
 - c) a full review of the centre/institute be conducted.
 - iii) If a full review is required, the Vice-President (Research and International) will at least six (6) months before the end of the term of the centre/institute, appoint a formal independent Review Committee that shall normally include:
 - a) a senior researcher with administrative experience and no direct involvement with the centre/institute who will act as the Chair;
 - b) the director of another Type I centre/institute;
 - c) a researcher who is not affiliated with the centre/institute but who is knowledgeable in the field of activity;
 - d) the chair of the PRC or his/her delegate; and
 - e) other members as deemed appropriate.
 - iv) The Review Committee shall develop its own process for conducting the review, but the primary focus of the review shall be to assess the extent to which the centre/institute has fulfilled its objectives; the appropriateness of its future goals; and its financial viability. The review should include meetings with the Director and members; discussions with non-members from related departments and fields; and assessments from external reviewers.
 - v) Within three (3) months of being established, the Review Committee must provide a written report to the Vice-President (Research and International), with a copy to the Director of the centre/institute under review. The Director may submit a written response to the report to the Vice-President.
 - vi) The Vice-President (Research and International), in consultation with the PRC, shall consider the report before making a recommendation on the future of the centre/institute. The Vice-President may recommend:
 - a) the centre/institute continue with review in three (3) or five (5) years;
 - b) the centre/institute continue with review in one (1) year; or termination, with any legal agreements that affect the status of the centre/institute taken into consideration in the recommendation.

11. Type II Centres/Institutes

A) Reporting

Type II research centres/institutes are faculty-based and report to the Dean.

B) Creation

Each faculty will develop its own criteria for the establishment and management of Type II research centres/institutes. These will comply with the general requirements described herein and be consistent with the specific requirements for Type I. Type II centres/institutes that have resource implications for the institution beyond the faculty shall require approval of the Vice-President (R&I) prior to their creation.

C) Extension of Term

Each faculty will develop its own criteria for the review and extension of Type II research centres/institutes. These will comply with the general requirements described herein and be consistent with the specific requirements for Type I.

D) Funding

Each faculty will develop its own criteria for the support, financial and otherwise, of research centres/institutes, which are under the direct authority of a Dean.

12. Transition

The Type I, and Type II centres/institutes that exist at the date this policy is approved are continued herein and are subject to the terms of this policy. A listing of Type I and Type II centres/institutes subject to revision is provided in Appendix A and is intended as information to accompany this policy.

13. University Centre/Institute Partnerships

In addition to University of Regina Type I and Type II centres/institutes, the University of Regina may participate with centres/institutes that are part of a multi-institutional consortium or exist under a corporate structure. A listing subject to revision is provided in Appendix A and is intended as information to accompany this policy.

Source: www.uregina.ca/presoff/vpadmin/policymanual/research/14020.shtml (26 April 13)

Exhibit 8.8—Policy for Recovery of the Indirect Costs of Research and Service Contracts**Policies and Procedures Manual****140 – RESEARCH SERVICES**

Policy Number:	140.30
Name:	Recovery of the Indirect Costs of Research and Service Contracts
Origin:	Vice-President (Research and International)
Approved:	October 2006
Approval Process:	President

Revision Date(s):

The majority of research on campus is supported by some combination of University infrastructure, administrative and clerical support, and, in some cases, with direct funding from the University. The provision of institutional space or service support is an indirect cost incurred by the university. "Indirect costs" are therefore defined as those expenditures incurred in the conduct of research that are not readily or effectively traceable to specific expenses and can include, but are not limited to, the provision of space, the use of maintenance of equipment, staff resources as provided by such offices as Research Services, Financial Services or Human Resources, and a proportionate share of other costs, such as insurance and legal fees.

To insure that the necessary institutional support is available to researchers and service providers, a recovery charge for indirect costs is applied to research grants and service contracts. The implementation of the policy will be consistent with other universities' prevailing rates. There is no intent to make the University non-competitive with respect to the overheads charged to contracts and grants offered to or undertaken at other universities and research institutions.

The University of Regina recovery policy applies to all research and service contracts undertaken by employees at the University of Regina that are eligible for recovery of indirect costs.

Research and Service Contracts and Grants from Business and Industry

1. Recoveries will be: (a) no less than 40% of total direct costs of all contracts or grants for work undertaken within the physical confines of the University; or (b) no less than 20% of total direct costs for work undertaken off campus.

Contracts with Government

2. Federal government contracts, when recovery of indirect costs is permitted, will be assessed at: (a) no less than 40% of the total direct costs for work undertaken within the physical confines of the university; (b) no less than 20% of the total direct costs for work undertaken off campus; or (c) will be charged at the rate provided to other universities receiving funding from the federal government.
3. Provincial government contracts, when recovery of indirect costs is permitted, will be assessed at: (a) no less than 40% of the total direct costs for work undertaken within the physical confines of the university; (b) no less than 20% of the total direct costs for work undertaken off campus; or (c) will be charged at the rate provided to other universities receiving funding from the provincial government and/or will be charged at an average of the prevailing rates determined from a selection of other Canadian universities.



Contracts with Non-for-Profit / NGO's

4. Recoveries will be: (a) no less than 20% of total direct costs for work undertaken within the physical confines of the university; or (b) no less than 15% of the total direct costs for work undertaken off campus.

Exceptions to the Above Policy

5. When specific agreements have been negotiated with a company, institute or other service contractor, the negotiated rate will be applied to all contracts and grants provided by that funder. Such agreements may only be made by the Vice-President (Research and International).
6. Other exceptions require the permission of the Vice-President (Research and International) and must be secured in advance of the contract award or grant application.

Distribution of the Indirect Costs

7. Normally, indirect costs will be equally divided between the university and the faculty that houses the employee(s). If more than one faculty is involved, the faculty share will be allocated in proportion to the proposed allocation of the work.
8. A faculty may choose to allocate a portion of its share of the recoveries of indirect costs to support the work of the employee(s) involved.
9. For research undertaken or service provided by a university-wide research institute or centre that reports directly to the Vice-President (Research and International), the Vice-President will negotiate a share of the indirect cost recoveries with the centre or institute.

Source: www.uregina.ca/presoff/vpadmin/policymanual/research/14030.shtml (26 April 13)

Exhibit 8.9—Policy on Conflict of Interest, Conflict of Commitment and External Directorships

Policies and Procedures Manual

20 – HUMAN RESOURCES

Policy Number:	20.140.02
Name:	Policy on Conflict of Interest, Conflict of Commitment and External Directorships
Origin:	University Secretariat
Approved:	February 2012
Approval Process:	Board of Governors
Revision Date(s):	February 2012

Introduction

The University of Regina's principal missions are the education of students and the generation and dissemination of knowledge. In pursuit of these missions, or as a natural outgrowth of such activities, University members often become involved in outside activities. As a place of learning, the University supports opportunities for its officers, faculty, staff, and students to be involved in professional interests and activities compatible with the university enterprise. While such activities benefit the University and are generally encouraged, in some circumstances such activities give rise to actual or perceived conflicts of interest or commitment.

Conflicts of interest and conflicts of commitment should be avoided whenever possible. University members should use good judgment, professional commitment and ethics to protect themselves and the University from potential conflicts.

This policy sets out a mechanism for identifying and addressing conflicts of interest and conflicts of commitment, whether real or perceived, so that the University's constituencies can be confident that:

- › decisions and actions are not inappropriately influenced by personal interests; and,
- › a University member's involvement in outside activities does not substantially interfere with his/her primary commitments to the University, including to teach, to conduct research and to meet related obligations to students, colleagues and the University.

This policy aims to educate, to minimize the occurrence of conflicts of interest and conflicts of commitment, and to manage such conflicts in a clear and consistent fashion when they arise. There are different levels of conflicts, varying from the trivial (where simple disclosure suffices) to the serious (where the individual must be completely removed from a particular process or decision).

Most conflicts of interest or conflicts of commitment can be resolved in a manner mutually agreeable to the individual and to the University.

DEFINITIONS

Within this policy, the following terms shall be interpreted as follows:

the "best interests of the University"

means the course of action that is most consistent with the values, mission, and goals of the University, as well as its legal and contractual obligations.

"business"

means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, joint venture, trust, or any other separate legal entity organized for profit or non-profit or charitable purposes.

"closely associated person"

means a person related by blood, adoption, marriage or common-law marriage (with a person of the same or the opposite sex) to the University member or a person (of the same or the opposite sex) with whom a University member has an intimate personal relationship; it may also include an individual with whom a University member has had such a relationship.

"financial interest"

means an interest in a business consisting of

- (a) any stock, stock option or similar ownership interest but excluding any interest arising solely by reason of investment in such business by a mutual fund, pension fund, or other institutional investment fund over which the University member does not exercise control;
- (b) receipt of, or the right or expectation to receive, any income or benefit from such business whether in the form of a fee, honorarium, commission, salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology, rent, capital gain, or any other form of compensation, or any combination of the foregoing; or,
- (c) an interest as a director, officer, employee, trustee or agent.

"personal interests"

means the personal, private, or financial interest of a University member or a closely associated person.

the "supervisor"

1. of the President is the Chair of the Board of Governors;
2. of a Vice-President and the Executive Director, University Governance is the President;
3. of an Associate Vice-President, Dean, or Director is the person to whom that individual reports;
4. of any other University member, faculty or staff, who is employed at the University:
 - in a faculty position in a departmentalized Faculty or other academic unit is the Department Head;
 - in a faculty position in a non-departmentalized Faculty or other academic unit is the Dean;
 - in a librarian or archivist position is the University Librarian;
 - in other than a faculty position is the Dean of the Faculty, or the Director or equivalent of the unit, in which the University member works;
5. of a graduate student is the Dean of the Faculty of Graduate Studies and Research;
6. of an undergraduate student is that student's Dean;
7. of any other person who is not an employee or a student of the University is the President or appropriate Vice-President, Associate Vice-President, Dean, or Director as determined by the President.

"University member"

means all officers, faculty, staff, and students of the University, whether full-time, reduced, or part-time, and any other person while acting on behalf of or at the request of the University including, but not limited to, members of a University committee (including the Senate and the Board of Governors), persons giving advice or providing services to the University at the request of the University, and anyone involved in a University decision-making process.

STATEMENT OF PRINCIPLES

All University members should make fulfillment of their responsibilities to the University the focal point of their professional activities. University members should only become involved in external professional activities insofar as they advance the mission or prestige of the University and the activities do not interfere with their responsibilities to the University.

A University member is required to disclose a conflict of interest or conflict of commitment where it exists, or might reasonably be perceived to exist. Normally, the University member will not participate in a University decision or process that involves a conflict of interest, but shall instead declare the conflict of interest and then remove themselves from the decision, discussion or process in question. A University member will not participate in any activity that involves a conflict of commitment unless such activity has been approved in advance by the supervisor and, if such approval has been given, any terms or conditions made by the supervisor regarding such activity are fulfilled.



SCOPE

The policy applies to everyone who is a “University member,” as defined above. The policy also applies to Board of Governors members involved in University committees and activities except during Board meetings when the Board Conflict of Interest Policy applies. Conflicts of interest or commitment arising amongst Board members outside of Board of Governors meetings will be dealt with by the Chair of the Board of Governors. If the conflict involves the Chair, the Governance and Nominations Committee of the Board will deal with the conflict in the absence of the Chair.

The policy is intended to be exercised together with any applicable collective agreement, as well as with other related University of Regina policies. Where existing policies have not yet been brought into conformity with this policy, this policy will prevail.

DEFINITION OF CONFLICT OF INTEREST

A conflict of interest exists where there is a divergence, whether real or perceived, between the personal interests of a University member and that member’s professional obligations or fiduciary duty to the University such that an impartial observer might reasonably question whether the University member’s actions or decisions are determined or influenced by considerations of that private interest or personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the University member.

Conflicts of interest situations take many forms. Examples include, but are not limited to, cases in which a University member:

- › conducts a review, assessment or evaluation of a project or colleague, the outcome of which may enhance the University member’s personal interests;
- › is party to a decision on the part of the University to enter into a contract (including collective agreements) that may enhance the University member’s or a closely associated person’s financial interests;
- › evaluates work done by a student or an employee who is a closely associated person;
- › directs students or staff of the University to carry out work for a business in which the University member or a closely associated person has a financial interest;
- › participates in a University recommendation or decision that affects the employment of a closely associated person;
- › makes extensive use of University resources to further his or her personal interests or those of a closely associated person; or,
- › uses information, acquired in the course of University activities, that is not in the public domain for personal gain or to advance the University member’s personal interests or those of a closely associated person.

DEFINITION OF CONFLICT OF COMMITMENT

University members owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to their University obligations (the education, research, scholarship and administrative programs of the University). A conflict of commitment is a particular type of conflict of interest. A conflict of commitment occurs where the external or personal activities and undertakings of a University member are, or might reasonably be perceived to be, so substantial as to interfere with the University member’s primary commitment and allegiance to the University. It is also a conflict of commitment for a university member to use University resources (including facilities, personnel, equipment or confidential information), except in a purely incidental way, as part of their external activities or for any other purposes that are unrelated to the education, research, scholarship and public service missions of the University.

This policy is not intended to prevent a University member from participating in non-University activities, but rather to ensure that such involvement does not compromise the ability of the University member to fulfill his or her commitment to the University.

Conflicts of commitment may arise with respect to the distribution of effort between a University member’s obligations to the University and his or her commitment to outside professional activities. Activities such as consulting, involvement with professional societies, public service, pro bono work, or private practice in the member’s profession are appropriate insofar as they promote the professional development of University members and enrich their contributions to the University, to their profession, and to the various communities that they serve. However, such activities must be managed so they do not take precedence over a University member’s primary commitment to the University.

Examples of conflict of commitment include, but are not limited to, cases in which a University member:

- › is involved in an activity that requires regular, extensive absence from the University during normal hours of business, or involves work during their regular working day at the University; or,
- › undertakes outside employment which interferes with the performance of University duties and responsibilities.

PROCEDURE

Disclosure

A University member shall disclose to his or her supervisor any conflict of interest or conflict of commitment that exists or might reasonably be perceived to exist. In addition to disclosure to a supervisor, it may also be appropriate to disclose such conflicts, whether real or perceived, to another University official (such as the Manager of the Office of Research Services or the Manager of Cooperative Education).

Disclosure shall be made in each of the following circumstances:

- as soon as any situation arises that creates, or may be perceived to create, a conflict of interest or commitment for a University member, or as soon as the University member is aware of such a situation;
- where appropriate, in any required annual report of a University member's activities or plans or both;
- where appropriate, prior to the appointment of the University member;
- when required by a particular grant or contract;
- where otherwise required in accordance with this policy.

Normally, a disclosure of a conflict of interest or commitment shall be made in writing. Minor conflicts, such as those that may arise during a committee meeting, may be disclosed verbally to the chair. Members of Boards or Committees who feel that a conflict of interest may occur with a particular agenda item should declare such conflict prior to or at the beginning of the meeting.

If a University member is uncertain as to whether a conflict of interest or conflict of commitment exists or is likely to exist, the University member shall discuss the situation with the supervisor or other appropriate officer of the University.

Procedures for Handling Conflicts of Interest or Commitment

The supervisor to whom a conflict of interest or commitment is disclosed shall decide whether a conflict exists, whether it will be permitted to continue and, if so, under what, if any, conditions.

The supervisor shall base this decision on a determination of the course of action that is in the best interests of the University. In making this determination, the supervisor may take into account the following factors:

- any possible harm to the interests of students, research participants, clients of University services, or others served by the University, should the conflict be permitted to continue;
- any possible harm to the University or its employees, officers or others acting on its behalf if the conflict were allowed to continue;
- whether reasonable alternative arrangements which do not involve a conflict of interest or conflict of commitment can be made;
- the consequences to the University and its reputation and future activities of not permitting the conflict of interest or conflict of commitment to continue;
- the consequences to the University and its reputation and future activities of permitting the conflict of interest or conflict of commitment to continue;
- the educational, research, economic and other interests of the University; and,
- the rights and interests of the University member.

A supervisor may request additional information from the University member and may consult with others before making a decision relating to a conflict of interest or conflict of commitment. In dealing with some specific types of conflict, supervisors shall follow any additional guidelines set out in any other relevant policy.

A supervisor may impose terms and conditions before permitting a conflict of interest or conflict of commitment to continue, or for managing such conflict.

The supervisor's decision shall be communicated in writing to the University member and may be appealed as described below. A record of the supervisor's decision will be provided to Human Resources in order that it can be maintained as part of the University member's personnel file.

A decision concerning an ongoing conflict of interest or conflict of commitment may be reviewed by the supervisor at appropriate intervals. The original decision may be reversed or varied.

Annual Certification

Upon hire and subsequently, on an annual basis, all University members must certify to their supervisor their compliance with this policy. The University may request University members to complete the **Confidentiality and Conflict of Interest and Conflict of Commitment** form.

PROCEDURES REGARDING EXTERNAL DIRECTORSHIPS

As a general rule University members may be appointed to an external board of directors ("external directorship") of both for-profit and non-profit corporations provided that such appointment will not create a conflict of interest or conflict of commitment.

Subject to the exceptions described in this policy, before accepting an external directorship appointment, a University member shall, through his/her supervisor, seek and obtain permission from the



President, who has designated the University Secretary to review and respond to each request. In the case of the President, permission from the Chair of the Board of Governors should be obtained. Provided the above criteria are met, and subject to this policy, permission for the external directorship may be granted. If appointed to an external directorship, the University member must then disclose such fact to the University Secretary which will be the office of record for documenting external directorship appointments.

For-Profit Corporations: Permission for a University member to serve as a director of a public corporation selling shares to the public may be given. Prior to approving a directorship on a for-profit corporation, consideration must be given to the perception that some purchasers of stock will buy on the basis of their confidence in the directors of such company and some buyers will assume that the University tacitly has approved of the corporation and it may result in some adverse publicity to the University.

External directorships in closely-held private corporations set up to handle the private investments, real property interests, or estates of a University member do not require the approval of the President provided that the external directorship with such corporation does not cause or create a conflict of interest or conflict of commitment. Such external directorships must nonetheless be reported to the University member's supervisor, and the University Secretary.

External directorships in closely-held private corporations set up to handle the University member's consulting work or which relate to the University member's expertise in the University require the approval of the President as described above.

University External Directorship Appointments

There are occasions when a University member may be appointed to a board of an external corporation:

- (a) in their official University capacity;
- (b) by virtue of their position within the University; or
- (c) as the University's appointee to such board of directors,

(a "**University External Directorship**"). The President has the authority to make these appointments on the University's behalf (unless otherwise prescribed in legislation (i.e. Wascana Centre Act). If it is the President that will be appointed to a University External Directorship, the Board Chair has the authority to make this appointment (unless otherwise prescribed). The President (or Board Chair, as the case may be) will confer the appointments of University members to serve in a University External Directorships in writing. Prior to accepting such a University External Directorship the University member shall ensure that the corporation has agreed in writing that she or he may disclose confidential information pertaining to the corporation to the University on a confidential basis. When a University member is assuming the a University External Directorship appointment from a previous University member, the records and files relating to this University External Directorship will transfer to the newly appointed University member. All University External Directorship appointments shall be recorded in the office of the University Secretary.

Procedure number 20.140.21 for "**Procedures for External Directorships in a University Capacity**" shall apply and be adhered to in respect of University External Directorships.

IMPLEMENTATION

The University may develop guidelines or procedures to assist in the administration of this policy.

ACCESS TO DISCLOSURES

Disclosures made under this policy will normally be treated as confidential. However, in order to meet the objectives of the policy it will sometimes be necessary for the University to permit persons within the University, and, in some circumstances, persons outside the University, access to information about such disclosures and the terms and conditions imposed by the University. Reasonable efforts shall be made to advise the University member in writing before such disclosures are made available to persons outside the University. Disclosures may be made to third parties when required or permitted by University policies or procedures, or by law.

University members should be aware that disclosure of conflicts of interest or conflicts of commitment may be required for other University processes. For example, whenever a University member is engaged in research that involves a conflict of interest or conflict of commitment, it may be necessary or appropriate for the member to disclose the conflict to the appropriate University ethics committee. This would be especially important where the conflict might adversely affect the research design or subjects of the research.

COMPLIANCE

Failure to disclose a potential or existing conflict of interest or conflict of commitment, or to otherwise comply with this policy may result in disciplinary action being taken (up to and including termination of employment) in accordance with the applicable collective agreement, employment contract, or other applicable disciplinary process.

APPEALS

Any University member in a conflict of interest or conflict of commitment situation who is not satisfied with the decision made by a supervisor under this policy may appeal the decision within thirty days of receiving written notice of the decision. The University member shall submit a written statement outlining the grounds of appeal, together with any relevant documentation, to the University Secretary, who shall make a final decision in consultation with the supervisor's supervisor, normally within thirty days. The University Secretary may extend that time upon giving notice to the appealing University member if it is desirable to consult with others or consider the matter further before making the decision. An appeal decision shall be in writing and shall be final and binding on the University member (although it may be subject to the grievance arbitration procedure of the relevant collective agreement, if applicable).

The decision of the President (or the Chair of the Board of Governors, as the case may be) granting or refusing permission for an external directorship is final and binding, and is not subject to review or appeal.

EFFECT ON COLLECTIVE AGREEMENTS

Nothing in this policy shall be construed as limiting any right of grievance or arbitration that exists under an applicable collective agreement, or the right of the University to discipline a University member for failure to comply with this policy.

REPEAL OF POLICY 20.140

This Policy repeals and replaces

- (a) Policy 20.140 – Policy on Conflict of Interest and Conflict of Commitment;
- (b) Board of Governors Handbook section 8.5: Commercial Directorships Held by Faculty and Staff

Source: www.uregina.ca/presoff/vpadmin/policymanual/hr/2014002.shtml (26 April 13)

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