



**The University of British Columbia
Board of Governors**

Policy No.:

85

Approval Date:

January 1995

Last Revision:

March 2005

Responsible Executive:

Vice-President, Research

Title:

Scholarly Integrity

Background & Purposes:

The University recognizes that teaching, research, scholarship and creative activity are most likely to flourish in a climate of academic freedom. The University community has always recognized the necessity for maintaining the highest ethical standards in the conduct of Scholarly Activities. Individuals are expected to assume direct responsibility for the intellectual and ethical quality of their work. The University of British Columbia has developed this Policy to communicate expectations, increase awareness of integrity issues, and encourage scholars (be they students or members of faculty and staff) to assume personal responsibility.

The purposes of this Policy are:

- to promote scholarly integrity among scholars, in order to maintain and enhance the value of impartiality that universities offer society;
- to proscribe activities which breach generally acceptable standards of scholarly conduct; and
- to provide a process for dealing with allegations of Scholarly Misconduct in a timely manner.

1. Scope

- 1.1. This Policy applies to all full-time and part-time faculty, staff and students of the University and any person (including clinical faculty and visiting professors) who teaches, conducts research, or works at or under the auspices of the University.

2. General

- 2.1. Individuals are personally responsible for the intellectual and ethical quality of their work and must ensure that their Scholarly Activity meets University standards.
- 2.2. Members involved in Scholarly Activity must not commit Scholarly Misconduct.
- 2.3. The University will investigate allegations of Scholarly Misconduct in a timely, impartial and accountable manner and take appropriate action, including any necessary steps to preserve evidence, when it becomes aware of allegations of Scholarly Misconduct. Investigations are always subject to the principles of Natural Justice.

3. Definitions

- 3.1. "Fabrication" means invention or forgery of research data or citations.
- 3.2. "Falsification" means alteration, selective omission or misrepresentation of research data or citations.

- 3.3. “Investigative Committee” means a committee appointed by the Vice-President for the purpose of investigating a particular allegation.
- 3.4. “Natural Justice” is comprised of two main principles:
- the decision maker is impartial; and
 - the respondent is provided with a fair hearing (i.e. the respondent is informed of the allegation made against him or her; is provided with an opportunity to respond to the allegation; and has the right to be represented).
- 3.5. “Plagiarism” means the presentation of the thoughts, writings or inventions of another as one’s own or the presentation of thoughts, writings or inventions without proper scholarly attribution.
- 3.6. “Principal Investigator” means the person who has primary responsibility for a research project. In the case of a project funded by an external or internal grant, this will normally be the holder of the grant. In the case of a project that is not funded, this will normally be the initiator of the project. The Principal Investigator is usually the supervisor of the research team (which may include other researchers) and is usually a faculty member.
- 3.7. “Scholarly Activity” means teaching, research, scholarship or artistic/creative activity carried out in the course of a faculty, staff or student’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.
- 3.8. “Scholarly Misconduct” means conduct that deviates significantly from that which is acceptable within the relevant scholarly community and includes without limitation:
- Plagiarism;
 - Fabrication or Falsification of research data;
 - conflict of scholarly interest, such as suppressing the publication of the work of another scholar;
 - the unfair evaluation of a student’s work;
 - failure to comply with the University’s policies and procedures on research;
 - failure to obtain all required approvals for research involving animal and human subjects, biohazards, radioisotopes, environmental effects, or failure to conduct such research in accordance with the protocols prescribed;
 - conduct that contravenes guidelines or procedures on scholarly integrity that are adopted by a faculty for scholarly communities within that faculty;
 - 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;
 - failure to equitably allocate interest of inventorship in proportion to the intellectual contribution of the contributors;
 - the use of unpublished work of other researchers and scholars without proper permission or without due acknowledgement;
 - the use of archival material in contravention of the rules of the archives;
 - 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;
 - failure to use scholarly and scientific rigour and integrity in obtaining and analyzing data, and in reporting and publishing results;
 - failure to comply with the terms and conditions of funding sponsor(s) when applying for and using research funds;

- failure to disclose to the University, journals, funding sponsors 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 sponsored from outside sources; and
- 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 error despite due diligence, conflicting data or valid differences in experimental design or in interpretation or judgement of information.

3.9. “Vice President” means either the Vice-President, Research or the Vice-President, Academic who is the central point of contact for a particular allegation.

PROCEDURE

Approved: May 2001

Revised: May 2006

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 and are incorporated in the next publication of the UBC Policy and Procedure Handbook."

1. General

- 1.1. 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.
- 1.2. Careful supervision of new members of faculty and staff by their supervisors and Department Heads is in the best interest of the University, the supervisor, the new member and the scholarly/scientific community. The complexity of scholarly and scientific methods, the necessity for caution in interpreting possibly ambiguous data, the need for advanced analysis, and the variety of protocols for reporting research data all require an active role for the supervisor in the guidance of new members of faculty and staff.
- 1.3. Principal Investigators and co-investigators who have failed to exercise reasonable care in directing and supervising researchers who have committed Scholarly Misconduct may share in the responsibility and be subject to discipline accordingly.
- 1.4. Research conditions for all involved in a research team should be outlined in a letter from the Principal Investigator before team members become engaged. Entitlement to ownership of primary data, software, and other products of research can vary according to the circumstances under which research is conducted. A shared understanding about ownership should be reached among collaborators, especially between supervisors and their graduate students, before research is undertaken. To assist Principal Investigators in documenting these understandings, sample letters to colleagues, postdoctoral fellows and graduate students about such issues as compensation, supervision, authorship, records of data, ownership and/or use of data, publication rights, and commercialization, are available from the Office of Research Services. The Faculty of Graduate Studies will send notices about this requirement to all students accepted for graduate studies and their supervisors at the time of admission. These notices and a copy of the letter from the supervisor to the graduate student detailing the terms above are filed in the student file in the Faculty of Graduate Studies.
- 1.5. A factor in many cases of alleged Scholarly Misconduct has been the absence of a complete set of verifiable data. It is of utmost importance that the University retain accurately recorded and retrievable results. All primary data must be recorded in clear, adequate, original and chronological form. In scientific departments, a record of the primary data, regardless of ownership, must be maintained in the laboratory and cannot be removed. Original data for any given study must be retained in the unit of origin 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). Supervisors and collaborators will have unrestricted access to all data and products of their collaborative research (if assurances have not been given that access to the data and/or products would be restricted to assure anonymity).

- 1.6. All authors listed in a publication should have been involved in the research. Each is expected to have made a significant intellectual or practical contribution, understand the significance of the conclusions, and be able to share responsibility for the content and reliability of the reported data. The concept of “honorary authorship” is unacceptable. In the event that a researcher involved in the research disagrees with the content or conclusions of a publication, the Principal Investigator may proceed to publish the results and the dissenting researcher may elect to have his or her name removed from the list of authors of that publication. The dissenting researcher may independently write his or her own publication.
- 1.7. Two safeguards in the publication of accurate reports are the active participation of each co-author in ascertaining which part of a manuscript falls within his/her specialty area and the designation of one author who takes responsibility through due diligence for the validity of the entire manuscript. A gradual diffusion of responsibility for multi-authored or collaborative studies could lead to the publication of papers for which no single author is prepared to take full responsibility.
- 1.8. All inventors listed on a patent application must have made an inventive contribution to the invention.

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 member of faculty or staff, a University administrator, a granting source, a student, a member of the general public, a media report or an anonymous source. The ability of the University to investigate an allegation may be hampered if it is from an anonymous or uncooperative source, and investigations are always subject to principles of Natural Justice.
- 2.2. Allegations of Scholarly Misconduct received by the University are forwarded to the Vice-President, Research. The Vice-President, Research is normally sufficiently at arm’s length so as to be viewed as impartial and free of personal conflicts of interest and is therefore the central point of contact. If the Vice-President, Research feels it would be inappropriate to receive a particular allegation for whatever reason, he/she may refer the allegation to the Vice-President, Academic.

3. Response to Allegation

- 3.1. Upon receipt and review of an allegation, the Vice-President may do any or all of the following:
 - dismiss the allegation;
 - inform the person(s) named in the allegation in writing of the allegation and appoint an Investigative Committee, if in the judgement of the Vice-President the allegation has sufficient substance to warrant an investigation; and
 - take such other action as the Vice-President deems appropriate.
- 3.2. Prior to making a decision pursuant to Section 3.1, the Vice-President may do any or all of the following:
 - request additional information regarding the allegation;
 - inquire into the allegation further;
 - request that the relevant unit of the University review the matter, or some aspect of the matter, and report to the Vice-President; and
 - appoint an individual(s) to review the matter, or some aspect of the matter, and report to the Vice-President.

4. Investigative Committee

- 4.1. If the Vice-President has determined that an investigation is warranted, he or she will appoint an Investigative Committee comprised of one to three individuals. The members of the Investigative Committee must be at arms length from both the individual(s) alleged to have committed the Scholarly Misconduct and those making the allegation. The member(s) of the Investigative Committee will be selected in such a manner so that the Investigative Committee has appropriate expertise. Emeritus academics or persons external to the University are eligible to be members of an Investigative Committee.
- 4.2. The mandate of the Investigative Committee is to determine on a balance of probabilities whether Scholarly Misconduct has occurred, and if so, its extent and seriousness. For a three person Investigative Committee, the determination is made by majority vote. For a two person Investigative Committee, the determination is made by consensus and if a consensus cannot be reached, the Investigative Committee is deemed to have determined that the alleged Scholarly Misconduct did not occur.
- 4.3. The Investigative Committee may 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 the sponsored research accounts of the involved individual(s). Individual(s) may be required to prove credentials.
- 4.4. The Investigative Committee has the right to examine any University documents and question any student or member of faculty and staff during its investigation. All members of faculty, staff and students must cooperate fully with the Investigative Committee and make available any documents requested by the Investigative Committee in the course of its investigation.
- 4.5. 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 inquiry, including both the individual(s) alleged to have committed the Scholarly Misconduct and those making the allegation.
- 4.6. The Investigative Committee may seek impartial expert opinions and advice, as it deems necessary or appropriate, to ensure the investigation is thorough and authoritative.
- 4.7. In the investigation process, the individual(s) alleged to have committed the Scholarly Misconduct have the right to know the allegations under investigation and to respond fully.

5. Report of the Investigative Committee

- 5.1. Upon completion of its review of the material gathered in the investigation, the Investigative Committee will prepare a written report addressed to the Vice-President on its finding and recommendations. The report will contain:
 - the full allegation;
 - a list of the witness(es) interviewed;
 - a summary of relevant material;
 - a determination of whether Scholarly Misconduct occurred;
 - if Scholarly Misconduct has occurred, its extent and seriousness; and
 - recommendations on any remedial action to be taken in the matter in question and/or changes to procedures or practices to avoid similar situations in the future.

5.2. Recommendations of the Investigative Committee may include, without limitation:

- withdrawing all pending relevant publications;
- notifying publications in which the involved research was reported;
- ensuring that the unit(s) involved is informed of appropriate practices for promoting the proper conduct of research;
- informing any outside funding sponsor(s) of the results of the inquiry and of actions to be taken; and
- recommending any action to be taken.

5.3. Prior to completing its final report, the Investigative Committee will provide the individual(s) alleged to have committed the Scholarly Misconduct and those making the allegation with an opportunity to review and comment on a draft report.

5.4. The Investigative Committee will normally deliver its final report to the University within four months of the Vice-President instructing the Investigative Committee to investigate.

6. Authority of the Vice-President

6.1. 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.

6.2. At any time, the Vice-President has the authority to:

- close down and declare “off limits” facilities used for research;
- protect the administration of University and outside funds involved in the research;
- obtain and retain relevant documentation (e.g. lab notes, computer disks, hard drives, proof of credentials) related to an investigation;
- request that members of the University community appear before an Investigative Committee and answer the Investigative Committee’s questions or provide materials to it; and
- dismiss the allegation if, based on reasonable information, the Vice-President believes that continued investigation will result in a determination that the alleged Scholarly Misconduct has not occurred.

7. Decision of Vice-President

7.1. If the Investigative Committee determines that Scholarly Misconduct has not occurred, the Vice-President will make a final determination on what action, if any, is necessary in light of the Investigative Committee’s report and will communicate that decision to the President, the individual alleged to have committed the Scholarly Misconduct, and the Dean(s) and Department Head(s) of the individual(s) named in the allegation. In such instances, every reasonable effort will be made by the Vice-President to protect the reputations of the individual(s) alleged to have committed the Scholarly Misconduct.

7.2. If the Investigative Committee determines that Scholarly Misconduct has occurred, the Vice-President will forward the Investigative Committee’s report:

- in the case of a student, to the President. The President will make a final determination of what discipline or other action, if any, is appropriate and will communicate that decision in writing to the student and the Vice-President.
- in the case of a faculty member, to the President and the relevant Dean and/or Department Head. The Dean, Department Head or the President (consistent with the provisions of any relevant collective

- agreement) will make a final determination of what discipline or other action, if any, is appropriate and will communicate that decision in writing to the faculty member and the Vice-President.
- in the case of a member of staff, to the relevant Director or Department Head. The Director or Department Head (consistent with the provisions of any relevant collective agreement) will make a final determination of what discipline or other action, if any, is appropriate and will communicate that decision in writing to the member of staff and the Vice-President.
- 7.3. Within seven days of receipt of the final decision, the Vice-President will send copies of the Investigative Committee's report and the final decision to the President and the relevant Department Heads, Deans or Directors of those involved in the allegation.
- 7.4. Where Scholarly Misconduct is found to have occurred, the Vice-President will send copies of the Investigative Committee's report and the final decision within thirty days of receipt of the final decision to any organization that has funded the research.
- 7.5. The Office of the Vice-President, Research will periodically prepare and publish summaries of decisions (with personal identifiers removed) for the purpose of educating University members on acceptable practices for scholarly integrity and research ethics.

8. Appeal of Discipline

- 8.1. Discipline imposed for Scholarly Misconduct may be appealed:
- by faculty members in a union, through the grievance procedure outlined in the relevant collective agreement(s);
 - by staff members in a union or association, through the grievance procedure outlined in the relevant agreement(s);
 - by students, through the Senate Committee on Student Appeals on Student Discipline.

9. Privacy

- 9.1. The University will protect personal information and deal with records in accordance with the *Freedom of Information and Protection of Privacy Act*.

10. Protection for Good Faith Claims

- 10.1. The University will make every effort to protect those making an allegation of Scholarly Misconduct or who have provided information to the University in good faith from retaliation. Retaliation does not include actions of the University taken pursuant to section 10.4.
- 10.2. No person to whom this policy applies may retaliate against a person making such allegations or providing such information in good faith.
- 10.3. If a person who has made such an allegation or who has provided such information in good faith believes they have suffered retaliation from a person to whom this policy applies, they may file a written complaint with the Vice-President, Research. The University will conduct an investigation of the alleged retaliation. Anyone who does engage in such retaliation is subject to disciplinary action. Where retaliation is found to have occurred, the University will act accordingly.
- 10.4. The University may take disciplinary action against individuals found to have made allegations of Scholarly Misconduct pursuant to this Policy where such allegations were not made in good faith. This

includes, but is not limited to, allegations that are based upon facts that the complainant knows to be false, or allegations made with reckless disregard towards, or wilful ignorance of, facts that would disprove the allegations.

- 10.5. Any disciplinary action taken against an employee of the University pursuant to this section 10 will follow the procedures outlined in any applicable collective agreement or agreement on conditions of employment that apply to that employee.