

# Policy: External agreements and funding for research projects

## Purpose

The policy describes the principles by which Research Projects undertaken with external entities are developed and formalised by the University consistent with University community standards, policies, values and interests.

## Overview

The development of Research Projects with appropriate national and international entities (including funding agreements) is critical to the operations and esteem of the University. The policy lays the framework for the development of Research Projects, and the negotiation and entering into of agreements scaffolding such projects, in line with University community standards, policies, values and interests.

## Scope

1. This policy applies to all University Staff, Students, Visitors and Visiting Fellows, including those in subsidiaries managing work undertaken by the University.
2. This policy applies to all Research Projects whether funded or unfunded, as defined in the *Indirect Costs of Research and Consultancies Policy*, with the exception of:
  - a. philanthropic gifts, bequests and endowments (see *Gifts and Fundraising Policy*);
  - b. Student scholarships that are not for a Research Project; and
  - c. procurement activities.
3. Funding received under *Paid Outside Work - the 52 day rule policy* is outside the scope of this policy. This is because any project that includes a research component cannot be undertaken under that policy.

## Definitions

**Commercialise** or **Commercialisation** in relation to IP, means to manufacture, have manufactured, use, sell, offer to sell, import, hire or otherwise exploit the IP, or to license or sublicense any third party to do so, for commercial gain. This includes services using IP or products/processes incorporating or derived from IP.

**Creator** means any University Staff, Student, Visitor or Visiting Fellow who creates, develops or invents any IP whether or not in conjunction with other persons. For the purposes of the Commercialisation Procedure. Creators include inventors and contributors.

**Emeritus Professor** means any person conferred that title under the ANU *Academic Titles Conferral* policy.

**Research** has the meaning set out in the Organisation for Economic Co-operation and Development (OECD) *Frascati Manual (2015)*.

**Honorary Appointee** means any person conferred that title by under the ANU *Academic Titles Conferral* policy.

**Intellectual Property or IP** means all rights, anywhere in the world, whether or not registered or registrable (and including rights of registration and applications for registration) including, but not limited to:

- a. copyright;
- b. inventions and scientific discoveries;
- c. trademarks;
- d. designs;
- e. circuit layouts and the like;
- f. trade secrets;
- g. plant breeder's rights; and
- h. any other rights as defined in Article 2 of the Convention (Dated 14th July 1967) establishing the World Intellectual Property Organisation (as amended from time to time),

**Moral Rights** has the meaning set out in the *Copyright Act 1968* (Cth).

**Staff** means the officers and employees of the University, and includes academic, professional, technical and administrative officers and employees whether employed on a casual, fixed term or permanent basis, Emeritus Professors and Honorary Appointees.

**Student** means a student enrolled in an approved course at the University, or in a course or program of study conducted by or on behalf of the University.

**Visiting Fellow** means a person on whom that title has been conferred by the University in accordance with the ANU *Academic Titles Conferral* policy.

**Visitor** includes a person conferred that title under the ANU *Academic Titles Conferral* policy, and/or, any person given access to University resources for the purposes of undertaking academic study, education, research or development, whether or not in collaboration with the University.

## Policy statement

### University values

4. When developing Research Projects, and negotiating and entering into agreements scaffolding such projects, the University will consider the following four key principles unless there is a compelling reason to depart from them (and approved by the Vice-Chancellor or Vice-Chancellor delegated authority):
  - a. Academic Freedom;
  - b. Recognition and Publication of Academic Work;
  - c. Student Rights and Intellectual Property; and
  - d. Engagement, Impact, Translation and Commercialisation.

#### **Academic Freedom**

5. Academic freedom is fundamental to the life of the University as an institution. The University is committed to original thinking and courage in advancing our ideas. The University is responsible for creating an environment in which University Staff, Students, Visitors and Visiting Fellows are able to pursue knowledge, and speak and write without unreasonable restriction. See the [Academic Freedom and Freedom of Speech Policy](#) and the [Responsible Conduct of Research Policy](#) for further detail.
6. The University seeks to protect its rights to:
  - a. undertake Research Projects that are not constrained by the goal of reaching a certain view or result; and
  - b. appoint Staff, Visitors and/or Visiting Fellows, and recruit Students, without external interference.

#### **Publication and Recognition of Academic Work**

7. The University recognises that career progression for researchers is often dependent on being an acknowledged author of a published work, opinion or advice. In order to both attract leading researchers from around the world and nurture researchers already at the University, we are committed to ensuring this recognition is not compromised.
8. The University seeks to protect the rights of Staff, Students, Visitors and Visiting Fellows to:
  - a. publish findings arising from Research Projects without interference of external entities. Exceptions may only be made if reasonable confidentiality, privacy, commercial, cultural or security considerations require a delay in publication (see the [Open Access Policy](#) for further detail); and
  - b. to assert their moral rights by preventing publications which:
    - i. do not attribute the work to the actual author;
    - ii. present the work in an incomplete manner or different context to that originally intended, written or presented; and/or

- iii. attribute the work to a third party individual or entity.

### **Student Rights and Intellectual Property**

9. One of the key roles of the University is education. Education is both a mechanism to transmit knowledge throughout the community and to foster the next generation of researchers. The University recognises that it has a duty of care towards its Students.
10. The University seeks to protect the rights of Students to:
  - a. be appropriately remunerated for work that results in valuable or concrete outcomes for an external entity (as required by the *Fair Work Act 2009* (Cth));
  - b. have the freedom to undertake Research Projects funded by scholarships without being constrained by the goal of reaching a certain view or result; and
  - c. own the intellectual property rights arising out of their Research Projects. Exceptions may only be made if it is necessary for the Student to agree to assign ownership of their intellectual property to the University (see the [\*Intellectual Property Policy\*](#) and [\*Student Intellectual Property Procedure\*](#) for further detail); and
  - d. own the copyright in their thesis and any other form of course work submitted for examination or assessment.

### **Engagement, Impact, Translation and Commercialisation**

11. The University enables its Staff, Students, Visitors and Visiting Fellows to ensure that the outcomes of their research can have impact beyond academia. The University also supports the translation and commercialisation of relevant intellectual property (see the [\*Intellectual Property Policy\*](#) for further detail).
12. The University will seek to retain ownership of intellectual property (see the [\*Intellectual Property Policy\*](#) and, where this is not possible, will seek to protect its rights to:
  - a. be appropriately remunerated for the value of the research and any encumbrances the external entity may put on the University's further use including:
    - i. a recognition of substantial downstream investment made by others in order for research results to be commercialised; and
    - ii. the principles of competitive neutrality,
  - b. a fair and equitable return of the benefits of research and commercialisation, including a sharing of royalties where appropriate with the inventors/creators (whether Staff, Students, Visitors or Visiting Fellows) and re-investment in teaching and research;

- c. obtain a licence to ensure that research outcomes can be used by the University for publication and further research and teaching purposes including the articulation of results beyond academia and advancing and transmitting knowledge for the betterment of our community, the environment, the nation and the world; and
- d. ensure that University-created Intellectual Property is not used to the detriment of Australia.

### **Stewardship of Public Resources**

- 13. The University is an institution created by an Act of the Commonwealth which receives significant public resources to carry out its aims, including those of research and teaching. The University should thus ensure the appropriate allocation and stewardship of public resources. Very rarely is a Research Project fully funded by wholly private funds (including indirect costs). The University therefore needs to ensure that the results of publicly funded research are used for the benefit of the Australian economy and society and with due recognition of public investment. The University is committed to ensuring that the burdens and benefits of agreements regarding Research Projects reflect this.
- 14. The University seeks to ensure that it:
  - a. does not take on risks that are disproportionate to the monetary value and public benefit of a Research Project. In particular, indemnities will not be provided which would take the project outside of the University's insurance coverage;
  - b. is able to conduct Research Projects without the risk of such projects being terminated or suspended wholly at discretion of an external entity; and
  - c. is fully compensated for work already undertaken if an external entity terminates or suspends funding for a Research Project.

### **Agreements with Certain Industries and Areas**

- 15. The University reserves the right not to enter into any agreement which may damage the reputation of the University or lead to conferring an undue advantage on others from association with the University.
- 16. The University restricts the acceptance of funding from, and collaboration with, entities from certain global and industry spaces. These include:
  - a. entities in breach of any applicable modern slavery law, statute, regulation or code (including but not limited to the *Modern Slavery Act 2018 (Cth)*) because modern slavery practices are major violations of human rights and serious crimes and the Australian Commonwealth has identified that there is a high risk that Australian businesses are exposed to modern slavery risks;

- b. foreign entities where the University considers there is undue risk of foreign interference (see the [Foreign Interference Advisory Committee](#) for further detail) because, under the auspices of the University Foreign Interference Taskforce, the University has agreed to adhere to the 'Guidelines to counter foreign interference in the Australian university sector' developed by the Commonwealth in conjunction with the university sector as set out in <https://www.education.gov.au/guidelines-counter-foreign-interference-australian-university-sector/resources/guidelines-counter-foreign-interference-australian-university-sector>; and
- c. entities primarily funded by the tobacco industry, due to the overwhelming body of evidence that smoking is harmful to health and because the tobacco industry has in the past used research and the reputation of researchers and research institutions in marketing and supporting their products.

17. The University will continue to consider other industries that may require similar restrictions by virtue of past or current practices.

## Document information

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