

NEGOTIATING NEWS #5

February 20, 2014

Intellectual Property – Faculty, Student and University Rights and Responsibilities

The Situation: MUNFA and the Administration have come to an impasse concerning aspects of intellectual property rights. In essence, the Administration has simply said it will not negotiate any changes sought by MUNFA to Article 27 (Patents and Copyrights), because the changes involve the rights of another group, i.e. (graduate) students.

What changes are being sought? MUNFA is seeking to ensure that the allocation of ownership rights in creative works and intellectual property be shared in a fair, reasonable and equitable manner that recognizes the contributions of all.

Why? The Senate Policy on Intellectual Property states *“intellectual property developed by students in the course of their academic program, including teaching assistantships, at Memorial remains the property of the students.”*

What are the consequences of this statement and the University’s interpretation of it? An example - most faculty probably believe that if their research funding has gone to support a group of researchers, including students, that they would be entitled to access and use the data. However, situations have arisen where the student has not finished his or her thesis, and the University has ruled that the faculty member has no intellectual property rights to the data without the permission of the student. If the student does not provide this permission, or cannot be contacted, then a faculty member who uses the data will be in contravention of the Senate policy and at risk of discipline for gross misconduct in academic research.

What is MUNFA proposing? MUNFA realizes that whenever intellectual property is created, questions of ownership may arise and that there are many different situations across faculties and disciplines in the university, such that no one set of guidelines or rules may be applied. MUNFA also acknowledges the rights of students to their own intellectual property, and the duties and responsibilities of faculty to give credit and authorship to students, where applicable.

One important issue is the custody and control of data. It is MUNFA’s view that raw data are not patentable nor are they subject to copyright. We believe that research records and data are to be managed and shared in a manner consistent with the Tri-Council Policies and other relevant policies on research ethics and integrity.

We realize that in most situations relationships between students and faculty are amicable, resulting in successful cooperation and dissemination of results. However, we are negotiating for language that would both cement shared ownership rights with all contributors and allow the faculty member to use the data without permission (subject to a time constraint), with due credit to the student.

MUNFA Negotiating Committee:

- Dr. Jon Church (Chief Negotiator), Medicine
- Dr. Barrie Barrell, Education
- Dr. Alistair Bath, Geography
- Dr. Stephen Butt, Engineering & Applied Science
- Dr. Sonya Corbin Dwyer, Grenfell Campus
- Mr. Dan Duda, Library
- Ms. Kelly Hickey, MUNFA Executive Officer
- Dr. George Jenner, Earth Sciences
- Dr. Basil Kavanagh, Human Kinetics & Recreation
- Mr. Leroy Murphy, Cooperative Education Coordinator, Business
- Dr. Richard Rivkin, Ocean Sciences
- Dr. Paul Wilson, Grenfell Campus