

To: All MUNFA Members
From: The MUNFA Executive Committee
Date: October 31, 2014
Subject: Researcher Participation Agreement (RPA)

MUNFA has become aware that Memorial University will be requiring researchers to sign a “Researcher Participation Agreement” (“RPA”) before grant or contract funds will be released to the researcher(s). In its current form, by signing the RPA a researcher assigns, in perpetuity (i.e., even after the researcher leaves the University) all intellectual property (IP) rights, including copyright, and potentially royalty rights resulting from the project to the University. Once you sign the RPA you have no guaranteed right to publish project results. Although the RPA gives the researcher the option of requesting a reassignment of IP rights that the University is not obliged to make available to the industry partner, there is currently no specific mechanism or timeline in place for this to happen.

MUNFA has filed an Association (policy) grievance and has retained an attorney who specializes in IP rights to provide advice and assistance in this regard. In addition, MUNFA has received advice on the RPA and its implications for IP rights from the CAUT.

In the meantime, we provide the following guidelines for ASMs asked to sign an RPA:

1. Before signing you should receive and review the Research Contract between the University and the industry partner.
2. If that Research Contract does not give the industry partner IP rights resulting from the project, then you should not sign the RPA. This situation is most likely to arise for projects where the industry partner is making an “in kind” contribution.
3. If there is no industry partner involved in the project, you should not sign the RPA.
4. If you have a student in your supervision who is requested to sign an RPA, remember that the RPA is a legal document, and most ASMs are not in a position to provide advice on such to another person. Any student put in this position by the university would be best served to contact MUNSU, the GSU, and/or obtain his/her own independent legal advice.
5. BY SIGNING THE RPA YOU ARE GIVING UP RIGHTS YOU HAVE UNDER THE COLLECTIVE AGREEMENT. As such, we strongly recommend that you obtain independent legal advice to ensure you fully understand the implications of the document.
6. We also advise you to add the following to the RPA, if you sign it:

“I am executing this agreement under protest, because I have been advised that it is a mandatory precondition for obtaining research funds. I understand that MUNFA has filed a grievance alleging that the requirement to sign these agreements violates the collective agreement. If MUNFA’s grievance succeeds I will seek to be compensated or otherwise made whole for any violation of the collective agreement resulting from my execution of this agreement.”

If you have any further questions, please contact the MUNFA office (ext. 8642 or email munfa@mun.ca).