

POLICY NO. 16 INSTITUTIONAL RESEARCH & INTELLECTUAL PROPERTY POLICY

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POLICY NO. 16 - INSTITUTIONAL RESEARCH & INTELLECTUAL PROPERTY POLICY

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POLICY NO. 16 - INSTITUTIONAL RESEARCH & INTELLECTUAL PROPERTY POLICY

ARTICLE 1 – PURPOSE

The purpose of this policy is to guide research and the appropriate treatment of intellectual property (IP) at John Abbott College. While CEGEPs have a post-secondary pedagogical mission that distinguishes them from universities, research can enhance college students' learning experience, engage employees in new developments in their fields and contribute to regional development. This policy provides a framework for the effective, ethical contribution that research can make to the pedagogical mission of the College. Proper respect for intellectual property developed and used by employees and students is a related and important consideration.

A number of principles underlie research work at John Abbott College.

- a) All research shall adhere to established standards of academic integrity and research ethics.
- b) All research shall strive to contribute to the College's academic environment, increase our knowledge-base and/or enhance the student experience.
- c) All research shall be conducted in a manner that will maintain the academic reputation of the College.
- d) Our definition of what constitutes research shall be dynamic and inclusive.
- e) Scholarly research shall make a contribution to the researcher's academic field.
- f) Pedagogical research shall strive to better understand and engage the teaching and learning process at John Abbott College.
- g) All research shall be sensitive and responsive to the College's social and ecological environment.
- h) Where possible, we shall include students in most phases of a research project.

ARTICLE 2 – SCOPE

The research provisions of this policy apply to all research conducted within the jurisdiction or under the auspices of John Abbott College, whether performed by employees, students or external researchers and regardless of location. Employees who work for John Abbott College but are involved in a funded research project granted to another institution are subject to the policies of that institution and this policy. Employees who are conducting research for the completion of a degree from another institution are subject to the policies of that institution and this policy. John Abbott students alleged to have committed acts of misconduct solely in their capacity as students in their course work or program of study are subject to the provisions of the Institutional Policy on the Evaluation of Student Assessment (IPESA).

All research involving humans or human biological materials must comply with the most recent Tri-Council Policy Statement on the Ethical Conduct for Research Involving Humans (commonly referred to as TCPS 2), established by the Canadian Institutes of Health Research, the Natural Sciences and

Engineering Research Council of Canada and Social Sciences and the Humanities Research Council of Canada. TCPS 2 outlines the following research situations that do not require ethical review, which is also true for the purposes of this policy:

- a) information legally accessible to the public with no reasonable expectation of privacy;
- b) observation of people in public places with no researcher interaction, no reasonable expectation of privacy and no possible identification of individuals in research findings;
- c) secondary use of anonymous information with no possible identification of individuals in research records or findings;
- d) quality assurance or improvement studies, program evaluation and performance reviews for exclusively assessment, management or improvement purposes, in which case the guidelines issued by the College Development Office should be considered; and
- e) creative practices to answer a research question with no analysis of participants' responses.

Some additional examples falling within the exemptions for ethical review include student evaluations of teaching or courses, as well as studies conducted to meet the College's external reporting requirements. See Article 4.

The College has not adopted research policies on animal care or hazardous materials (e.g. biohazards or radioactive materials); however, the Canadian Council on Animal Care allows the use of "tissue culture and tissues obtained at necropsy or from the slaughterhouse; the use of eggs, protozoa or other single-celled organisms; experiments involving containment, incision or other invasive procedures on non-cephalopod invertebrates" without a protocol being reviewed by institution.. The College does have a license from Public Health Agency of Canada to work with Risk Group 2 pathogens, prions, or toxins (excluding Security Sensitive Biological Agent toxins above trigger quantity): Risk Group 2 Human Pathogen and Toxin License under section 18 of the Human Pathogens and Toxins Act Risk Group 2 Terrestrial Animal Pathogen Permit under section 160 of the Health of Animals Regulations.

All research falling under this policy must comply with the Tri-Agency Framework for Responsible Conduct of Research, which includes the responsibilities of researchers and institutions. This policy outlines the former and it guides the application of the latter to John Abbott College. See Article 5.

The intellectual property provisions of this policy apply to all intellectual property created and used by employees and students of John Abbott College, and to any third party that has entered into an agreement with the College. See Article 6.

ARTICLE 3 – DEFINITIONS

3.1 General Terms

Employee: Any individual in the employment of the College, regardless of position (administration, faculty, professional, support staff, etc.), whether full-time, part-time, permanent or temporary, etc.

John Abbott College community: All students, employees or volunteers of John Abbott College.

Research: The systematic and original investigation of a phenomenon that seeks to provide an innovative and explicit answer to a well-defined question. Research is directed towards making a contribution towards knowledge within a specific field of inquiry. It includes the creation and improvement of theories, methods and techniques; the enhancement of existing knowledge; and the generation and dissemination of original results. Research does not include the development of

teaching materials.

Researcher: Any person conducting and/or directing a research project. Where a research project is being conducted by a team, the principal investigator is the individual who is responsible for the direction and administration of the research project.

Student: Any person registered at the College with the intention of obtaining education or training.

3.2 Types of Research

Applied: Research that uses theories, principles and methods to solve practical problems.

Basic: Research that seeks to develop knowledge within one or more academic disciplines.

Creative: Research that is part of the creative process or artistic discipline, directly fosters the creation of artistic works and addresses clear research questions. It should offer theoretical contextualization within the relevant fields of inquiry, present a well-considered methodological approach and lead to improved insights.

Institutional: Research conducted by the College to understand its services and student population. This may include research on college practices, enrolment patterns as well as the analysis of pre- and post-CEGEP student patterns related to the labour market or university studies.

Pedagogical: Research conducted to directly improve the teaching and learning environment at the College. The focus of this research is on the learning process, but it includes research on curriculum and course development. This can comprise basic or applied research conducted by faculty, as part of what is sometimes referred to as the Scholarship of Teaching and Learning (SOTL).

Program: Research conducted in order to evaluate, modify and develop college programs, including an analysis of needs related to the labour market or university studies.

Scholarly: The creation, development and maintenance of the intellectual infrastructure of participants and disciplines, in forms such as dictionaries, peer-reviewed journal articles, catalogues and contributions to major research databases.

Student life: Research conducted to assess student needs, student activities and student integration.

Technological: Activities that apply scientific knowledge to the development of new technical applications or methods as well as the development of technical products and processes to be transferred to the industry..

3.3 Research Frameworks and Funding Sources

Contractual: Research and development projects that are funded by a company, government ministry or organization. These projects require a formal agreement between the College, the principal investigator and the external body.

Externally-funded: Research projects that are supported by one or more external funding sources and administered by the College. These projects require a formal agreement between the College, the principal investigator and the external body.

Externally-administered: Funded research projects that involve John Abbott faculty but are granted to and administered by another institution. Such projects are subject to the policies of the institution administering the research grant as well as this policy.

Independent: Research activities that are conducted locally or in collaboration with external agencies for which no funding has been solicited or obtained by the researcher. Approval of the project is required when the researcher will be representing themselves as a faculty member at John Abbott College whether in the field or in the dissemination of results.

Internally-funded: Research projects that have been funded using College funds or other College mechanisms of support, including release time generated by the College's annual allocation projects (Retraining, Research and Development and Professional Development).

3.4 Definitions Related to Ethical Review for Research Involving Humans

Human participants: Individuals or groups of individuals, such as publically identifiable social, ethnic, religious, or economic groups that are the source of raw or unformulated data in a research project.

Innovation, Research and Development Committee (IRDC): A College committee responsible for reviewing, updating and promoting this policy and for the promotion of research and the Tri-Agency Framework for the Responsible Conduct of Research (RCR Framework).

Minimal risk: "Research in which the probability and magnitude of possible harms implied by participation in the research is no greater than those encountered by participants in the aspects of their everyday life that relate to the research." (TCPS 2 Glossary)

Research ethics: A set of values, principles and rules that should be promoted in the framework of research involving human participants, and that define the responsibilities of the researcher and the institution involved with regard to the participants of their research project.

Research Ethics Board (REB): A multi-disciplinary board established by an institution to conduct ethics reviews of research projects involving human participants developed or undertaken within that institution.

Tri-Council Policy Statement on the Ethical Conduct for Research Involving Humans (TCPS 2): The rules with which all research involving humans and human biological materials must comply at the College.

3.5 Definitions Related to the Responsible Conduct of Research

Breach by researchers of the responsible conduct of research: A lack of respect for researchers' responsibilities, as defined by the Tri-Agency Framework for Responsible Conduct of Research and this policy.

Complainant: The person making the allegation of a breach in the Responsible Conduct of Research. This person may or may not be directly affected by the alleged misconduct. This person may or may not be part of the college community.

Conflict of interest: "A conflict of interest may arise when activities or situations place an individual in a real, potential or perceived conflict between the duties or responsibilities related to research, and personal, institutional or other interests. These interests include, but are not limited to, business, commercial or financial interests pertaining to the individual, their family members, friends, or their former, current or prospective professional associates." (Responsible Conduct of Research Glossary)

Respondent: The person alleged to have breached the responsible conduct of research.

Responsible conduct of research: Respect for the responsibilities of researchers and the College, as

outlined in the Tri-Agency Framework for Responsible Conduct of Research and this policy.

Secretariat on Responsible Conduct of Research (SRCR): The body charged by the Tri-Agencies for administering aspects of the Framework for Responsible Conduct of Research.

Senior research administrator: The central point of contact at a senior administrative level for receiving allegations regarding the responsible conduct of research and related enquiries, to be named by the Academic Dean.

Tri-Agency Framework for the Responsible Conduct of Research (RCR Framework): The responsibilities of researchers and institutions for Tri-Agency-funded research, which also apply to research conducted under this policy.

3.6 Definitions Related to Intellectual Property

Author: A person who creates a work.

Authorship: This is based on making a significant intellectual contribution to the collection, analysis, interpretation and dissemination of research results. Administrative and technical contributions to the research do not constitute authorship.

College's resources: Any and all College resources, in particular physical, organizational, informational, financial, human and time resources, placed at the disposal of employees, students, or third parties within the context of research projects.

Commercialization: The assignment, licensing, manufacturing or production of IP, including but not limited to, obtaining patent protection or copyright registration with the goal of financial return.

Copyright: Ownership of a work including, for the author, exclusive reproduction rights, in any form, of a work of which they are the creator, in whole or in large part, the publishing rights, the right to public representation, of granting or allowing any of the aforementioned acts along with the related accessory rights, as defined in the federal Copyright Act.

Intellectual Property or IP: Refers to creations of the intellect and is framed by a set of laws designed to, among others, protect the product of such intellectual activities or creations, including trademarks, copyrights, patents for inventions, industrial designs, integrated-circuit topography and trade secrets; artistic works including music and literature, as well as discoveries, inventions, social innovations, words, phrases, symbols, and designs which may, in certain circumstances, be protected as intellectual property.

Research results: Shall be interpreted broadly and include any outcome, in any form whatsoever, created, developed, adapted or modified in the context of research, including all IP rights arising therefrom.

Royalties: Monetary or other form of compensation paid for the author's permission to make use of their work, in whole or in part.

Work: All original productions, whether literary, dramatic, musical, artistic, cinematographic, photographic, choreographic, electronic or audiovisual, including all original productions in the literary, scientific and artistic domains, regardless of the style or form of expression used, such as books, brochures and other written texts, conferences, dramatic, musical or choreographic works, musical compositions or works with or without lyrics, illustrations, sketches and visual art relating to geography, architecture, designing, or the sciences.

ARTICLE 4 – RESEARCH APPROVALS AND ETHICAL REVIEW

This article outlines research approval steps, including ethical review and related appeals where appropriate. Research subject to ethical review at John Abbott College is identified above in the article on Scope.

4.1 Approvals

The Research Office or others aware of proposed research shall consult with the Academic Dean should the research pose more than minimal risk to the reputation of the College or require an inordinate use of its resources. In such cases, the Academic Dean may require adjustments or disallow College involvement in research covered under the above article on Scope, based on consultation with other Directors and/or the Innovation, Research and Development Committee (IRDC) as appropriate.

When applying for external research funding, internal researchers (whether applicants or co-applicants) shall follow the steps below.

- a) Consult with the Research Office before preparing the research proposal.
- b) Inform the Department Chair, Program Dean and related departments/services while preparing the research proposal.
- c) Provide the Research Office with a copy of any research proposal for external funding, ideally two weeks prior to the application deadline, including a rigorous outline of the stages of the research project, a clear definition of the roles and responsibilities of all members of the research team, and a detailed explanation of how all funds and resources will be managed during the research project.
- d) Request that the Research Office seek approval from the Academic Dean for any research proposal for external funding involving the use of college personnel, students, facilities, materials, equipment or resources, including paid release.
- e) Submit the required documents to the Research Ethics Board (REB) and obtain approval from REB before undertaking research under its jurisdiction, as outlined in the following section of this article.

Once funded, internal researchers shall liaise with the Research Office. The Director of Finance is responsible for administering external research funds, while the researcher is responsible for ensuring compliance with any financial guidelines (use of grant funds, reporting requirements, etc.).

External researchers must submit the required documents to the Research Ethics Board (REB) and obtain approval from REB before undertaking research under its jurisdiction, as outlined in the following section of this article.

For both internal and external researchers, all decisions regarding faculty involved in research will respect the *Faculty Collective Agreement*.

4.2 Ethical Review

For research involving humans or human biological materials, as identified above in the article on Scope, the College requires compliance with TCPS 2, as determined by the Research Ethics Board (REB).

TCPS 2 is based on "respect for persons, concern for welfare and justice," and it seeks to balance the benefits of research with the risks of harm to participants. Researchers should refer to TCPS 2 for more guidance, including guidance on the following key issues:

- a) voluntary, informed and ongoing consent by participants;
- b) fairness and equity in research participation, ensuring appropriate inclusion and avoiding inappropriate exclusion;
- c) privacy and confidentiality, to be explained in the consent process and respected in the performance, recording and reporting of research;
- d) conflicts of interest, which must be disclosed to the REB, the Academic Dean and any relevant funding agencies, sponsors or journals;
- e) qualitative research;
- f) clinical trials;
- g) human biological materials;
- h) human genetic research; and
- i) research involving Indigenous issues.

4.2.1 REB Mandate and Responsibilities

The REB is the only body within the College mandated to ensure compliance with TCPS 2 under this policy. Relevant research projects may only be conducted after REB approval, subject to section 4.2.4 regarding student research. Decisions of the REB are subject to reversal only by the Research Ethics Appeal Board (REAB), as established under this policy. The REB has the authority to stop research that is not in compliance with TCPS 2 and this policy. The College will provide the REB with the financial and administrative resources necessary to carry out its mandate.

The REB is responsible for the following:

- a) reviewing all research projects proposing the involvement of human participants or human biological materials, as identified above in the article on Scope;
- b) reviewing internal and external policies related to ethics in research involving human participants and communicating all updates to the Institutional Research and Development Committee (IRDC);
- c) considering all relevant ethical matters referred to the REB by the IRDC, the Research Office or the Academic Dean;
- d) preparing an annual report for submission to Academic Council; and
- e) assisting the IRDC and the Research Office in organizing professional development activities related to ethics in research involving human participants.

4.2.2 REB Composition

The College will aim to name nine members: seven voting faculty members, one voting member from the community and one non-voting member from the Research Office. Appointments are for up to three years and may be renewed once for up to three years. An effort will be made to ensure membership rotation safeguards committee memory. Minimally, the REB shall have no fewer than five

members, including men and women, and comprising at least the following:

- a) one community member with no formal affiliation with the College;
- b) one member who is knowledgeable in the relevant law and may fall within one of the three other categories as well (advisable, but only mandatory if biomedical research is being considered by the College);
- c) three faculty members with broad expertise in the methods of research involving human participants; and
- d) one faculty member with broad knowledge of ethics or with experience in evaluating the ethical implications of research involving human participants.

The Director General appoints all members upon recommendation by the John Abbott College Faculty Association (JACFA).

The members of the REB elect from among the faculty members one Chair or two Co-Chairs, whose duties are outlined in TCPS 2.

4.2.3 REB Operations

The REB shall meet regularly face to face, in order to review submissions and discuss issues related to its mandate. Meetings are not required in the case of a delegated review of a research project, as explained below. The REB shall require a quorum of at least two thirds of its current members at all meetings concerned with full ethics review and approval of research proposals. Decisions to grant ethical approval require a majority to carry.

In collaboration with the REB, the Research Office shall ensure that an annual schedule of REB meetings is made accessible to all members of the college community. The minutes of meetings shall clearly document all decisions of the REB, including votes, dissenting arguments and reasons for refusing ethics approval. The proceedings of the REB are strictly confidential. At every stage in the process, the REB proceedings must conform with the *Québec Public Information Act*, specifically *An Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (RSQ Chapter A-2.1).

The REB shall ensure proper record keeping of files related to applications and related correspondence, as required by TCPS 2. The files remain the property of the College. They shall be subject to audit by authorized representatives of the College, members of the REB and funding agencies when necessary.

REB members are subject to the College's *Policy on Conflicts of Interest*. If a member of the REB has a personal interest in the research under review, conflict of interest principles require that the member not be present when the REB is discussing or making its decision. In cases of disagreement over conflicts of interest, both the REB member in the alleged conflict and the researcher-applicant may present evidence and offer rebuttal concerning the nature of the conflict of interest. Other members of the REB will make a final decision regarding how to proceed.

4.2.4 Levels of Risk and Review

The REB shall use a proportionate approach based on the principle that the greater the risk of harm to research participants, the greater the level of ethical review. The Chair is responsible for the initial determination of the level of risk and review.

For research involving humans or human biological materials not exempted above in the article on Scope, the levels of REB ethical review are explained below.

- **Full review:** This is the default level of review, involving a face-to-face meeting of the REB. An application cannot be rejected without a full review and an applicant always has the right to request such a review.
- **Delegated review:** Two members of the REB can conduct a delegated review without a face-to-face meeting of the REB if the research fulfills one of the following criteria:
 - a) The research obviously involves no more than **minimal risk** (as defined above in the article on Definitions); or
 - b) The research requires an extension of a 12-month Certificate of Ethical Approval previously issued by the REB and no significant changes to the research plan or protocol have been made; or
 - c) The research is part of a multi-centre research project that includes researchers from other institutions and has been approved by the REB at another institution, and the Chair considers that all ethical concerns have been addressed or only minor changes will be required. The College REB may cooperate with REBs at other institutions in order to reduce the administrative burden, e.g. by accepting application forms from other REB's.

All approvals of applications under delegated review must be reported at the next meeting of the full REB.

- **Student course-based research review:** Individual faculty members (or the equivalent for the International Office) are responsible for ensuring the ethical conduct of students' course-based research activities, which shall be intended solely for pedagogical purposes and involve **minimal risk** (as defined above in the article on Definitions). Faculty assigning such research projects shall complete the necessary forms for periodic review by the REB.

4.2.5 Submissions to the REB

REB approval must be obtained before research begins. Submissions must be given to the Chair of the REB, copying the administrative support whenever possible. Submissions must include the following:

- a) REB Signature and Checklist Form for Research Involving Human Participants, signed and dated by the applicant and the applicant's Program Dean;
- b) A sample *Free and Informed Consent* Form;
- c) A Research Proposal that includes the research question, methodology, sampling framework and measurement instrument (where applicable);
- d) Any peer reviews; and
- e) An ethics certificate from a researcher's home institution is required prior to consideration by the REB. If a researcher is pursuing research as part of post-secondary studies, then an ethics certificate from the degree-granting institution is required prior to consideration by the REB.

4.2.6 REB Decisions

The REB may determine whether the proposed research is:

- a) approved as submitted, in which case the REB will issue a Certificate of Ethical Approval, valid for 12 months from the date of issue;
- b) rejected as submitted, in which case the REB will provide the reasons to the researcher, for possible resubmission and reconsideration.

4.2.7 Reconsideration of REB Decisions

If the REB has determined that a research proposal is to be denied, the researcher may request reconsideration accompanied by reasons to justify the request. The REB should reconsider its decision promptly and provide the reasons to the researcher for its subsequent decision.

4.2.8 Appeals of REB Decisions

In the event of a negative decision resulting from an initial submission and the reconsideration process, the researcher has the option to appeal within ten working days of the receipt of the final decision. To do so, the researcher must send an appeal letter to the Chair of the REB, copying the Research Office and the Director General.

The Director General shall refer the appeal to the REB of Vanier College if an agreement is in effect allowing for that body to serve as John Abbott's Research Ethics Appeal Board (REAB) or, alternatively, appoint a local REAB that meets the minimum requirements for the John Abbott REB but is composed of different members. The resulting decision shall be binding. If it is positive, the Chair of the John Abbott REB shall issue a Certificate of Ethical Approval.

4.2.9 Continuing Ethics Review and Unanticipated Issues

Researchers shall submit a report to the REB at the end of the 12-month period of validity for the current Certificate of Ethical Approval, unless the REB specifies more frequent reporting.

Researchers shall submit a new application to the REB should their research need to extend past the 12-month period. The Chair may consider delegated review for such cases if there have been no significant changes to the research plan or protocol. It is the researcher's responsibility to verify with the REB for application deadlines to ensure that there is no lapse of ethics approval.

Researchers shall inform the REB if any unanticipated issues increase the risk of approved research, in which case the REB may judge that it needs to withdraw the Certificate of Ethical Approval and require resubmission for the research to continue.

4.2.10 Sanctions

The REB shall report to the Academic Dean and the Director General any cases that come to its attention of researchers conducting research without the required Certificate of Ethical Approval or of other situations that undermine compliance with this policy or the TCPS 2. The Academic Dean and the Director General shall determine any sanctions based on their gravity and in accordance with the *Faculty Collective Agreement*.

ARTICLE 5 – RESPONSIBLE CONDUCT OF RESEARCH

John Abbott College is committed to following the Tri-Agency Framework for Responsible Conduct of Research (RCR). While this framework was established to cover Tri-Agency-funded research, it is the basis for responsible conduct of research under this policy, as outlined above in the article on Scope.

In addition, all research must respect Canadian and Quebec legislation. This includes all applicable articles of *The Canadian Charter of Rights and Freedoms*, *The Québec Charter of Rights and Freedoms* (RSQCC-12), *The Québec Civil Code*, and the following Québec laws: *An Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information* (RSQ Chapter A-2.1); *An Act Respecting the Protection of Personal Information in the Private Sector* (RSQ Chapter P-39.1); and the *Archives Act* (RSQ A-21.1).

Researchers and the College both bear responsibilities for the conduct of research. Under the RCR Framework, they "shall strive to follow the best research practices honestly, accountably, openly and fairly in the search for and in the dissemination of knowledge." One of their shared responsibilities is for appropriate data recording and retention. Other responsibilities, including the College's responsibilities for promoting the responsible conduct of research and addressing allegations of breaches, are also covered in this article.

5.1 Data Recording and Retention

All recorded results of a research project shall be stored and retained in accordance with this policy.

- a) Primary data shall be accurately and clearly recorded in a permanent form. All results must be retrievable. When human participants have been used to generate the data, the principal investigator must use and retain a coding system to ensure the confidentiality of the research participants. The principal investigator must arrange for secure and confidential storage of these results. The results must be made available to the College on request. If the principal investigator leaves the College during this period, the researcher must ensure that the College can have access to the data in the event of an investigation into misconduct.
- b) All co-researchers shall have free access to all primary data and other products of the research at all times. Before members of the research team makes copies of the primary data for their own use, they must obtain the permission of the principal investigator. The principal researcher must have a valid reason for refusing such requests by members of the research team. An explanation must be provided in writing to the central point of contact at a senior administrative level for research, referred to in the remainder of this policy as the senior research administrator, appointed by the Academic Dean.
- c) The provision of material products, such as software prepared during research, substances, or equipment, to third-parties for non-commercial research purposes within or outside of the research unit must have the approval of the principal investigator.

5.2 Responsibilities of Researchers

The RCR Framework covers the responsibilities of researchers. In addition to record keeping (data recording and retention, as detailed above), researchers are responsible for rigour, accurate referencing, appropriate acknowledgment of authorship and management of conflicts of interest, as stipulated by the Framework. The RCR Framework also covers additional requirements for Tri-Agency-funded researchers.

5.3 Responsibilities of the College: Promotion of Responsible Conduct

The College assumes its responsibilities for the promotion of responsible conduct of research, as outlined in the RCR Framework. This includes promoting awareness of what constitutes the responsible conduct of research, internally communicating this policy and the names of those responsible for its administration, and reporting the number and types of breaches annually on the website and to the Tri-Agencies' Secretariat on Responsible Conduct of Research (SRCR, for Tri-Agency-funded research).

5.4 Responsibilities of the College: Allegations of Breaches

The RCR Framework outlines the responsibilities of the College for dealing with allegations of various types of breaches. The RCR Framework's definitions of such breaches apply to this policy. Breaches include fabrication, falsification, destruction of research records, plagiarism, self-plagiarism, invalid authorship, inadequate acknowledgement, mismanagement of conflict of interest, misrepresentation, mismanagement of grants or award funds and failure to respect applicable approval and review processes. A breach can be intentional or due to an honest error; the intent will only be a potential consideration for the recourse taken.

The RCR Framework stipulates minimum requirements for procedures to address allegations of breaches, which also apply to this policy. Furthermore, the process must adhere to the Policy for the Responsible Conduct of Research (*Fonds de Recherche du Québec*), the Faculty Collective Agreement and the legislation noted at the beginning of this article.

The respondent and complainant shall be fully informed of all evidence presented and given the opportunity to respond accordingly. A complainant acting in good faith shall be protected from reprisals to the extent possible.

5.4.1 Receiving Allegations of Breaches

Allegations of breaches may come from anonymous or identified sources from within or outside the College. Employees have a duty to report credible evidence of a breach observed by them or reported to them. Whatever their source, motivation or accuracy, allegations of this nature have the potential to seriously harm the respondent, complainant, College and granting agencies. Therefore, this procedure aims to be rigorous, fair, confidential and respectful of the rights of all involved.

Allegations and related enquiries shall be addressed to the senior research administrator named by the Academic Dean according to the steps below.

- a) A written and signed allegation of breach must normally be provided by a complainant to the senior research administrator within six months of the discovery of the alleged breach by the respondent. The senior research administrator shall only consider anonymous complaints if accompanied by sufficient information, as outlined in the RCR Framework. Complaints received beyond six months shall only be considered in compelling circumstances..
- b) Allegations must identify the respondent, provide a description of the case of misconduct, be signed by the complainant (unless anonymous as noted above) and be accompanied by any available evidence.
- c) Should the College receive an allegation that includes an external institution, the senior research administrator shall determine with that institution the most appropriate institution to proceed and inform the complainant of the decision.

Under exceptional circumstances, the College may be required to proceed immediately to protect Tri-Agency or other funds.

5.4.2 Initial Inquiry

The initial inquiry process is outlined below.

- a) Immediately upon receiving an allegation, the senior research administrator shall inform the funding agency or Secretariat on Responsible Conduct of Research (SRCR) if the allegation may involve significant risks.
- b) Within one month of receiving an allegation, the senior research administrator shall complete and report on an initial inquiry into whether the allegation is responsible and requires further investigation. He or she shall provide the complainant, the respondent and the Academic Dean with a written explanation of the decision.
- c) The complainant may appeal the decision of the senior research administrator, in writing, to the Academic Dean within one week of notification of the decision. The Academic Dean then has two weeks to either confirm or overturn the decision and inform the complainant, the respondent and the senior research administrator with a written explanation for the decision.
- d) Within two months of receiving an allegation, the senior research administrator shall send a letter to the funding agency or SRCR if an allegation is responsible and requires further investigation, or alternatively if this is not the case but the agency or SRCR had received initial notification in (a) above.

5.4.3 Investigation

The investigation process is outlined below.

- a) Within one month of a final decision that an allegation is responsible and requires further investigation, the senior research administrator shall strike an investigation committee to determine whether a breach occurred. The investigation committee shall comprise at least three members, all of whom should have appropriate expertise and no real or apparent conflict of interest. At least one member shall have no affiliation with the College.
- b) The investigation committee shall offer to meet with the complainant to clarify any issues and shall offer to meet with the respondent to explain the allegation and provide an opportunity to respond.
- c) Within two months of being struck, the investigation committee shall complete its investigation and provide its report to the complainant, the respondent, the senior research administrator and the Academic Dean. The report shall provide the committee's findings on the existence and seriousness of any breach, based on clear and convincing evidence. The report must specifically include the following:
 - the unique identification number assigned by the Academic Dean and maintained with identifying information in secure files in the Academic Dean's Office;
 - a brief overview of the alleged breach;
 - any respondent replies regarding the allegation, the investigation and findings, and any measures the respondent has taken to rectify the breach;
 - the timeline of the process, including any features showing that this policy was followed;

- a list of the members of the committee and why they were chosen;
 - a description of the methods and procedures used;
 - an outline of the evidence evaluated, including the names and roles of all third parties who were interviewed;
 - a statement of the findings regarding any breach, its seriousness and the reasons for these findings;
 - recommended recourse to be taken against the respondent or the complainant; and
 - any other details that may shed light on the process, findings or recommendations.
- d) The respondent may appeal the confirmation of a breach, in writing, to the Academic Dean within two weeks of notification of the decision. The Academic Dean then has two weeks to either confirm or overturn the findings of a breach and inform the complainant, the respondent and the senior research administrator with a written explanation for the decision. The decision shall only be based on either lack of compliance with this policy or new information that could alter the findings.
- e) Within five months of the end of the initial inquiry, the senior research administrator shall send the investigation committee's report and any updates on subsequent developments to the funding agency or SRCR, as required by them, unless they grant an extension to the College.
- f) When appropriate, the College may inform other stakeholders of the result of the investigation and/or appeal, while respecting this policy's provisions regarding confidentiality, including applicable legislation.
- g) When appropriate, the College shall take recourse corresponding to the seriousness of misconduct by either the respondent or the complainant. The imposition of any sanctions shall comply with the *Faculty Collective Agreement*.
- h) Every effort shall be made to protect or restore the reputation of the respondent in the case where the allegation is unfounded.
- i) All College documents regarding allegations of a breach are to be destroyed upon issuing the report to the funding agency or SRCR except for one set of documents to be maintained under the responsibility of the Academic Dean in a secure location and confidential manner for 10 years.

ARTICLE 6 – INTELLECTUAL PROPERTY

This article sets forth the rules applying to ownership, distribution, and commercial rights to Intellectual Property (IP) developed by employees and students of the College, as well as procedures that govern the use and distribution of Intellectual Property to ensure the protection of Intellectual Property generated by the College's research activities and to recognize the contribution of researchers and partners in the conduct of research activities involving the College.

All decisions regarding intellectual property must respect the *Faculty Collective Agreement* (Appendix V-4: Pertaining to the use of a work of which a professor is the author or one of the co-authors).

6.1 Legal Framework

College's powers: Pursuant to section 6.0.1 of the *General and Vocational Colleges Act*, the College has the authority to:

- a) contribute, by labour training activities, applied research, technical assistance to enterprises and the provision of information, to the development and realization of technological innovation projects, the implementation and diffusion of new technology and the development of its region;
- b) carry out studies or research in education and support those members of its staff who take part in subsidized research programs; and
- c) supply services or allow the use of its facilities and equipment for cultural, social, sporting or scientific purposes, priority being given, however, to needs of students.

Applicable legislation: This Policy is subject to the statutes, regulations and directives in effect in Canada governing intellectual property, in particular the following statutes:

- a) *Patent Act*, RSC, 1985, c. P-4;
- b) *Copyright Act*, RSC, 1985, c. C-42;
- c) *Trade-Marks Act*, RSC, 1985, c. T-13;
- d) *Industrial Design Act*, RSC, 1985, c. I-9; and
- e) *Integrated Circuit Topography Act*, SC 1990, c. 37.

Trade or industrial secrets: The College and third parties involved in research projects may hold trade or industrial secrets that must be protected, in particular through confidentiality agreements.

Agreements: Collective agreements and funding agencies may provide for special treatment of certain IP rights.

College by-laws and policies: This policy, together with all other applicable College by-laws and policies, have to be considered.

6.2 Determination of Intellectual Property Ownership

The **General Rule** is that, except as otherwise specified herein, the results of research conducted by a College employee or student, either alone or in association with others (within or outside the College), using the College's resources, shall belong solely to the College.

There are a number of exclusions for the General Rule of ownership by the College, as noted below.

- **Employee Work:** Where an employee conducts research outside of the course of employment and not as part of their duties for the College, without the use of the College's resources, and without compensation for the work from the College, the employee shall be the owner of the research results.
- **Student Work:** Where a student creates a work within the context of their courses at the College, the student is *a priori* the owner of the IP over the work, subject to any prior agreements, the rights of other individuals in the context of collaborations, etc. The same shall apply to any research conducted by a student in the context of extracurricular activities at the College, including the Sandbox.

- **Joint Initiatives with Third-Parties and CCTTs:** Where the College enters into an agreement with a person(s), industry or sector partner(s), another postsecondary institution(s) or other organization(s) that provides for or contemplates conducting research, the parties shall ensure that a written agreement sets out their respective rights in the research results, and any terms relating to the sharing of risk and revenue from the exploitation of the research results. The ownership of such research results shall respect the terms of the written agreement.

Similarly, any IP developed in the context of a College Centre for the Transfer of Technologies (CCTT) shall be governed by the terms of the relevant written agreement(s).

Any such written agreement shall be concluded and signed by the parties prior to the start of any research. In such agreements, the College should normally at the least retain the right to use the research results for research and teaching purposes.

- **Grants:** Where research is conducted pursuant to a governmental grant, the ownership of the research results shall be determined in accordance with the applicable rules of the grant. In cases where the applicable rules of the grant refer back to the College's policy on IP, the General Rule indicated above shall apply and the research results shall belong to the College.
- **Collective Agreements/Other Agreements:** Nothing in this policy shall contravene the terms of all collective agreements or other agreements duly entered by the College. If any part of this policy conflicts with a collective agreement or other agreement, the latter shall prevail.

By way of one notable example, clause 05 of Appendix V-4 of the *Faculty Collective Agreement* states that the College acknowledges that the professor shall own the copyright on his or her work and that royalties obtained from the use of the work shall be his or hers, except where allowances are to be made for the College's contribution. Clause 06 states that when the College contributes to the production or development of a work, an agreement shall be reached and signed between the professor concerned and the College, defining the rights and obligations of each party with regard to copyright and to the royalties resulting from the use and development of the work.

6.3 Authorship and Publication

The attribution of authorship in all research publications shall accurately reflect the intellectual contribution of each member of a research team. The author or co-authors of a research publication include all persons who have made a significant intellectual contribution to the collection, analysis, interpretation and dissemination of research results. Where students have made a significant scholarly contribution that is intellectual in nature, they must be given due prominence in the list of authors. Any member of a research team who submits any portion of the research project for publication or presentation is responsible for acknowledging all relevant co-authors in the appropriate order, as outlined by the Tri-Agency Framework for the Responsible Conduct of Research. Each author is also responsible for circulating a draft of any manuscript stemming from the research project for comment and approval by all appropriate co-authors. Co-authors must also approve their co-authorship and the order of authorship for publication.

Unless the individuals who have provided technical support to the research project have also made an

intellectual contribution to the project, they shall not be considered to be authors. Footnotes or the acknowledgements section can be used instead. Administrative and technical contributions to the research do not constitute authorship. Authorship cannot be determined on the basis of an employment contribution. Thus, authors do not necessarily include individuals who have been paid to collect data, supervise a laboratory, conduct data analysis, provide technical support or administer the research project. Individuals who provide critical reviews of manuscripts, papers or reports before publication cannot be considered to be authors. Honorary co-authorship is not permitted.

In the event that a conflict arises between authors on any issues of content or authorship, every effort should be made to resolve the issue informally. In the event that this is not possible, an administrator shall attempt to mediate a resolution. If mediation does not resolve the conflict, an allegation of misconduct can be presented to the Academic Dean, as provided for in this policy. All decisions regarding authorship must respect the *Faculty Collective Agreement* (Appendix V-4: Pertaining to the use of a work of which a professor is the author or one of the co-authors).

6.4 Disclosure

Any college employee(s) or student(s) who, alone or in association with others (within or outside the College), using the College's resources, have created IP that may be protected (registered as a patent, industrial design, integrated circuit topography or a trademark or otherwise) or may be commercialized must disclose, in writing, such IP to the Academic Dean as soon as possible. Such disclosure must include, where applicable, the nature of the IP, the names of all co-authors, and the source of funding for the research project out of which the IP emerged, any financial and/or relationship that may affect the protection or commercialization, and any other relevant information.

Disclosure must be made when it can be reasonably concluded that a protectable subject matter has been created, and sufficiently in advance of any publications, presentation, or other public disclosure to allow time for possible action that protects rights to the IP for the author(s) and/or the College. Authors and others with knowledge of the IP who are bound by confidentiality requirements shall maintain confidentiality regarding the disclosure until the College advises them that the information may be released. College employee(s) or student(s) who have created IP for protection or commercialization purposes shall take all reasonable steps to prevent public disclosure of the IP, including presentation of the IP at conferences or public meetings, and documentation of the IP in grant applications. Any potential disclosure should first be discussed with the Academic Dean.

For purposes of clarity, sections 6.4 and 6.5 of this policy shall not apply to IP that does not belong to the College, in whole or in part.

6.5 Commercialization Process

Any commercialization of IP shall be subject to the above provisions on Disclosure. Where the College owns IP rights in a work which it wishes to commercialize, it may consult with the author(s) on the best means for commercialization.

Where the College chooses not to pursue to exploit the work, the College may enter into an agreement with the author(s) of the IP under which the author(s) may pursue opportunities to exploit the work and/or apply for a patent or copyright. Any such agreement with the author(s) shall specify the rights of the College and of the author(s) in relation to ownership, term of ownership, royalties and fees, and the responsibility of each party to apply for copyright or patent, and to protect the IP. Notwithstanding the foregoing, for IP owned by the College, the College may elect to transfer ownership to the author(s) or a third party for appropriate compensation, the whole in accordance

with the terms of an agreement to be entered into between the parties.

Researchers are responsible for ensuring that the material they use within the context of their research activities does not infringe any IP rights belonging to third parties. Researchers shall also ensure to respect the confidentiality of any information conveyed to them within the context of research activities when such information is identified as confidential by the party disclosing it or protected by a confidentiality clause in the research contract or elsewhere. When an IP that belongs to a third party is made available during the course of a research project or other projects, the IP is returned to the third party at the end of the project.

6.6 Use of College Name on Created Works

The College logo, name, address, phone number and e-mail addresses constitute College property and any use of these shall require the prior written authorization of the College's Communications Office. The College does not give authorization for the promotion of any personal business.

ARTICLE 7 – RESPONSIBILITIES

College and its Director General

The College and its Director General are responsible for providing a suitable environment for research. This includes the resources of the Research Office, the responsibilities of various other college employees, and appropriate institutional security safeguards for researchers.

Academic Dean

The primary responsibility for the application of this policy lies with the Academic Dean. The Academic Dean will apply this policy in consultation with other internal stakeholders, including the Academic Council and the senior research administrator named by the Academic Dean.

Director of Finance and Legal Affairs

The Director of Finance and Legal Affairs is responsible for administering external research funds, while the researcher is responsible for ensuring compliance with any financial guidelines (use of grant funds, reporting requirements, etc.).

Program Deans

Program Deans are responsible for supporting the REB's educational activities and advising faculty members about the need to comply with this policy, including requirements for ethical review by the REB.

Senior Research Administrator

This is the central point of contact at a senior administrative level for receiving allegations regarding the responsible conduct of research and related enquiries, to be named by the Academic Dean.

Departments and Programs

Departments and programs that include primary research on human participants as part of their course requirements are expected to train students and ensure that their required research projects comply with this policy. For example, ethical compliance of the research projects of students enrolled in Integration in the Social Sciences lies with the individual instructor supported by the Coordinator of Research Methods in consultation with the Methods Subcommittee of the Social Science Program

Committee. Relevant courses in all departments and programs should be covered by a comparable framework to comply with this policy, respecting section 4.2.4 on the levels of risk and review.

Researchers

Researchers are responsible for understanding and complying with this policy, including related ethical and financial responsibilities. When a researcher is responsible for a team of researchers, the researcher is responsible for ensuring that all team members are aware of and comply with the relevant provisions of the policy. Students are subject to the misconduct provisions of this policy if they have worked as a research assistant; otherwise they are subject to the Institutional Policy on Evaluation of Student Assessment (IPESA), as stipulated above in the article on Scope.

The College encourages researchers to disseminate results internally through presentations, seminars and curriculum, as well as externally through academic or professional journals, public reports, seminars and conferences. Where the College has provided financial or other support, administered funding or has been used as the institutional affiliation of the researcher, published research must reference John Abbott College as the researcher's institutional affiliation. Upon completion of a research project, the researcher must submit a full report to the Research Office.

Research Office

This office will support research initiatives at the College in various ways, including those below.

- a) Participate in the activities of the IRDC, including the organization of an annual event to promote awareness of this policy and recent research successes at the College.
- b) Keep an inventory of and circulate information on research grants.
- c) Keep an inventory of current and past research projects at the College.
- d) Provide the necessary support for eligible personnel to prepare research proposals, including advice on whether policy and funding agency requirements appear to be respected.
- e) Refer research proposals to the REB and the Academic Dean as necessary.
- f) Securely store all documents related to final versions of all research grant applications to external agencies.
- g) Ensure the dissemination of grant competition results and store the final research report provided by the researcher.

The Research Office and/or additional administrative resources provide assistance to the REB for administrative tasks, such as those below.

- a) Distribute forms and materials for submission of research proposals to the REB.
- b) Store submissions and related materials in a secure location.
- c) Collect and distribute submissions to REB members.
- d) Keep minutes of REB meetings.
- e) Support the REB in its educational activities.

Academic Council

Academic Council receives and reviews minutes of the IRDC and annual reports of the IRDC and REB.

Innovation, Research and Development Committee (IRDC)

The IRDC is a College committee with responsibility for reviewing, updating, promoting awareness

and supporting implementation of this policy. It presents any recommendations through its minutes and annual report. The IRDC promotes research and the RCR Framework. It works with the Research Office to organize an annual event to promote awareness of this policy, ensures that the policy and related documents are accessible to the College community and provides support for implementation of the policy as appropriate. It is composed of the senior research administrator named by the Academic Dean under this policy, six members appointed by the John Abbott College Faculty Association (JACFA) with preference for at least one of those members to be in a discipline related to a CCTT affiliated with the College, one member delegated by the College Development Office, one member delegated by Student Services or Library and Media Services, and one member appointed by the Student Union of John Abbott College (SUJAC).

Research Ethics Board (REB)

The REB is responsible for the ethical review of research involving humans and human biological materials as outlined in this policy. It is mandated to review any research within its jurisdiction under this policy. It is also responsible for keeping abreast of changes to TCPS provisions and for providing input to the IRDC on potential modifications to ethical aspects of this policy. Its composition is specified above in the article on Research Approvals and Ethical Review.

REB Chair

The Chair follows the requirements of this policy, ensures that the REB complies with this policy and with TCPS 2, makes initial determinations of the level of risk and review, ensures that an annual schedule of REB meetings is made accessible to all members of the college community, and assumes other duties as set by the REB.

ARTICLE 8 – EFFECTIVE DATE AND REVIEW OF THIS POLICY

This version of the policy shall come into effect upon approval by the Board of Governors. The College will take the necessary measures to promote the awareness and application of the present policy and its regulations among its principal stakeholders.

The IRDC shall review, evaluate and recommend revisions of the current policy, as needed, through its minutes and annual report submitted to the Academic Council.