

 The University of British Columbia Board of Governors	Policy No.: UP5
Long Title: Ownership and Use of UBC Equipment and UBC Support Services	
Short Title: Equipment/Services Use Policy	

Background & Purposes:

UBC acquires a wide range of equipment, goods and supplies for the purposes of achieving its academic and charitable purposes of teaching, research, scholarly pursuits and community service.

UBC also provides a wide range of support services to facilitate, administer and manage its activities.

The purposes of this Policy are:

- (a) to confirm that all of UBC’s equipment is owned by UBC, and all such equipment and all of UBC’s support services are to be used primarily for the achievement of UBC’s purposes; and
- (b) to formalize a responsible approach to the use of any excess capacity of UBC’s equipment and services in exceptional circumstances, whether for third party purposes that advance research, knowledge exchange, collaboration, innovation, and entrepreneurship, or incidental personal purposes.

Defined terms are capitalized and can be found in Section 5 of this Policy.

1. Scope

- 1.1 This Policy governs the use of UBC Equipment and UBC Support Services by all persons, regardless of their identity or their connection with UBC.
- 1.2 This Policy does not govern the booking of indoor and outdoor space, which is the subject matter of the Space Rental Policy. However, should a space booking or rental governed by the Space Rental Policy be primarily for the purpose of accessing a particular piece of equipment contained in a space, this Policy and its Procedures apply together with the Space Rental Policy and must be reflected in the rate structure and rules established by the unit responsible for administering the space, and must be reflected in any agreement entered into for the space booking.

- 1.3 This Policy does not govern the approvals for the use of UBC Equipment and Related Technical Services that are included in “Fee-for-Service Projects” entered into pursuant to the Research Policy.
- 1.4 This Policy establishes generally applicable principles and requirements regarding UBC Equipment and UBC Support Services. Should another Board of Governors policy govern a specific category of UBC Equipment and UBC Support Services, both Policies shall govern, except that the specific Policy will govern should there be any inconsistency with this general Policy.

2. UBC Equipment belongs to UBC

- 2.1 All UBC Equipment belongs to UBC and is to be used primarily for the achievement of UBC’s purposes.
- 2.2 The Equipment Administrator is primarily responsible for ensuring that the UBC Equipment and any Related Technical Services within their unit’s purview are used in accordance with this Policy.
- 2.3 Each person using UBC Equipment must comply with this Policy and is responsible to the Equipment Administrator for their use of UBC Equipment.

3. UBC Support Services Primarily Benefit UBC

- 3.1 All UBC Support Services are to be provided primarily for the achievement of UBC’s purposes.
- 3.2 The Support Services Administrator is primarily responsible for ensuring that the UBC Support Services provided by their unit are used in accordance with this Policy.
- 3.3 Each person utilizing UBC Support Services must comply with this Policy.

4. Excess Capacity

UBC Equipment

- 4.1 Except in exceptional circumstances that comply with this Policy and its Procedures, the Excess Capacity of any UBC Equipment may not be used for Non-UBC Purposes.
- 4.2 The Equipment Administrator is primarily responsible for determining whether any UBC Equipment within their unit’s purview has Excess Capacity. Should there be any doubt or dispute within a unit about whether a piece of UBC Equipment has Excess Capacity, the Equipment Administrator may make a determination and may seek direction or advice from the Responsible Executives or their delegates before doing so.

UBC Support Services

- 4.3 Except in exceptional circumstances that comply with this Policy and its Procedures, the Excess Capacity of any UBC Support Service may not be used for Non-UBC Purposes.

- 4.4 The Support Services Administrator is primarily responsible for determining whether the UBC Support Service has Excess Capacity. Should there be any doubt or dispute about Excess Capacity, the Support Services Administrator may make a determination and may seek direction or advice from the Responsible Executives or their delegates before doing so.

5. Definitions

- 5.1 **“Equipment Administrator”** means with respect to UBC Equipment utilized primarily by:
- 5.1.1 a faculty, the Dean of that faculty, or their delegate(s);
 - 5.1.2 the UBC Library, the University Librarian, or their delegate(s); and
 - 5.1.3 an administrative unit of UBC, the Vice-President to which that administrative unit reports, or their delegate(s).

Should UBC Equipment be utilized by two or more faculties, or two or more administrative units, the relevant Deans and Vice-Presidents shall act jointly as the Equipment Administrator and may separately or jointly appoint delegates.

- 5.2 **“Excess Capacity”** is the difference between the full, useful capacity of a piece of UBC Equipment or an UBC Support Service, and the capacity of the property or service actually being utilized for UBC’s purposes. For example, Excess Capacity may be found where a piece of UBC Equipment is needed to conduct UBC business or fulfill UBC purposes, but there are periods of time when the UBC Equipment is not being utilized.
- 5.3 **“Non-UBC Purposes”** means purposes other than those that serve UBC’s purposes.
- 5.4 **“Related Technical Services”** means the services of an operator or technician, required to properly, safely and effectively operate a particular piece of UBC Equipment.
- 5.5 **“Support Services Administrator”** means with respect to UBC Support Services provided by:
- 5.5.1 a faculty, the Dean of that faculty, or their delegate(s);
 - 5.5.2 the UBC Library, the University Librarian, or their delegate(s); and
 - 5.5.3 an administrative unit of UBC, the Vice-President to which that administrative unit reports, or their delegate(s).
- 5.6 **“UBC Equipment”** means, for the purposes of this Policy, all property purchased, leased, created/fabricated, or otherwise acquired by UBC, whether using UBC funds including Research Funds (as defined in Research), whether donated or otherwise gifted to UBC, or whether created/fabricated in the course of regular duties of UBC faculty and staff. For greater certainty, in this Policy:
- 5.6.1 UBC Equipment includes resources such as: laboratory test and research apparatus and equipment; non-laboratory equipment such as musical instruments and audio visual

equipment; office equipment and supplies (e.g. computers, servers, telephones (land and mobile), copiers/scanners, stationary etc.); vehicles (e.g. passenger cars, vans, trucks, delivery vehicles, tractors, boats, and scissor lifts); etc.; and

5.6.2 UBC Equipment excludes intellectual property, real property (e.g. land, buildings, etc.), and property where UBC has disclaimed ownership in accordance with the Research Policy.

5.7 **“UBC Support Services”** mean services provided by UBC employees for the purposes of supporting, facilitating, administering and managing the delivery of the teaching, instruction and Research (as defined in the Research Policy) and related activities fulfilling UBC’s purposes, and includes, without limitation, administrative support services, building operations services, campus mail services, campus moving services, campus security, etc.



PROCEDURES ASSOCIATED WITH THE EQUIPMENT/SERVICES USE POLICY

Pursuant to the Regulatory Framework Policy, the President may approve Procedures or the amendment or repeal of Procedures. Such approvals must be reported at the next meeting of the UBC Board of Governors or as soon thereafter as practicable.

Capitalized terms used in these Procedures that are not otherwise defined herein shall have the meanings given to such terms in the accompanying Policy, being the Equipment/Services Use Policy.

1. General Restrictions on Use for Non-UBC Purposes

- 1.1 UBC Equipment and UBC Support Services may be used for Non-UBC Purposes only if they meet all the following principles as well as any regulations adopted under Sections 2.3 and 2.4 below:
 - 1.1.1 the use must be incidental to the primary use of the UBC Equipment and UBC Support Service, meaning that the use does not interfere with the use of the UBC Equipment or performance of the UBC Support Service, for their respective primary UBC purposes;
 - 1.1.2 the use must not result in any costs or increase in costs to UBC; and
 - 1.1.3 all uses must be in accordance with all of UBC's policies and procedures, including (without limitation) the COI Policy, and in respect of use of electronic equipment, and the Information Systems Policy.

2. Incidental Personal Uses

- 2.1 Without limiting the definition of Non-UBC Purposes as set out in the Policy, Non-UBC Purposes include:
 - 2.1.1 “**Incidental Personal Uses**”, which mean uses that primarily benefit the UBC faculty or staff member using, or directing someone else to use, the UBC Equipment or an UBC Support Service, such as use of electronic resources for personal reading and entertainment during off-hours, receiving a very small number of personal deliveries, making a very small number of copies or prints related to personal or volunteer activities, etc.
- 2.2 Should any person have any uncertainty, concerns, or questions regarding whether a particular activity falls within the definition of an Incidental Personal Use, they should speak with the Equipment Administrator or the Support Services Administrator (as the case may be) before proceeding with the activity.

- 2.3 The Equipment Administrator may adopt regulations regarding Incidental Personal Uses of any Excess Capacity of UBC Equipment of their unit, provided that the regulations are not more permissive than Section 1.1 of these Procedures. All persons using the UBC Equipment must adhere to these regulations.
- 2.4 The Support Services Administrator may adopt regulations setting out terms and conditions regarding Incidental Personal Use of any Excess Capacity of any UBC Support Service (including cost-recovery, service levels, and accommodations for departmental needs and circumstances), provided that the regulations are not more permissive than Section 1.1 of these Procedures. All persons delivering, receiving or otherwise utilizing the UBC Support Services must adhere to these regulations.

3. Third Party Uses

- 3.1 Without limiting the definition of Non-UBC Purposes as set out in the Policy, Non-UBC Purposes include:
 - 3.3.1 “**Third Party Uses**”, which mean uses that primarily benefit:
 - (a) a faculty or staff member’s commercial and non-commercial pursuits outside of their employment at UBC (i.e., which do not form a part of their job description); and
 - (b) outside or third-party entities, including business organizations (e.g. corporations, partnerships etc.), associations, foundations and societies that are established as separate entities from UBC (even if UBC is a member, shareholder, etc.).
- 3.2 For the purposes of this Article 3, the term “**Administrator**” means either the Equipment Administrator or the Support Services Administrator, as relevant in the circumstances.
- 3.3 The Excess Capacity of any UBC Equipment must not be used for Third Party Uses, except in exceptional circumstances approved in advance by the Equipment Administrator.
- 3.4 The Excess Capacity of any UBC Support Service must not be used for Third Party Uses unless permitted by the Support Services Administrator, except that Related Technical Services may be provided in conjunction with the use of UBC Equipment as set out in this Section, below.
- 3.5 No Administrator is obligated to authorize any Third Party Uses. However, should the person seeking authorization of a Third Party Use demonstrate to the satisfaction of the Administrator that the UBC Equipment or UBC Support Service has Excess Capacity (for example, it is not required by others within the same unit, or other UBC units, departments or faculties, for the achievement of UBC’s purposes), and that it is otherwise appropriate for the Excess Capacity to be utilized for a Third Party Use, the Administrator may issue an authorization in accordance with the following principles:
 - 3.5.1 All other applicable UBC faculty, departmental or unit policies, guidelines or regulations must be complied with.

- 3.5.2 Any restrictions upon the use of the UBC Equipment or the UBC Support Service (e.g. in funding agreements, funding agency policies, donor arrangements, import or purchase conditions, etc.) must be complied with.
- 3.5.3 Appropriate safeguards must be in place to protect the UBC Equipment from misuse, damage, and theft.
- 3.5.4 UBC Equipment, Related Technical Services and UBC Support Services are not to be used to perform regular, routine tests or functions in competition with the private sector, or otherwise to provide a private benefit to particular individuals or organizations.
- 3.5.5 If the person seeking to utilize the UBC Equipment, Related Technical Services (if applicable) or UBC Support Service is a UBC Person as defined in the COI Policy, that policy must be considered and complied with.
- 3.5.6 The Administrator must ensure that UBC is compensated for the Third Party Use. Compensation must be reasonable, and generally ought to be market value (the highest price that two parties acting at arm's length would agree on), and achieve direct cost recovery and appropriate indirect cost recovery (alternatively referred to as "overhead").

A relevant consideration affecting the determination of the amount required for indirect cost recovery is UBC's generally applicable indirect recovery rate on industry funding, as established pursuant to the Research Policy.

Third Party Uses that only indirectly advance UBC's purposes (e.g. UBC faculty, staff or student-led entrepreneurial initiatives, etc.) are not exempt from the requirement for reasonable compensation, as determined by the Administrator.

3.6 Should the Administrator authorize the Third Party Use of the Excess Capacity of UBC Equipment (with or without Related Technical Services) or UBC Support Services:

- 3.6.1 The Administrator must ensure that the arrangement is formalized by way of a written agreement, which agreement must:
 - (a) details all arrangements, including the time period covered, insurance and transportation arrangements where applicable, liability and financial terms;
 - (b) be reviewed and approved by the Vice-President, Research and Innovation, or their delegate, if the UBC Equipment in question (if any) is laboratory test or research equipment of any description; and
 - (c) be signed in accordance with the relevant UBC signing authority (which is determined with reference to the Signing Resolutions adopted by the Signing Committee of the UBC Board of Governors); and
- 3.6.2 Unless otherwise directed by the Vice-President, Finance and Operations, all monies received from Third Party Uses will normally be retained, recorded, and shown in the

accounts of the unit(s) responsible for the UBC Equipment, Related Technical Services, or the UBC Support Services (as the case may be).



EXPLANATORY NOTES REGARDING THE EQUIPMENT/SERVICES USE POLICY AND ASSOCIATED PROCEDURES

Issued July 2019 by the Office of the University Counsel

The OUC has prepared these Explanatory Notes to provide context and background regarding the Equipment/Services Use Policy. These Explanatory Notes do not replace or supersede the content of the Equipment/Services Use Policy and its Procedures.

Policy Long Title: Ownership and Use of UBC Equipment and UBC Support Services

Policy Short Title: Equipment/Services Use Policy

Policy Number: UP5

Responsible Executive: Vice-President, Finance and Operations
Vice-President, Research and Innovation

Responsible Board Committee: Property Committee

Related Policies: LR2 - Research Policy
UP9 - Space Rental Policy

History:

- The Equipment/Services Use Policy was first approved by the Board of Governors in February 1981;
- The Equipment/Services Use Policy was revised in June 2019;
- The Procedures to the Equipment/Services Use Policy were first approved by the Board of Governors in June 2019;
- The Equipment/Services Use Policy was updated in July 2019 to reflect a new policy identification system; it is currently identified as the Equipment/Services Use Policy, its long title is Ownership and Use of UBC Equipment and UBC Support Services, and its number is UP5. The previous identification number for this policy was #16;
- The Policy and Procedures were updated in September 2019 to reflect current position titles.

Related Legislation: N/A