



VICTORIA UNIVERSITY

RESEARCH GRANTS AND INTELLECTUAL PROPERTY RIGHTS  
POLICY

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## Preamble

The role of universities as centers of learning and of research has changed significantly in recent years. Governments and other stake holders have come to see the universities as playing a significant role in the development and nurturing of enterprise. Victoria University is therefore positioning itself as a fast growing international University that seeks to have an impact in socio-economic transformation and development through its teaching and its research to the industrial and business sectors among others. In addition, knowledge transfer is rapidly becoming a core activity alongside teaching and research, underpinning the commercial exploitation and economic development activities. These activities include the commercialization of research (contract income, licenses and spin-out companies) and teaching and learning (Continuing Professional Development - CPD, other training courses, teaching/learning materials) as well as consultancy and other services.

The policy statements are therefore designed to provide a framework within which the activities of research grants, contracts, consultancies and involvement in commercial activities under the auspices of the University are managed.

The policy therefore will help support and streamline the provision of such activities of research grants, contracts and consultancies through providing professional services and expert advice to individuals, groups and School/Institute throughout the University. The Director of School of Graduate Studies and Research shall oversee the implementation of the policy on a day-to-day basis. The policy also will help in the management of Intellectual property rights and the utilization of the name of the University. The policy also stipulates settlement of disputes and conflicts in an event where it arises.

### 1.0 GENERAL PRINCIPLES

#### 1.1 Responsibility for projects

- a) All Research Grants and contracts shall be agreed between the external funders and the University. Primary responsibility for the management of the project is then delegated, within the terms and budget of the grant, contract or other agreement, to the Principal Investigator(s). The Principal Investigator(s) may be part of the discussion that leads to agreement of the grant or contract.
- b) The Projects shall be managed in accordance with the Financial Policy as established by the University.
- c) The Vice Chancellor shall be the Principal signatory to all Projects and Research grants accounts and shall have the University Secretary and the Principal Investigator as alternative signatories.
- d) All income generated and monies obtained from such grants and projects shall be considered as finances of Victoria University.
- e) University may with permission from Council establish separate accounts for the effective management of the funds.

## 1.2. Income

- a) The University Bursar shall be responsible for ensuring that appropriate procedures exist to enable the University to receive all income to which it is entitled.
- a) Heads of units including Directors and Deans of Faculties shall be responsible for ensuring that the University Bursar is informed promptly of all income due to the University and should provide promptly such information as the University Bursar requires for the purpose of collecting such income. All requests for monies due to the University should be rendered on official invoices issued through the University Bursar.

## 2.2 SPECIFIC PRINCIPLES

### Reward Mechanism: General Issues

- a) Schools and Faculties may benefit from Grants and projects in the form of additional income for staff involved other than the investigators, undertake study programmes on the project, provision of equipment and other facilities as may be prescribed in the terms and conditions.
- b) Reward and incentive mechanisms operate both directly and indirectly at University and School/Faculty levels. At School/Faculty level those incentives shall be under the control of the Director/ Dean of the School or Faculty respectively but the funds shall be centrally controlled and managed by the Accounting Officer who is the Vice Chancellor.
- c) Any staff who wins research grant or project shall use it as a basis among other criteria for application for promotion
- d) Members of staff may undertake consultancy activities in the names of the University for as long as the University benefits by receiving 15% of the total contract value
- e) Members of staff may directly benefit from the provisions in the agreement for research grants or projects on such terms and conditions as agreed.
- f) Victoria University shall retain between 5-10% of the total value of the Research Grant or project for administrative fee as shall be agreed in the contract.
- g) The University shall actively encourage staff to join relevant committees of public and government bodies, as this involvement helps to promote the visibility and position of the University as well as providing beneficial contacts and exposure for the staff concerned. Any honorarium associated with such activities may be retained in full by staff.

### 2.2 Forms of Personal Income paid through salary

Income attributable to the individual can be generated from various sources linked the research environment. With specific regard to Victoria University the following are areas of interest: successful grant/contract applications; consultancy work; exploitation of Intellectual Property; and, continuous professional development (CPD).

### Indirect Cost Distribution

- a) All income from research and projects shall be recognized as income to the University. Recovered indirect costs are returned fully to the University.

- b) The portion of central costs associated with research is also allocated to the School/Institute in proportion to these activities.
- c) The allocation of funds in support of individual researchers or research groups is the responsibility of the School/Faculty management as part of their budgeting processes.

### 2.3 Personal Payments from Research

- a) Personal payments, which are costed (in advance) into applications for research awards only, will be paid once all attributable direct and indirect costs have been met.
- b) All University costs will be taken from the element of the award allocated for personal payments. Alternatively, employees may instead choose to donate funds that are due to them to the University through a mandate agreement such funds will be held in Donations Accounts.
- c) All awards should be reviewed before they terminate to ensure that expenditure equals the initial projections and that the award is not in "surplus" as a result of attributable costs not having been met. Any costs which are being met by the School/Faculty should be deducted from such a "surplus" before any personal payments are considered. Such "surplus" funds can only be used for personal payments that were indicated in the initial expenditure projections.
- d) Where there is a surplus on a research grant or contract which is to remain with the University this will be recognized as net income for the year and credited to the relevant School or Faculty. As with all other recognized research and consultancy income, it will not be carried forward across the year end.

### 2.4 Consultancy Work Income

- a) Income generated by university consultancy must reflect the principles of full economic costing and may be required to cover costs attributed to the project such as personal insurance or professional indemnity over and above that provided normally by the University.
- b) All specific costs incurred, including hire of equipment or facilities, must also be itemized as and when required and should not form part of the indirect costs. Fees which are costed into consultancy activities will be paid only after all attributable direct and indirect costs have been met.
- c) Rates of charge for consultants, and additional required manpower, are available from School/Faculty and shall be determined time and again by Council.
- d) Council shall fix the costs of facilities and hire of premises at Victoria University
- e) Where consultancy is done by a member of staff, such a member of staff shall declare it to the University and will be required to pay a small percentage or agreed upon costs as administrative or overhead costs to the University

## 2.5 Intellectual Property Income distribution

- a) Income generated from the exploitation of the University's Intellectual Property (IP) may take various forms, including royalty payments, shares in third party companies, whether public or private, and shares in University-owned companies. Income may also be generated from other commercial businesses.
- b) All such income will be distributed when it is realized among relevant parties according to the formula set out below, except where exceptional circumstances apply and a special agreement accordingly made. Income will be distributed net of any costs such as legal bills or patent registrations or repayments of loans from the University or elsewhere. Where income is received in relation to inventions, inventors will be identified by the declaration made in the relevant Patent application.
- c) The costs of obtaining formal intellectual property protection and of any subsequent exploitation will be borne by the University or its appointed agent in the first instance unless there is a separate agreement to the contrary that is in force. However, if the University relinquishes ownership then any further costs of protection will pass to the new owners (if any) and the University will no longer be responsible for any costs incurred in gaining or maintaining protection.
- d) Any Net Income – after recovery of IP/legal and similar costs – arising directly from or as a consequence of any Intellectual Property or Intellectual Property Rights owned or exploited by the University under this policy or from the sale of any equity in any company to whom the University has licensed or assigned any Intellectual Property or Intellectual Property Rights shall be disbursed in the following manner;

License Income: Creator 50%, School/Faculty 40%, Patent Budget 10%

## 3.0 CONTRACTUAL REQUIREMENTS

### 3.1 Externally Funded Activities

- a) The Members of Staff are free to pursue their own interests in their own time. This can include private research or consultancy activities provided they make absolutely no use of University resources and are responsible not to cheat the University of time. Externally-funded activities carried out on University premises, using University facilities/resources, or which derive from employment by the University should be regarded as being University activities – governed by this Policy Document.
- b) All such activities should be undertaken under agreements or arrangements which are sanctioned and managed using the University's financial systems and accounts. For staff with joint appointments, the University and the other employer(s) should agree on the detail of the process to be used in handling such income and expenditure.

### 3.2 External Income

- a) The following types of income accruing to staff shall be exempted from the requirements in 3.1 above
- Honoraria for serving on Public, Governmental and Charitable bodies
  - honoraria for journal editorships;
  - honoraria for external examination duties;
  - honoraria for invited lecturers;
  - fees for book contracts and any royalties arising from sales;
  - fees for non-executive directorships of companies or for membership of bodies advising companies where the member of staff has been appointed on an individual basis and not as a representative of the University

### 3.3 Use of the University Name

Request to the use of the University name by third parties in endorsing research work shall be granted by the Vice Chancellor

### 3.4 Signing of Agreements

Agreements on externally-funded research, service and related grants and contracts be signed on behalf of the University by the Vice Chancellor or his/her specified delegated representatives in order to make them legally binding.

### 3.5 Approval of funding arrangement

Approval of funding arrangement for any contract, grant or project shall be done by the authority of the Accounting Officer who is the Vice Chancellor. Where the Vice Chancellor is not available, the University Secretary shall perform such functions.

### 3.6 Non – Permitted Sources of Funds

The University's shall not accept funds from groups that have been black listed by the laws of the country or are seen to contravene the laws.

## 4.0 CONTRACTUAL REQUIREMENTS: CONSULTANCIES

### 4.1 General Policy

- a) Staff who may wish to undertake consultancy activities shall be permitted to undertake such by the Vice Chancellor
- b) Such consultancies should be planned in such a manner that time and quality in the University is not compromised
- c) Consultancies are permitted in areas that:
- Build and help maintain commercial relationship

- Create potential for future research funding
  - Open up possibility for student projects
  - Create links for graduate opportunities
  - Staff motivation
  - Feed back into research and teaching
  - Personal and University income
- d) Consultancy activities characterized as such are activities where an individual required to provide the benefit of their personal knowledge or experience in a particular field, usually on a sole basis.
  - e) Such consultancies if requiring a staff member to be away shall be for a few days and shall make limited use of University facilities.
  - f) A member of staff may register proposed consultancy with the School or Faculty and once approved by the Vice Chancellor, all relevant legal agreements with third parties shall be made known to the University
  - g) All consultancies that are University undertakings shall be bound by University sanctioned agreements
  - h) Staff shall not enter into private consultancy arrangements directly with sponsors where such consultancy falls into the externally funded University activities.

#### 4.2 CONFERENCES AND OTHER ACTIVITIES

##### Academic conferences

- a) Individual staff members or Faculties and Schools are encouraged to organize conferences and symposiums that promote academic interests;
- b) Such conferences shall be held with permission from the Vice Chancellor;
- c) Where the University shall act as host to an agency or external company, an agreement shall be entered into where costs may be shared;
- d) The University shall fully undertake costs in an event where such a conference or symposium is solely for the benefit of the University

##### Continuous Professional Development and Other Training Courses

- a) The University shall encourage departments and Faculties to organize short training programmes in line with the University mission and vision
- b) Such programmes shall not be organized by individuals
- c) Where fees are required to be levied on persons undertaking such programmes, such fees shall only be approved by the University Management
- d) Permission to hold such training programmes shall be authorized by the Vice Chancellor

#### 5.0 INTELLECTUAL PROPERTY RIGHT

Intellectual property covers inventive ideas, designs, patents and patent applications, discoveries, improvements, trademarks, designs and design rights (registered and



unregistered), written work (including computer software) and know-how devised, developed and/or written by members of staff in the course of their employment Exploitation of Intellectual Property.

- a) The University shall strive to encourage the development and exploitation of its Intellectual property, through whichever means is most appropriate, to the benefit of the University, its staff, and as part of its contribution to economic development.
- b) The University shall adopt an open-minded about the route for exploitation, but is acutely aware of the need for speed to market when successfully commercializing research outputs.
- c) The University shall promote economic activities arising from the products of research and innovations
- d) The university shall strive to facilitate translation of knowledge into practice by identification, evaluation and commercialization of intellectual property arising from research activities.

## 5.2 Development of Intellectual property

The University may provide funding for the development of IP.

## 5.3 Ownership of Intellectual Property Rights

- a) Intellectual Property that shall be generated through the course of employment legally belongs to the University.
- b) Unless specifically agreed otherwise, the University does not claim its rights of copyright in books written by members of staff or in articles for learned journals.
- c) For staff with joint appointments, agreement about ownership of IP should be reached at time of appointment by the University and the other institution(s) concerned.

## 5.4 Student(s) ownership of Intellectual Property

- a) All students shall own their own intellectual property
- b) Post graduate students who will have worked under supervision of a member of staff shall have the intellectual property co-owned by both individuals

## 5.5 Protection and Exploitation of Intellectual Property

- a) The University liaising with the inventor(s) and the Faculty, shall agree the appropriate strategy for the protection and exploitation of the University's IP, following an examination of the opportunities for and prospects of the case in point.
- b) Inventor(s) should contact the Director School of Graduate and Research as early as possible to discuss IP protection and exploitation.

## 6.0 CONFLICTS OF INTEREST

- a) No member of the University nor employee shall take an active part in any discussions, negotiations or transactions involving the University in which they or their spouse, partner or any family member has an existing or potential, financial or other beneficial interest. If any circumstances arise where this may be the case, the member of staff shall be obliged to report to their Head of Unit. They may proceed only with the approval in writing of the Vice-Chancellor.
- b) No employee of the University shall, without the express written approval of the Vice-Chancellor take or hold any financial or any other beneficial interest in any commercial entity, whether incorporated or unincorporated, with which the University has, or may reasonably be expected to enter into, a commercial relationship.
- c) For the purposes of this regulation the term "entity" shall include a commercial activity by an individual acting as a sole trader. The term "interest" shall include any right or entitlement to share in the commercial profit/losses of such entity, other than by way of a shareholding in a public limited company listed on a recognized Stock/ Securities Exchange.
- d) All members of the University Council, University Senate, University Management Committee and School Boards will be required to declare their interests before the commencement of a University meeting to which they are members.

## 7.0 MEMORANDUM OF UNDERSTANDING

All MOUs shall be signed by the Vice Chancellor and witnessed by either the Academic Registrar or the head of the beneficiary unit.

## 8.0 CO-OPERATION/ COLLABORATION AGREEMENTS

All co-operation/ collaboration agreements shall be signed by the Vice Chancellor and witnessed by the University Secretary and the head of the beneficiary unit where applicable.

## 9.0 CONTRACTS

- i. A written contract may be made on behalf of the University by any person acting under the express or implied authority of the University Council. The following persons shall have implied authority to make contracts on behalf of the University and to delegate such authority to members of their staff:
  - (a) The Vice-Chancellor; and
  - (b) University Bursar
- ii. The power to sign orders may be delegated in writing to the University employee responsible for Procurements by the Director for Finance and Administration otherwise the authority to sign orders rests with the Director for Finance and Administration.