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<b>SUBJECT</b>	Report on Revisions by the President to Procedures of the Scholarly Integrity Policy (SC6)
<b>SUBMITTED TO</b>	Learning & Research Committee
<b>MEETING DATE</b>	September 10, 2020
<b>SESSION CLASSIFICATION</b>	Recommended session criteria from Board Meetings Policy: OPEN
<b>REQUEST</b>	For information only - No action requested
<b>LEAD EXECUTIVE</b>	Hubert Lai, Q.C., University Counsel
<b>SUPPORTED BY</b>	Lorena Vlad, Legal Counsel

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### PRIOR SUBMISSIONS

The subject matter of this submission has not previously been considered by the Learning & Research Committee.

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### EXECUTIVE SUMMARY

The Office of the University Counsel (“**OUC**”) prepared this report pursuant to section 4.2 of the Regulatory Framework Policy (GA2) to provide a summary of changes made by the President to Procedures of Board Policies.

Section 4.2 of the Regulatory Framework Policy requires the President or the President’s delegate to report the exercise of the President’s authority to establish, amend, or repeal Procedures to the responsible Board committee at its next regularly scheduled meeting or as soon thereafter as practicable.

With the support of the Vice-President, Research and Innovation (who is the Responsible Executive for [Scholarly Integrity Policy](#)), the President has approved amendments to section 1.3 of the Procedures to clarify that the position title of “Vice-President, Academic” refers to the Provost and Vice-President, Academic (UBC Vancouver), and to section 5.1 of these Procedures to provide the ability to appoint more than three members to an Investigative Committee (as defined in the Scholarly Integrity Policy and its Procedures).

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### SUPPLEMENTAL MATERIALS (optional reading for Governors)

1. Blackline showing amendments made to the Procedures of the Scholarly Integrity Policy

 <b>The University of British Columbia Board of Governors</b>	<b>Policy No.:</b> <b>SC6</b>
<b>Long Title:</b> <p style="text-align: center;">Scholarly Integrity</p>	
<b>Short Title:</b> <p style="text-align: center;"><b>Scholarly Integrity Policy</b></p>	

### Background & Purposes:

The University is committed to providing an environment that supports the best research and scholarly 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 and importance of maintaining the highest ethical standards in the conduct of Scholarly Activities, and all UBC Persons are expected to uphold these standards. UBC Persons are personally and directly responsible for the intellectual and ethical quality of their work.

The purposes of this Policy are:

- to meet the requirements set out in the *Tri-Agency Framework: Responsible Conduct of Research*;
- to articulate the responsibilities and standards required of UBC Persons engaged in Scholarly Activity; and
- to provide a process for dealing with allegations of Scholarly Misconduct.

### 1. Scope

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

### 2. Responsibilities

- 2.1 UBC Persons are responsible for familiarizing themselves with the scholarly standards and practices that are generally accepted within the relevant scholarly field and following them honestly, accountably, openly and fairly. Generally accepted scholarly standards and practices include:
- 2.1.1 complying with the requirements of all applicable funding applications and agreements, University and other policies, standards of the relevant profession or discipline, and laws and regulations;
  - 2.1.2 using a high level of scholarly rigour and integrity in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data and findings;
  - 2.1.3 if they are a principal investigator in any research project, ensuring that the research conditions applicable to the research project, including compensation and practices around supervision, authorship and recording data, are properly articulated in writing and disseminated to all members of the research team prior to engagement in the project. Templates for such documents are available from the Faculty of Graduate Studies at UBC Vancouver and the College of Graduate Studies at UBC Okanagan;
  - 2.1.4 keeping complete and accurate records of data, methodologies and findings, including graphs and images, 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 it in a repository from which it cannot be removed. The principal investigator is responsible for the collection, maintenance and retention of research data. Records of data should normally be retained in the unit in which they are produced for at least five years after the work is published or otherwise presented (if the form of the record or data permits this, and subject to any assurances that data would be destroyed to assure anonymity). Records should be retained in their original medium, or transferred to a secondary medium provided that the transfer process is fully validated, and the person who transfers the data from the original to the secondary medium attests that the secondary documents are true copies of the respective original record including any and all notations, corrections, or other changes made to the original record prior to the creation of the secondary documents. In the case of collaborative research all those involved in the conduct of the research will have access to the data (subject to any assurances that access to the data would be restricted to assure anonymity), and will normally be allowed to make copies of the record. Such access may be restricted only when a request to do so is made in writing and approved by the Vice-President;
  - 2.1.5 engaging in original work, and referencing (and, where applicable, obtaining permission for) the use of all published and unpublished work, including data, source material, methodologies, findings, graphs and images;

- 2.1.6 including as authors, with their consent, all those and only those who have made a material intellectual contribution 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;
- 2.1.7 acknowledging, in addition to authors, all contributors and contributions to research, including writers, funders and sponsors;
- 2.1.8 ensuring that all inventors listed on a patent application have made an inventive contribution to the invention, and all inventive contributors are listed;
- 2.1.9 appropriately disclosing and managing any real, potential or perceived conflict of interest, in accordance with the University's policy on conflict of interest and the applicable conflict of interest requirements of any funders;
- 2.1.10 ensuring that others listed on applications for funding have agreed to be included, providing true, complete and accurate information in their applications for funding and related documents (such as letters of support or progress reports), and representing themselves, their research and their accomplishments in a manner consistent with the scholarly standards and practices that are generally accepted within the relevant scholarly field;
- 2.1.11 providing true, complete and accurate information on documentation for expenditures from grant or award accounts;
- 2.1.12 obtaining any necessary approvals, permits or certifications before conducting certain types of research, such as research involving humans or animals; and
- 2.1.13 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.

### **3 Scholarly Misconduct**

3.1 UBC Persons involved in Scholarly Activity must not commit Scholarly Misconduct.

3.2 **“Scholarly Misconduct”** means conduct that breaches the scholarly standards and practices that are generally accepted within the relevant scholarly field. This may include a failure to meet any of the expectations set out in section 2.1 of this Policy, and also includes the following:

3.2.1 Fabrication or Falsification;

3.2.2 the destruction of one’s own or another’s research data or records to specifically avoid the detection of wrongdoing or in contravention of any applicable funding agreements, University or other policies, standards of the relevant profession or discipline, or laws and regulations;

3.2.3 Plagiarism;

3.2.4 Self-Plagiarism;

3.2.5 inaccurate attribution, including attribution to persons other than those who made a material intellectual contribution to an invention or to the contents of a publication or research project, or agreeing to be listed as an inventor on a patent application or as an author or contributor to a publication or research project to which one made no material intellectual contribution; and

3.2.6 failure to appropriately recognize or acknowledge the contributions of others in a manner consistent with their respective contributions and, if applicable, consistent with the authorship policies of relevant publications,

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 and directly responsible for the intellectual and ethical quality of their work and must ensure that their Scholarly Activity meets the requirements of all applicable funding agreements, University or other policies, standards of the relevant

profession or discipline, and laws and regulations. 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 misconduct, on the other, may be very narrow. The result is Scholarly Misconduct in any case, although the degree of intent may be a mitigating factor in determining the appropriate consequences.

3.6 UBC Persons are expected to report in good faith any information pertaining to possible Scholarly Misconduct to the University, and must cooperate fully with the University in any process under this Policy. The University will not tolerate any retaliation against anyone who, in good faith, makes an allegation, gives evidence, or otherwise participates in a process under this Policy.

#### 4 Definitions

4.1 **“Fabrication”** means making up data, source material, methodologies or findings, including graphs and images, and recording or reporting them.

4.2 **“Falsification”** means manipulating, changing, or omitting data, source material, methodologies, or findings, including graphs and images, without acknowledgement, and which results in inaccurate recorded or reported findings or conclusions.

4.3 **“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.

4.4 **“Scholarly Activity”** means 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, but does not normally include research and scholarship carried out by students that is not intended for publication.

4.5 **“Scholarly Misconduct”** has the meaning provided in section 3.2 of this Policy.

4.6 **“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.

- 4.7 **“Self-Plagiarism”** means the reuse of one’s own previously written work or part thereof, or data, whether published or unpublished, in a new written product without adequate acknowledgement of the previous use.
- 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 those participating in Scholarly Activity at or under the auspices of the University. This includes faculty (including adjunct, clinical, and sessional faculty, emeriti, lecturers, and those holding visiting appointments), librarians, staff, post-doctoral fellows, and students.
- 4.11 **“Vice-President”** means the Vice-President, Research and Innovation.



## PROCEDURES ASSOCIATED WITH THE SCHOLARLY INTEGRITY 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 Scholarly Integrity Policy.*

### 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 respondent or any party involved in an investigation 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 Vice-President may refer the allegation to the [Provost and Vice-President, Academic \(UBC Vancouver\)](#) 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 in accordance with these Procedures or as otherwise authorized by law. 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 The Vice-President will advise the relevant Tri-Council Agency or the Secretariat on Responsible Conduct of Research immediately if any allegations are received that are related to activities funded by a Tri-Council Agency that may involve significant financial, health and safety, or other risks. The notification will include the name of the UBC Person alleged to have committed the Scholarly Misconduct and the nature of the allegation.

## **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 take such action as the Vice-President deems appropriate in order to protect the administration of University and outside funds, ensure that evidence is preserved, or prevent further possible misconduct or damage while the process outlined under these Procedures is carried out, including any or all of the following:
  - 3.2.1 closing down and declaring “off limits” facilities used for the Scholarly Activity that is the subject matter of the allegation;
  - 3.2.2 freezing grant accounts or requiring a second authorized signature from a University representative on all expenses charged to the respondent’s grant accounts; and
  - 3.2.3 obtaining and securing relevant documentation (such as lab notes, electronically stored information or electronic storage devices, and proof of credentials).

## **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, is based on matters which have not been the subject of a previous allegation, and falls within the jurisdiction of the Policy. As part of the inquiry, the Vice-President may do any or all of the following:
  - 4.1.1 inquire into the allegation further;
  - 4.1.2 request that the relevant unit of the University review the allegation, or some aspect of the allegation, and report to the Vice-President; and
  - 4.1.3 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:
  - 4.2.1 dismiss the allegation, or some aspect of the allegation;
  - 4.2.2 appoint an Investigative Committee to investigate the allegation, or some aspect of the allegation; and
  - 4.2.3 take such other action as the Vice-President deems appropriate, including referring the matter to another appropriate University office.
  
- 4.3 At the conclusion of the inquiry, the Vice-President will inform the respondent and the respondent's Dean, Director or Department Head in writing as to whether or not the University is proceeding with an investigation of the allegation. The Vice-President will also normally inform the party who made the allegation and, if the party is a UBC Person, the party's Dean, Director or Department Head.

- 4.4 If the Secretariat on Responsible Conduct of Research was advised of an allegation under section 2.3 above, the Vice-President will also advise the Secretariat as to whether or not the University is proceeding with an investigation of the allegation.
- 4.5 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 at least 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 Investigative Committee may investigate the allegation using any means it deems appropriate in the circumstances, subject to the principles of procedural fairness in the university context. Such means may include the following:
  - 5.3.1 requesting written submissions from the respondent and any other parties with information that might be relevant to the allegations, including the party who made the allegation;
  - 5.3.2 interviewing the respondent and any other parties with information that might be relevant to the allegations, including the party who made the allegation;
  - 5.3.3 obtaining documents relevant to the allegation;

5.3.4 requesting audits of any relevant sponsored research accounts; and

5.3.5 consulting with other University offices or seeking impartial expert opinions and advice.

5.4 In all investigations, the respondent will be informed of the allegation being made against them, and will be given an opportunity to reply.

5.5 At the outset of each investigation, the Investigative Committee will inform the respondent of the process and timelines it intends to follow.

5.6 All UBC Persons must cooperate fully with the Investigative Committee and make available any documents requested by the Investigative Committee.

5.7 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 that includes the following information:

6.1.1 the allegation;

6.1.2 a list of the parties who provided information and a summary of the information they provided;

- 6.1.3 a summary of the relevant documents and other material reviewed;
- 6.1.4 findings of fact based on the information gathered during the investigation;
- 6.1.5 a determination as to whether Scholarly Misconduct occurred;
- 6.1.6 if Scholarly Misconduct is found to have occurred, a determination as to its extent and severity, and the degree of intent on the part of the respondent; and
- 6.1.7 recommendations on any remedial action to be taken and/or changes to University procedures or practices to avoid similar situations in the future.

6.2 Recommendations of the Investigative Committee under section 6.1.7. may include:

- 6.2.1 withdrawing any relevant articles, papers or other documents that have been submitted for publication but not yet published;
- 6.2.2 notifying publications in which any relevant Scholarly Activity was published or reported;
- 6.2.3 notifying relevant outside funders;
- 6.2.4 ensuring that the units involved are informed of appropriate practices for promoting scholarly integrity; and
- 6.2.5 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 respondent within one month of the completion of its investigation.
- 6.4 Upon receipt of the report from the Investigative Committee, the Vice-President will normally send a copy of the report to the party who made the allegation.

## **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 whether any remedial action is necessary, and will communicate that decision in writing along with a copy of the report to the President and the respondent, and when appropriate to the one who made the allegation, and any relevant Deans, Directors, or Department Heads. In such instances, reasonable efforts will be made by the Vice-President to protect or restore the reputation of the respondent as appropriate.
- 7.2 If the Investigative Committee determines that Scholarly Misconduct has occurred, the Vice-President will forward the Investigative Committee's report:
  - 7.2.1 In the case of a faculty member or a librarian, to the relevant Dean(s) and the President. Taking into account the severity of the breach, the Dean(s) or the President (consistent with the provisions of any relevant collective agreement) will normally consult with the Vice-President and then 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 or librarian, the Dean(s) (if the President made the final decision) or the President (if the Dean(s) made the final decision), and the Vice-President.
  - 7.2.2 In the case of a staff member, to the relevant Director, Department Head, Dean, or appropriate Vice-President. Taking into account the severity of the breach, the Director, Department Head, Dean, or appropriate Vice-President (consistent with the provisions of any relevant collective agreement or terms and conditions of employment) will normally consult with the Vice-President and then 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.

- 7.2.3 In the case of a postdoctoral fellow, to the relevant Department Head. Taking into account the severity of the breach, the Department Head will normally consult with the Vice-President and then 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 postdoctoral fellow, the postdoctoral fellow's Dean, the President, and the Vice-President.
- 7.2.4 In the case of a student, to the President. Taking into account the severity of the breach, the President will normally consult with the Vice-President and then 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.
- 7.3 All final decisions under sections 7.1 and 7.2 will normally be made and communicated within one month of receipt of the Investigative Committee's report.
- 7.4 If the Investigative Committee determines that Scholarly Misconduct has occurred, the Vice-President may report the Scholarly Misconduct to other parties as deemed appropriate, including relevant outside funders, publications in which the relevant Scholarly Activity was reported or to which it was submitted, or those UBC Persons affected by the Scholarly Misconduct.
- 7.5 The Vice-President 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. The report will include the information required by the Secretariat on Responsible Conduct of Research, as set out under the reporting requirements in the *Tri-Agency Framework: Responsible Conduct of Research*.
- 7.6 The Vice-President will publish anonymized, statistical annual reports on confirmed findings of breaches of this Policy and any actions taken.

## **8. Appeal**

- 8.1 Student respondents may appeal any discipline that is imposed under these Procedures through the UBC Vancouver Senate Student Appeals on Academic Discipline Committee if they are a UBC Vancouver student or the UBC Okanagan Senate Appeals of Standing and Discipline Committee if they are a UBC Okanagan student.

- 8.2 Faculty, librarian, and staff respondents may appeal any discipline that is imposed under these Procedures through the grievance procedures of their collective agreements or their terms and conditions of employment, if applicable.