

At Your Service: Navigating the Service Agreement World at U of T

with Special Guest STAR **Rachael Ferenbok**,
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March 2020
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Access Check

Access is a shared responsibility between everyone in this space.

- Is there anything (light, sound, temperature, layout) that may affect your participation in this session?
- Are there any other access issues we can address?



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Presentation Goals:

1. Identify faculty process for review and execution of service agreements;
2. Determine criteria for recognizing if an agreement is a service agreement (or a research agreement in disguise); and
3. Identify problematic clauses and understand how they conflict with university policy.



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Presentation Plan:

How are we going to achieve these goals?

1. Online game
2. Identify resources for guidance on administration and execution of service agreements
3. Discuss differences between administration of service agreements and research agreements
4. Identify common misconceptions about Service Agreements
5. Q & A



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Let's Play!

Go to [menti.com](https://www.menti.com) and enter the code:



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Let's play a little game before we get started to test your knowledge of service agreements and service agreement administration

I'm going to put up three statements. You will have 20 seconds to vote for if you think the statement is true or false.

40% overhead is not required for service agreements.

True/False/it depends...?

If it is says service agreement at the top, it is a service agreement.

True/False/it depends...?

My chair or dean has the authority to sign service agreements.

True/False/it depends...?

We will review the answers at the end of the presentation.

Where can I find resources on service agreements?

- Office of the Vice-President, Research and Innovations website at <https://research.utoronto.ca/research-innovation-agreements/service-contracts-agreements>
- Your Division's Guidelines on Service Agreements
- IPO at innovations.partnerships@utoronto.ca



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Unlike research agreements that are submitted through the My Research Application (MRA) portal, service agreements are administered at the divisional level so do not have a central process for review and execution. UofT is a decentralized university which means that each division is responsible for their own budgets. As such, funds for service agreements are administered at the divisional level, not by the central research accounting office (ROCO). The offices of the Dean/Associate Dean, Research and CAO should be consulted before engaging in a service agreement for approval.

Divisional Guidelines:

- Each faculty's Dean/ADR/CAO house the guidelines for review and execution of service agreements; these guidelines were developed by each faculty with the support of the Office of the Vice-President and Provost Office.
- This document outlines the process on who in your faculty needs to be aware of the Service agreements, for the most part, are executed by the Chair or Dean.
- ***** The Faculty of Arts & Science does not have guidelines. Your Chair/Dean will advise on process.**

Central UofT Contact:

- Contact innovations.partnerships@utoronto.ca if you have any questions about service

agreements. If we don't know the answer, we may at least know in which direction to point you.

Service Agreement OR Research Agreement?

- Research permits or protocols?
- Is there potential for Intellectual Property to be developed?
- Does the Principal Investigator intend to publish?
- If students will be hired for the project, how will they be involved?



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Service or research?

It can be difficult to decipher whether an agreement is a research agreement or service agreement. This clarification is important as it will determine where this agreement will be approved and how it will be administered.;

- if Research = MRA, or
- if Service = administered/approved at the division.

Permits or protocols?

- If the project requires any REB or other research permits or protocols, those funds need to be held in a restricted research account even if it is a service agreement. Only restricted research funds can control fund release based on approvals of research permits/protocols.

Intellectual property?

- If Intellectual Property will be developed, it is most likely not a service agreement. As stated in the description on our website "*the goal of a service activity is to apply existing knowledge towards a particular problem or to generate data of limited application*".

Expectation of publishing results?

- The report or deliverable in a service agreement will usually be owned by the Sponsor. If the PI intends to publish, this may conflict with the sponsor's expectations.

Student involvement?

- If students are involved, will the work include their research for their degree requirements? Students' work in service agreements should be limited and not include work they are doing for their thesis or degree requirements.

Policy or Fake News?

- Overhead – 40% on all contracts
- Charging HST
- The agreement is between the sponsor and the Division
- Insurance requirements
- Agreement name vs Agreement type



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In an organization as big as UofT,, it is sometimes hard to know all the official policies. Check out the Governing Council website with the all the policies listed (<https://governingcouncil.utoronto.ca/secretariat/policies>). There are a lot! Well over 100! With so much information out there and with each division having their own polices on top of the central ones, it can be hard to keep up. So let's talk about what is policy and what is just fake news.

Overhead:

UofT standard ask for overhead is 40% on all agreements. Only your Chair or Dean can approve a reduction in OH for both service and research agreements. For a research agreement this will be approved through their approval of the MRA as the OH is listed in the research cost. For service agreements, this approval should come in email from the Chair or Dean.

Tax:

UofT is tax exempt and for the most part does not charge HST. For questions on taxes, consult with your CAO/Finance office.

UofT or Division as Party:

All agreements are with our legal name - The Governing Council of the University of

Toronto, not The University of Toronto. On service agreements, UofT is usually captured as *“XYZ Division as represented by The Governing Council of the University of Toronto”*.

Insurance requirements:

If there are insurance requirements in a service agreement, to ensure that we can agree to the terms, contact John Kerr (jd.kerr@utoronto.ca) in the Risk Management Office. If we need to add a sponsor to our policy for the project, the Risk Management Office can provide those certificates. Please send John Kerr the agreement and specify the insurance clauses you need confirmation.

For WSIB: Some sponsors want proof of WSIB coverage (i.e. some government departments). This can requested through your divisional HR office.

Agreement name:

Agreements come in many shapes, sizes and... names! The name of the agreement on the first page does not necessarily dictate the type of agreement it is. The recitals and expectations from the Sponsor and PI will determine whether or not it is a service agreement or research agreement.

So let's review...

40% overhead is not required for service agreements.

FALSE

If it says service agreement at the top, it is a service agreement.

FALSE

My chair or dean has the authority to sign service agreements.

TRUE



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