



Procedure Title:

## Contract Administration Procedures

University Classification & Procedure Number:

B-001-21

Approval Body:

Board of Regents

Responsible Designate:

The Vice-President, Research & Innovation, on behalf of the Board of Regents, is responsible for the development, administration, and review of these Procedures.

Established:

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### 1.0 Procedure Purpose

**1.01** To implement the Contract Administration Policy, the Procedures outlined in this document shall be followed. These Procedures guide activities related to the administration of research, consulting, and scholarly activities conducted by The University of Winnipeg (the University), in accordance with Agreements between the University and external contractors, including governments and private entities.

### 2.0 Definitions

**2.01 Contracts & Agreements:** Refers to a legally binding and enforceable Agreement primarily for the purpose of funding of research related activities, which may include terms and conditions governing the conduct, direction, and scheduling of the tasks to be performed; designating ownership of proprietary rights to the research results; laying out the financial regimen to be followed; and placing other restrictions on the research. This also includes research Agreements such as Material Transfer Agreements, Research Collaboration Agreements, Inter-Institutional Agreements, Memorandum of Understandings, Non-Disclosure Agreements, Research Service Agreements, Clinical Trial Agreements, Data Sharing Agreements that have enforceable conditions that bind the University.

Only the University has the legal authority to enter Contracts and Agreements, and all Contracts and Agreements shall be signed by authority of the Vice-President, Research and Innovation. Faculty members or other employees do not have the authority to enter into Contracts and Agreements on behalf of the University. All or most of the following conditions will normally be present in a Contract:

- a. Outline of the scope and nature of the work;
- b. Roles and responsibilities of those undertaking the research;
- c. A set time period for the activity;

- d. Ownership of intellectual property, patent rights, and licensing arrangements, consistent with the UWFA Collective Agreement unless otherwise waived;
- e. Defined deliverables and/or milestones;
- f. Provision for the confidentiality of information supplied and/or created;
- g. Limitations on publication, including the right to prior review of material for publication to check for confidentiality or intellectual property issues;
- h. Value of the work to be completed;
- i. Budget approvals and payment schedules;
- j. Contribution to the indirect costs of the University (overhead);
- k. Acceptance, renewal, and termination clauses;
- l. Limits to the liability of parties (hold harmless and indemnity clauses);
- m. Contractual compensation after salary recovery; and
- n. Reporting requirements, both narrative and financial.

**2.02 Grant:** Refers to funds that are awarded to enable the performance of self-directed research, where there is no contractual obligation for prescribed outcomes. The following characteristics will normally also be present:

- a. The project is initiated and directed by a principal investigator;
- b. Any project protocol is designed by the principal investigator and can be changed without further approval of the sponsor;
- c. The funds are not attached to a specific performance outcome and cannot be retracted on the basis of level of performance;
- d. The principal investigator may publish findings with no approval process or time delay involving the sponsor;
- e. Any intellectual property arising from the work belongs to the principal investigator or to the University and not to the sponsor;
- f. There is no honorarium or similar payment to the principal investigator;
- g. The project is open, with no proprietary data owned by the sponsor or other contractual commitment regarding intellectual property and no transfer of data or results to the sponsor other than reports as outlined in the original funding Agreement;
- h. The funds are provided in advance of expenditures and not in arrears;
- i. Capital equipment purchased from the funds is the property of the University;
- j. Students are involved where possible; and
- k. Results are intended for public dissemination.

Guidelines related to research Grants may be found in the Research Office Manual, which is available from the Office of the Vice-President, Research and Innovation.

**2.02 University:** The University of Winnipeg as defined by *The University of Winnipeg Act*.

## 3.0 Scope

### 3.01 Faculty

- 3.01.01 Any activities outside of the normal teaching load and normal research (as per The University of Winnipeg Faculty Association Collective Agreement (the Collective Agreement), which involve use of the University name, University facilities (equipment, space, services, etc.), University-supported time, University-supported personnel, or

the University accounting system, related to a Contract are considered Contract activities. Contract activities must be approved by the Vice-President, Research and Innovation and are subject to indirect cost charges.

- 3.01.02 Exceptions to this Policy include: the writing of works of scholarship or research for publication in traditional academic formats; creative works in the performing arts, and seminar presentations and lectures by invitation that relate to a faculty member's area of academic expertise.

### **3.02 Support Services**

- 3.02.01 Any support services provided to external individuals or organizations, for which financial compensation is paid, are considered Contract activities and must be approved by the Vice-President, Research and Innovation or the Vice-President, Finance and Administration, as appropriate, and are administered by the latter. These activities are subject to indirect cost charges in accordance with the Contract Administration Policy & Procedures.

### **3.03 Research Centres and Institutes**

- 3.03.01 Research Centres and Institutes with a research focus that are also agencies within the University will govern their Contract activities according to the Contract Administration Policy & Procedures. Any activities outside normal teaching and research, which involve use of the University name, University facilities (e.g. equipment, space, services, etc.), University-supported time, University-supported personnel, or the University accounting system, related to a Contract, are considered Contract activities and must be approved by the Vice-President, Research and Innovation. These activities are subject to indirect cost charges.

### **3.04 Personal Contracts or Private Consultancies**

- 3.04.01 Personal Contracts and private consultancies for research and similar services negotiated between a faculty member of the University and an external individual or organization, but not approved by the Vice-President, Research and Innovation, will not be accepted for administration by the University, nor may the University name, facilities, staff, resources, or time be used for work carried out under such Contracts, unless explicitly authorized in advance by the Vice-President, Research and Innovation. Such activities will not be recognized for career progress within the University.

## **4.0 Procedure Elements**

### **4.01 University Collection and Distribution of Indirect Costs:**

- 4.01.01 The Vice-President, Research and Innovation is responsible for establishing and updating the Procedures for the administration of this Policy.
- 4.01.02 The indirect costs of research will be recovered using the following guidelines. In cases where a sponsor/funder has a posted rate for universities that is lower than the University rate, that rate may be considered with prior written approval from the Vice President, Research and Innovation.

- 4.01.03 Faculty must include the calculation of the indirect costs of research on any proposal submitted. The Research Office will be responsible for ensuring that the correct rate is charged and that the distribution of funds collected is done according to the guidelines below. This responsibility will coincide with the review of all Contracts and Agreements through the Office of the Legal Counsel.
- 4.01.04 Proposals that do not include the indirect costs of research will not be signed nor submitted. Any proposal submitted without the approval of the Vice President, Research and Innovation that binds the University of Winnipeg in a legal Agreement will be considered a breach of the Responsible Conduct in Research and Scholarship Policy. Faculty members are not authorized signatories on Contracts, Agreements or Grants that bind the University of Winnipeg to a legal obligation.

#### **4.02 Rates to be Charged:**

- 4.02.01 Indirect cost rates will be calculated based on the following guidelines:
- a. **Federal Government:** For research Contracts with a Canadian Federal Government ministry or agency, indirect costs are to be charged at:  
30% of the Contract value
  - b. **Provincial/Municipal Government:** For research Contracts with a Provincial/Municipal Government ministry or agency, indirect costs are to be charged at:  
30% of Contract value
  - c. **Industry:** For research Contracts with industry, indirect costs are to be charged at:  
35% of Contract value
  - d. **Foundations (Canadian and International):** For research Contracts with foundations, indirect costs are to be charged at:  
25% of Contract value for on-campus and/or off-campus work.
  - e. **Non-Profit and Community Based Organizations:**  
15% of Contract value for both on and off campus work.
  - f. **Non-Canadian Government Research Contracts:** For research Contracts with a Non-Canadian government ministry or agency, indirect costs are to be charged at:  
35% of Contract value.
  - g. **Non-Canadian Government Research Grants:** For research Grants with a Non-Canadian government ministry or agency, indirect costs are to be charged at:  
30% of Contract value for on-campus work.

#### **4.03 Allocation of Administrative Overhead:**

The use of funds recovered from indirect costs shall normally be distributed to support the costs of research. Guidelines for the use and distribution of any funds recovered will be determined by the Vice-President, Research and Innovation in consultation with the Vice-President, Finance and Administration.

### **5.0 Relevant Legislation**

Not applicable

### **6.0 Related Policies, Procedures and Institutional Documents**

- Animal Care Policy
- Contract Administration Policy
- Human Ethics
- Institutes and Centres Policy
- Responsible Conduct of Research and Scholarship Policy
- Research Office Manual