

 <p><b>The University of British Columbia Board of Governors</b></p>	<p><b>Policy No.:</b></p> <p style="text-align: center;"><b>85</b></p>	<p><b>Approval Date:</b> January 1995</p> <p><b>Last Revision:</b> [March 2013 anticipated]</p>
	<p><b>Responsible Executive:</b> Vice President, Research and International</p>	
<p><b>Title:</b></p> <p style="text-align: center;"><b>Scholarly Integrity</b></p>		
<p><b>Background &amp; Purposes:</b></p> <p>The University recognizes that teaching, research, scholarship and creative activity are most likely to flourish in a climate of academic freedom. The University will strive to provide an environment that supports the best research and academic practices and that fosters UBC Persons’ abilities to act honestly, accountably, openly and fairly in the search for, and dissemination of, knowledge. The University community has always recognized the necessity for maintaining the highest ethical standards in the conduct of Scholarly Activities. UBC Persons are expected to assume direct responsibility for the intellectual and ethical quality of their work.</p> <p>The purposes of this Policy are:</p> <ul style="list-style-type: none"> <li>- to promote scholarly integrity among UBC Persons;</li> <li>- to promote education on, and awareness of, the importance of the responsible conduct of scholarly activity;</li> <li>- to proscribe activities which breach generally acceptable standards of scholarly conduct;</li> <li>- to reflect the requirements set out in the <i>Tri-Agency Framework: Responsible Conduct of Research</i>; and</li> <li>- to provide a process for dealing with allegations of Scholarly Misconduct.</li> </ul>		

**1. Scope**

1.1. This Policy applies to all UBC Persons who engage in Scholarly Activity.

**2. Promoting Scholarly Integrity**

2.1. UBC Persons shall strive to follow the best research and academic practices honestly, accountably, openly and fairly in the search for and in the dissemination of knowledge. In addition, UBC Persons shall follow the requirements of all applicable University and other policies and professional or disciplinary standards and shall comply with applicable laws and regulations. At a minimum, UBC Persons are responsible for the following:

- 2.1.1. Using a high level of rigour in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data and findings;
- 2.1.2. If they are a principal investigator in any research project, ensuring that the research conditions applicable to the research project are adequately articulated in writing and disseminated to all members of the research team prior to engagement in the project. The written conditions should include a clear description of agreed upon ownership of the products of the research, including but not limited to ownership of the research data;

- 2.1.3. Keeping complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with any applicable funding agreement, University policies, applicable laws, regulations, and professional or disciplinary standards, in a manner that will allow verification or replication of the work by others. This includes recording all primary data in clear, adequate, original and chronological form, and retaining primary data in a repository from which it cannot be removed, regardless of ownership. Data should be retained for at least five years after the work is published or otherwise presented (if the form of the data permits this, and if assurances have not been given that data would be destroyed to assure anonymity). Data should be retained in its original medium, or transferred to a secondary medium provided that the transfer process is fully validated, the person who transfers the data from the original to the secondary medium attests that the secondary documents are true copies of the respective primary data, including any and all notations, corrections, or other changes made to the original data prior to the creation of the secondary documents;
- 2.1.4. Referencing and, where applicable, obtaining permission for the use of all published and unpublished work, including data, source material, methodologies, findings, graphs and images;
- 2.1.5. Including as authors, with their consent, all those and only those who have materially or conceptually contributed to, and share responsibility for, the contents of the document, in a manner consistent with their respective contributions and the authorship policies of relevant publications;
- 2.1.6. Acknowledging, in addition to authors, all contributors and contributions, including writers, funders and sponsors;
- 2.1.7. Ensuring that all inventors listed on a patent application have made an inventive contribution to the invention;
- 2.1.8. If they hold a supervisory position, taking an active role in supervising and training new UBC Persons on the responsible conduct of Scholarly Activity;
- 2.1.9. Appropriately managing any real, potential or perceived conflict of interest, in accordance with the University's policy on conflict of interest and in accordance with the applicable conflict of interest requirements of any funders;
- 2.1.10. Providing true, complete and accurate information in their funding applications and related documents and representing themselves, their research and their accomplishments in a manner consistent with the norms of the relevant field;
- 2.1.11. Complying with the policies of any applicable funders when using grant or award funds, and for providing true, complete and accurate information on documentation for expenditures from grant or award accounts;
- 2.1.12. Ensuring that others listed on applications for funding have agreed to be included;
- 2.1.13. Complying with all applicable requirements and legislation for the conduct of research; and
- 2.1.14. Being proactive in rectifying any Scholarly Misconduct, for example, by correcting the research record, providing a letter of apology to those impacted by the Scholarly Misconduct, or repaying funds.

- 2.2. The Vice-President will publish public statistical annual reports on confirmed findings of breaches of this Policy and any actions taken, subject to applicable laws, including the privacy laws.

### 3. **Scholarly Misconduct**

- 3.1. UBC Persons involved in Scholarly Activity must not commit Scholarly Misconduct.
- 3.2. “Scholarly Misconduct” means conduct that deviates from that which is acceptable within the relevant scholarly community, and includes, but is not limited to:
  - a. Plagiarism;
  - b. re-publication or re-submission of one’s own previously published or submitted work or part thereof, or data, in the same or another language, without adequate acknowledgment of the source, or justification;
  - c. Fabrication or Falsification;
  - d. conflict of scholarly interest, such as suppressing the publication of the work of another scholar;
  - e. the dishonest evaluation of another’s Scholarly Activity;
  - f. an unfair and unjustified evaluation of a student’s work;
  - g. failure to comply with the University’s policies and procedures on research;
  - h. failure to obtain all required approvals for research (including research involving animal and human subjects, biohazards, radioisotopes, and environmental effects), or failure to conduct such research in accordance with the protocols prescribed;
  - i. conduct that contravenes guidelines or procedures on scholarly integrity that are adopted by a faculty for scholarly communities within that faculty;
  - j. failure to give appropriate recognition, including authorship, to those who have made a material intellectual contribution to the contents of the publication or research project, and only those people;
  - k. failure to equitably allocate interest of inventorship in proportion to the intellectual contribution of the contributors;
  - l. the use of unpublished work of other researchers and scholars without proper permission or without due acknowledgement;
  - m. the use of archival material in contravention of the rules of the archives;
  - n. prior to public disclosure, the use of new information, concepts or data originally obtained through access to confidential manuscripts or applications for funds for research or training as a result of processes such as peer review without obtaining permission of the author;
  - o. failure to use rigour and integrity in obtaining and analyzing data, and in reporting and publishing results;

- p. failure to comply with the terms and conditions of funders when applying for and using research funds;
- q. Breaches of Tri-Agency Policies;
- r. failure to disclose to the University, journals, funders or those requesting opinions, any conflict of interest, financial or other, that might influence their decisions on whether the individual should be asked to review manuscripts or applications, test products or be permitted to undertake work funded by outside sources; and
- s. failure to respect the intellectual property rights of others in the conduct of research, the development of academic materials, and the dissemination of results,

but does not include situations of: honest and reasonable error; conflicting data; valid differences in experimental design; or in interpretation or evaluation of information.

- 3.3. The University will investigate allegations of Scholarly Misconduct made against those to whom this Policy applies in accordance with the procedures established under this Policy.
- 3.4. All UBC Persons are personally responsible for the intellectual and ethical quality of their work and must ensure that their Scholarly Activity meets University standards. However, UBC Persons who have failed to exercise reasonable care in directing and supervising UBC Persons who have committed Scholarly Misconduct may share in the responsibility and be subject to discipline accordingly.
- 3.5. Acts of Scholarly Misconduct may be committed with varying degrees of intent. It is recognized that the borderline between scholarly incompetence, carelessness and negligence, on the one hand, and intentional dishonesty, on the other, may be very narrow. The result is objectionable in any case, even if different degrees of discipline are appropriate.
- 3.6. The University will not tolerate any retaliation, directly or indirectly, against anyone who, in good faith, makes an allegation, gives evidence, or otherwise participates in a process under this Policy.

#### **4. Definitions**

- 4.1. “Breaches of Tri-Agency Policies” means any breach of Tri-Agency policy as defined in the *Tri-Agency Framework: Responsible Conduct of Research*, and includes, but is not limited to: breaches of the Tri-Agency Research Integrity Policy; misrepresentation in an Agency application or related document; mismanagement of grants or award funds; and breaches of Agency policies or requirements for certain types of research.
- 4.2. “Fabrication” means making up data, source material, methodologies or findings, including graphs and images.
- 4.3. “Falsification” means manipulating, changing, or omitting data, source material, images, or findings.
- 4.4. “Plagiarism” means presenting and using another’s published or unpublished work, including theories, concepts, data, source material, methodologies or findings, including graphs and images, as one’s own, without appropriate referencing and without permission.

- 4.5. “Scholarly Activity” means teaching, research, scholarship or artistic/creative activity carried out in the course of a UBC Person’s work or studies at the University and includes activities that would be appropriate for inclusion on a curriculum vitae or in an Annual Report to a Department Head.
- 4.6. “Scholarly Misconduct” has the meaning provided in section 2.2 of this Policy.
- 4.7. “Secretariat on Responsible Conduct of Research” means the body that administers the *Tri-Agency Framework: Responsible Conduct of Research* on behalf of the Tri-Agencies.
- 4.8. “Tri-Agency” and “Tri-Council Agency” means the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC), collectively.
- 4.9. “*Tri-Agency Framework: Responsible Conduct of Research*” means the policy addressing integrity in research and scholarship issued by the Tri-Council Agencies.
- 4.10. “UBC Persons” means full-time and part-time faculty and staff of the University, and any other person who teaches, conducts research, or works at or under the auspices of the University (including but not limited to students, adjunct and sessional faculty, librarians, program directors, post-doctoral fellows, emeriti and those holding a visiting appointment).
- 4.11. “Vice-President” means the Vice-President Research & International.

## **PROCEDURES**

**Approved: May 2001**

**Revised: [March 2013 anticipated]**

*Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors."*  
*Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.*

### **1. General**

- 1.1. The University will exercise its authority and discretion under these Procedures in conformity with the principles of procedural fairness in the university context.
- 1.2. The complainant and the respondent may have a representative or support person present at any time during the process outlined under these Procedures. Members of unions and employee associations have all rights to representation that their collective agreements confer.
- 1.3. All matters relating to Scholarly Misconduct, including confidential enquiries, allegations of Scholarly Misconduct, and information related to allegations, are to be sent to the Vice-President. The Vice-President is normally sufficiently at arm's length so as to be viewed as impartial and free of personal conflicts of interest. If the Vice-President determines that it would be inappropriate to address a particular allegation for whatever reason, the allegation may be referred to the Vice-President, Academic who will then assume all of the responsibilities of the Vice-President under these Procedures.
- 1.4. The University respects the sensitive nature of the information that individuals may provide under these Procedures. Such information will only be disclosed to those within the University who need the information to properly deal with the matters that have been raised, or to external agencies to which the University is required to provide such information, such as the Tri-Council Secretariat on Responsible Conduct of Research. All records are maintained by the University in accordance with the *B.C. Freedom of Information and Protection of Privacy Act* and other applicable laws and orders of the Courts, and other bodies having jurisdiction over such matters.

### **2. Allegations**

- 2.1. An allegation of Scholarly Misconduct may come from various sources inside or outside the University. For example, the allegation may come from a UBC Person, a granting source, a member of the general public, a media report, or an anonymous source.
- 2.2. The ability of the University to investigate an allegation may be hampered if it is from an anonymous source, or if an allegation is not made in writing, and in some cases the University may be unable to proceed.
- 2.3. Subject to any applicable laws, including privacy laws, the University will advise the relevant Tri-Council Agency or the Secretariat on Responsible Conduct of Research immediately if it receives any allegations related to activities funded by a Tri-Council Agency that may involve significant financial, health and safety, or other risks. In cases where the source of funding is unclear, the University may be obligated to provide information to the Secretariat on Responsible Conduct of Research.

### **3. Authority of the Vice-President**

- 3.1. In the case of multiple allegations involving the same respondent(s), the Vice-President may consolidate the allegations. In cases of collaborative research involving other institutions, the Vice-President may modify these Procedures to facilitate the conduct of parallel or joint investigations or as otherwise deemed appropriate by the Vice-President.
- 3.2. At any time, the Vice-President may do any or all of the following in relation to an allegation:
  - a. close down and declare “off limits” facilities used for the Scholarly Activity that is the subject matter of the allegation;
  - b. protect the administration of University and outside funds involved in the Scholarly Activity that is the subject matter of the allegation by freezing grant accounts, requiring a second authorized signature from a University representative on all expenses charged to the respondent’s grant accounts, or other measures as appropriate;
  - c. obtain and retain relevant documentation (e.g. lab notes, computer disks, hard drives, proof of credentials); and
  - d. take such other action as the Vice-President deems appropriate in order to ensure that evidence is preserved and that further possible misconduct or damage cannot occur while the process outlined under these Procedures is carried out.

### **4. Inquiry**

- 4.1. Upon receipt of an allegation, the Vice-President will conduct an inquiry to establish whether an allegation is responsible and whether an investigation is warranted. A responsible allegation is one that is made in good faith, which is based on matters which have not been the subject of a previous allegation, and which falls within the jurisdiction of the Policy. As part of the inquiry, the Vice-President may do any or all of the following:
  - a. inquire into the allegation further;
  - b. request that the relevant unit of the University review the allegation, or some aspect of the allegation, and report to the Vice-President; and
  - c. appoint an individual(s) to review the allegation, or some aspect of the allegation, and report to the Vice-President.
- 4.2. At the conclusion of the inquiry, the Vice-President may do any or all of the following:
  - a. dismiss the allegation, or some aspect of the allegation;
  - b. appoint an Investigative Committee to investigate the allegation, or some aspect of the allegation; and
  - c. take such other action as the Vice-President deems appropriate.
- 4.3. At the conclusion of the inquiry, the Vice-President will inform the complainant and the respondent, and their respective Deans, Directors or Department Heads, of the outcome of the inquiry. In cases where the Secretariat on Responsible Conduct of Research was copied on the allegation, or where the

Secretariat was advised of the allegation by the Vice-President as set out under section 2.3 above, the Vice-President will also write to the Secretariat confirming whether or not the University is proceeding with an investigation of the allegation.

4.4. The inquiry process will normally be completed within two months of receipt of the allegation.

## **5. Investigation**

- 5.1. If the Vice-President has determined that an investigation is warranted, he or she will appoint an Investigative Committee comprised of three individuals, at least one of whom will be external with no current affiliation with the University. The members of the Investigative Committee must be without conflict of interest, whether real or apparent, and must include members who have the necessary expertise.
- 5.2. The mandate of the Investigative Committee is to investigate the allegation and determine on a balance of probabilities whether Scholarly Misconduct has occurred, and if so, its extent and severity, and the degree of intent on the part of the respondent. The determination is made by majority vote.
- 5.3. The complainant and the respondent will be provided with an opportunity to be heard as part of the investigation. The Investigative Committee may also review any Scholarly Activity relevant to the allegation, including any abstracts, papers or other methods of scholarly communication. A special audit of accounts may also be performed on any relevant sponsored research accounts.
- 5.4. The Investigative Committee has the right to examine any University documents and question any UBC Person during its investigation. All UBC Persons must cooperate fully with the Investigative Committee and make available any documents requested by the Investigative Committee.
- 5.5. The Investigative Committee must attempt to ensure that it is cognizant of all real or apparent conflicts of interest on the part of those involved in the investigation, including both the complainant and the respondent.
- 5.6. The Investigative Committee may seek impartial expert opinions and advice, as it deems necessary or appropriate, to ensure the investigation is thorough and authoritative.
- 5.7. In the investigation process, the respondent has the right to know the allegation under investigation and to respond fully.
- 5.8. The investigation will normally be completed within three months of the Vice-President appointing an Investigative Committee to investigate an allegation.

## **6. Report of the Investigative Committee**

- 6.1. Upon completion of its investigation, the Investigative Committee will prepare a written report addressed to the Vice-President including its determination as to whether Scholarly Misconduct occurred and its recommendations. The report will contain:
  - a. the allegation;
  - b. a list of the witnesses interviewed and a summary of the information they provided;
  - c. a summary of the relevant material reviewed;



- d. findings of fact based on the information gathered during the investigation;
  - e. a determination as to whether Scholarly Misconduct occurred;
  - f. if Scholarly Misconduct has occurred, a determination as to its extent and severity, and the degree of intent on the part of the respondent; and
  - g. recommendations on any remedial action to be taken and/or changes to procedures or practices to avoid similar situations in the future.
- 6.2. Recommendations of the Investigative Committee may include, without limitation:
- a. withdrawing any relevant articles, papers or other documents that have been submitted for publication but not yet published;
  - b. notifying publications in which any relevant Scholarly Activity was reported;
  - c. ensuring that the units involved are informed of appropriate practices for promoting scholarly integrity;
  - d. informing any outside funders of the results of the investigation and of actions to be taken; and
  - e. any other appropriate action to be taken, other than discipline.
- 6.3. The Investigative Committee will normally deliver its report to the Vice President, and to the complainant and the respondent, within one month of the completion of its investigation.

## **7. Recourse and Accountability**

- 7.1. If the Investigative Committee determines that Scholarly Misconduct has not occurred, the Vice-President will make a final decision on what action, if any, is necessary in light of the Investigative Committee's report and will send a copy of the report and communicate that decision to the President, and to the complainant and the respondent and their respective Deans, Directors, or Department Heads, as appropriate. In such instances, every reasonable effort will be made by the Vice-President to protect or restore the reputation of the respondent as appropriate. The Vice-President will normally make a final decision and communicate that decision within one month of receipt of the Investigative Committee's report.
- 7.2. If the Investigative Committee determines that Scholarly Misconduct has occurred, the Vice-President will forward the Investigative Committee's report:
- a. In the case of a student, to the President. Taking into account the severity of the breach, the President will make a final decision as to what discipline or other action, if any, is appropriate and will send a copy of the report and communicate that decision in writing to the student, the student's Dean, and the Vice-President. The President will normally make a final decision and communicate that decision within one month of receipt of the Investigative Committee's report.
  - b. In the case of a faculty member, to the relevant Dean and the President. Taking into account the severity of the breach, the Dean or the President (consistent with the provisions of any relevant collective agreement) will make a final decision as to what discipline or other action, if any, is appropriate and will send a copy of the report and communicate that decision in writing to the

faculty member, the Dean (if the President made the final decision) or the President (if the Dean made the final decision), and the Vice-President. The Dean or the President will normally make a final decision and communicate that decision within one month of receipt of the Investigative Committee's report.

- c. In the case of a staff member, to the relevant Director or Department Head. Taking into account the severity of the breach, the Director or Department Head (consistent with the provisions of any relevant collective agreement) will make a final decision as to what discipline or other action, if any, is appropriate and will send a copy of the report and communicate that decision in writing to the staff member, the President, and the Vice-President. The Director or Department Head will normally make a final decision and communicate that decision within one month of receipt of the Investigative Committee's report.

- 7.3. Subject to any applicable laws, including privacy laws, the University will prepare a report for the Secretariat on Responsible Conduct of Research on each investigation it conducts in response to an allegation of Scholarly Misconduct related to a funding application submitted to a Tri-Council Agency or to an activity funded by a Tri-Council Agency. In cases where the source of funding is unclear, the University may be obligated to provide information and/or a report to the Secretariat on Responsible Conduct of Research.

## **8. Appeal**

- 8.1. Students may appeal any decision or discipline that is made or imposed under these Procedures through the UBC Vancouver Senate Student Appeals on Academic Discipline Committee or the UBC Okanagan Senate Appeals of Standing and Discipline Committee.
- 8.2. Staff or faculty may appeal any decision or discipline that is made or imposed under these Procedures through the provisions of their collective agreements or their terms and conditions of employment.