



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

COPYRIGHT AND ATTRIBUTION POLICY

This policy applies to all research carried out for the Law Commission of Ontario and papers and other documents prepared for the LCO, and to all persons engaged in that work, including staff members, students, contract researchers, the OHLS LCO Scholar in Residence, other academics who have been given release in any form to carry out research for or to prepare papers or other documents for the LCO and the counsel seconded from the Ministry of the Attorney General. It applies to persons paid by the LCO or who are volunteering for the LCO.

1. STAFF MEMBERS AND STUDENTS

For the purpose of this section, the MAG LCO Counsel in Residence will be considered a “staff member”.

All staff members and students assigned work for the LCO in either a paid or volunteer capacity shall be considered to be undertaking work for the LCO and not in their own capacity. The work assigned may be research and/or the preparation of consultation and discussion papers, interim and final reports, policies and other similar documents, and presentations related to the LCO. The contribution of those who have participated in the preparation of a final report is acknowledged in the final report by reference to such participants by name.

The LCO holds copyright in any work completed for the LCO by staff members and students in either a paid or volunteer capacity. Permission of the executive director is required for those identified in this section to use any work prepared for the LCO in their personal capacity. In such cases the creation of the work for the LCO or reliance on research undertaken for the LCO shall be acknowledged in any subsequent publication or presentation and the individual shall indicate that the subsequent work reflects their views and not necessarily those of the LCO.

2. OHLS LCO SCHOLARS IN RESIDENCE

Section 1 of this Policy applies to OHLS LCO scholars in residence who undertake work on behalf of the LCO. In particular, the LCO recognizes that scholars in residence may subsequently wish to use the research undertaken for the LCO or a modified version of written work prepared for the LCO for their own purposes and they may do so with the permission of the executive director, acknowledging that the research used in the subsequent work was undertaken for the LCO or that the written work is a revised version of work prepared for the LCO.

OHLS LCO Scholars who undertake their own research during their time as scholar in residence may use their research as they consider appropriate. Scholars are requested to acknowledge their tenure as scholar and support of the LCO in any written work or presentation resulting from the research undertaken during their tenure as scholar.

This provision applies to scholars in residence from other Ontario law schools if scholar in residence or any virtual scholar in residence program is established with other law schools.

3. CONTRACT RESEARCHERS

From time to time, the LCO retains contract researchers to carry out research and, in some cases, write discussion papers or reports. In developing a policy about ownership of these materials and giving credit for them, it is important to consider the interests of both the LCO and the contract researchers, including the LCO's interest in retaining the discretion to disseminate materials produced for it and the contract researchers' interest in receiving credit for the work they produce for the LCO. This is of particular significance for academic researchers for whom the work they produce for the LCO may be relevant for promotion or tenure applications or provides the basis of other written work or presentation to be included in their curriculum vitae or in conjunction with promotion or tenure applications.

Contract researchers will assign copyright to the LCO. Contract researchers retain the moral rights to their work. Materials resulting from the work of contract researchers will be the property of the LCO to use as the LCO considers appropriate. Although in the normal course, the LCO will use the materials produced by contract researchers in some form, the LCO retains the discretion to use the material or not to use the material. Materials may appear in hard copy or on the internet or in any other format.

Without limiting the use of the materials, the LCO may publish the material as written, select portions of the material or include the materials among other materials. In doing so, the LCO undertakes to respect the intent of the author. The LCO may post commissioned research papers on its website; however, it will indicate that the views and conclusions expressed in such papers do not necessarily reflect the views of the LCO.

Contract researchers will be given credit for the work they produce when the LCO publishes materials resulting from their research in any format. For example, if a contract researcher produces a discussion paper, should the LCO publish the paper, it will identify the contract researcher as the author. If the LCO combines the work of several researchers to produce synthesized material, the researchers will be given credit for their contributions to the synthesized material; contributions will be used in a way that maintains their integrity. The LCO may publish collections of research and discussion papers on particular project topics and will, in these cases, identify the author(s) of each separate contribution to the collections. The LCO's objective will be to ensure that contract researchers receive public credit for authorship of materials they produce.

Contract researchers may include reference to the materials they have produced in their curriculum vitae or other lists of their scholarship, but may not publish the material in any format without the LCO's permission, as granted by the executive director.

Contract researchers may write separate materials, such as articles, or give presentations arising out of the work they did for the LCO, but must acknowledge that they initially carried out the research as a contract researcher for the LCO and that the views expressed in any subsequent work are not necessarily those of the LCO.