

Appendix D - Policy on Scholarly Integrity (AC1105-B)



POLICY ON SCHOLARLY INTEGRITY (Pursuant to the Collective Agreement)

University Policy No.: AC1105 (B)
Classification: Academic and Students
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1 Preamble

- 1.1 The University of Victoria is a place of education and scholarly enquiry. Our professional ethics require us as individuals and as an institution to adhere to principles of scholarly integrity and of respect for our students, staff and colleagues. The University of Victoria undertakes to review and inquire into allegations of scholarly misconduct in a timely, impartial, and accountable manner and take appropriate action when it finds that scholarly misconduct has occurred.

2 Scope

- 2.1 This policy applies to all matters of scholarly integrity conducted by persons represented by the Faculty Association. This policy supercedes provisions of the Collective Agreement between the University and the Faculty Association, except where specifically referenced herein.
- 2.2 The Parties agree that the requirements of the Tri-Agency Framework on Responsible Conduct of Research prevail over the provisions of this Policy or the Collective Agreement, where the scholarly activity in question is funded by a Tri-Agency.

3 Definitions

For the purposes of this Appendix:

- 3.1 **“Administrative Authority”** means the person designated by the Vice-President Research and Innovation to carry out the inquiry process under this policy.
- 3.2 **“Complaint”** means a written allegation of misconduct in a scholarly activity that complies with the requirements of s.7.1 that has been forwarded to the Vice- President Research and Innovation.
- 3.3 **“Days”** means calendar days unless otherwise stated.
- 3.4 **“Dean”** includes Head of the Division of Medical Sciences or the University Librarian if the Respondent is a Librarian.
- 3.5 **“Inquiry”** means the process described in Section 9.

- 3.6 **“Respondent”** means a person in respect of whom an allegation of misconduct in Scholarly Activity has been made.
- 3.7 **“Review”** means the process described in Section 8.
- 3.8 **“Reviewer”** means a person appointed to conduct the review described in Section 8.
- 3.9 For the purposes of this policy, **“Scholarly Activity”** includes all activities by Members that are appropriate for inclusion in a curriculum vitae as scholarship, research (including graduate student supervision), or other creative activity.
- 3.10 **“Tri-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), sponsors of the Tri-Agency Framework: Responsible Conduct of Research which informs this policy.
- 3.11 **“Working day(s)”** means Monday to Friday, except statutory holidays and University-wide closures.

4 Scholarly Integrity

- 4.1 Members engaged in Scholarly Activity shall exhibit honest and thoughtful inquiry, rigorous analysis, commitment to the dissemination of research results, and adherence to the use of professional standards, intellectual honesty and integrity in all their scholarly activities.
- 4.2 Members engaged in Scholarly Activity shall be sensitive to the objectives of scholarship that include:
- (a) the pursuit of knowledge and understanding;
 - (b) the communication and application of knowledge within the University and the broader community;
 - (c) the communication to students of the specialized skills and knowledge of the academic discipline in which the research is conducted;
 - (d) the improvement of the quality of instruction.
- 4.3 Members are also responsible for scholarly rigour and integrity in teaching including evaluating the work of students in a fair manner.
- 4.4 Members shall strive to follow best practices honestly, accountably, openly and fairly in their research, scholarship and creative endeavours, and in the dissemination of knowledge. At a minimum, Members are responsible for the following:
- (a) Scholarly and scientific rigour in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data and findings.
 - (b) Keeping complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agency or agreement, institutional policies, laws, regulations, and professional or disciplinary standards in a manner that will allow verification or replication of the work by others.
 - (c) Referencing and, where applicable, obtaining permission for the use of all published and unpublished work, including theories, concepts, data, source material, methodologies, findings, graphs and images.

- (d) Including as authors, with their consent, all those and only those who have made a substantial contribution to, and who accept responsibility for, the contents of the publication or document. The substantial contribution may be conceptual or material.
- (e) Acknowledging appropriately all those and only those who have contributed to research, including funders and sponsors.
- (f) Appropriately identifying and addressing any real, potential or perceived conflict of interest in accordance with the relevant institutional policy on conflict of interest in research.
- (g) Familiarizing themselves with principles of responsible conduct of research and for the application of these principles to foster a positive and constructive research-working environment. Researchers with oversight roles shall provide appropriate supervision of, and training to, their trainees and research personnel in responsible conduct of research.

4.5 Because Members have to be free to engage in Scholarly Activity, they shall not enter into any agreement that infringes on that freedom or that compromises their scholarly integrity.

5 SCHOLARLY MISCONDUCT

5.1 Scholarly misconduct includes, but is not limited to:

- (a) plagiarism;
- (b) fabrication or falsification of research data;
- (c) opposing the publication of the work of another scholar or criticizing a research grant application for the purposes of benefiting oneself directly or indirectly;
- (d) failure to comply with the University's policies with respect to research;
- (e) failure to comply with the University's policies on conflict of interest and intellectual property, or mismanagement of a conflict of interest in Scholarly Activity;
- (f) financial misconduct or fraud in the administration or use of research accounts;
- (g) failure to give appropriate recognition to those who have made an intellectual contribution to the contents of the publication, and only those people;
- (h) using unpublished work of other scholars and researchers without permission and without due acknowledgment;
- (i) claiming or implying redundant publications to be original work, where "redundant publications" are, as defined in the Tri-Agency Framework on Responsible Conduct of Research, "the re-publication of one's own previously published work or part thereof, or data, in the same or another language, without adequate acknowledgment of the source, or justification";
- (j) failure to maintain guarantees of confidentiality to research subjects;
- (k) using research funds in a manner that is not in accordance with the terms and conditions under which those funds were received;
- (l) providing negligently incomplete, inaccurate or false information in a grant or award application or related document, such as a letter of support or a progress report, or listing co-applicants, collaborators or partners without their agreement;
- (m) failing to meet funding agency policy requirements, or to comply with relevant policies, laws or regulations, for the conduct of research; or failing to obtain appropriate approvals, permits or certifications. before conducting these activities, or participating in an Agency review process while under investigation;

- (n) destruction of research data or records in contravention of the applicable funding agreement, institutional policy and/or laws, regulations or disciplinary standards, including to avoid detection of wrongdoing;
- (o) Any other breach of a requirement of the Tri-Agency Framework on Responsible Conduct of Research, in the case of research done under Tri-Agency funding.

5.2 Scholarly misconduct shall not include any matter involving only an honest difference of opinion or an honest error of judgment.

5.3 Notwithstanding s. 5.2, where the research is done with Tri-Agency funds, or the investigation is done at the request of the Secretariat on Responsible Conduct of Research, in determining whether an individual has breached an Agency policy, it is not relevant to consider whether a breach was intentional or a result of honest error. However, intent is a consideration in deciding on the severity of the recourse that may be imposed.

6 DATA AND MATERIAL PRODUCTS

6.1 Members are required to retain all original data and material products related to Scholarly Activity for a reasonable period which shall normally be at least seven years unless the terms of a grant or contract supporting the Scholarly Activity or applicable regulatory requirements including ethics approval stipulations require destruction of the data at an earlier time.

6.2 In the event that an allegation of misconduct proceeds to a Review, a Member shall co-operate in providing access to data and material products to the Reviewer and a subsequent Committee of Inquiry within the limitations of relevant disciplinary ethical concerns, restrictions imposed by agreements under which data were collected, or by law.

7 ALLEGATIONS

7.1 An allegation of scholarly misconduct must be in writing and shall contain sufficient detail to enable the Respondent to understand and respond to the matter. In particular, it must include a precise statement of the alleged scholarly misconduct and be supported by all available documentation and refer to any evidence that may support the allegation. The person(s) making the allegation must identify themselves. Anonymous allegations will be considered if accompanied by sufficient information to enable the assessment of the allegation and the credibility of the facts and evidence on which the allegation is made, without the need for further information from the complainant.

7.2 Anyone who makes an allegation of scholarly misconduct should recognize the seriousness of making such an allegation. Where an allegation made by a University employee or student is found to be trivial, vexatious or frivolous, the University will take disciplinary action within existing policies and procedures against the individual who made the allegation. A complainant who is known to the University and is making the Complaint in good faith or a person providing information related to a Complaint shall be protected, to the extent possible, from reprisals in a manner consistent with relevant legislation.

- 7.3 A Complaint containing allegations of scholarly misconduct shall be forwarded to the Office of the Vice-President Research and Innovation. Where the allegation is related to conduct that occurred at another institution, the Vice-President Research and Innovation (or designate) will contact the other institution and determine with that institution's designated point of contact which institution is best placed to conduct the inquiry, if warranted. The receiving institution must communicate to the complainant which institution will be the point of contact for the allegation.
- 7.4 If the Respondent and the matter complained of fall within the scope of this policy, the Vice-President Research and Innovation shall designate the Administrative Authority in respect of the Complaint, who shall normally be the Respondent's Home Unit Dean. If the complainant is a graduate student, the Complaint shall also be forwarded by the Administrative Authority to the Dean of Graduate Studies.
- 7.5 Where there is more than one Respondent and not all are from the same unit, the Vice-President Research and Innovation shall designate the Administrative Authority from among the Deans of the Respondents' Home Units, with such variations as are necessary.
- 7.6 On receipt of a Complaint containing an allegation of scholarly misconduct, the Administrative Authority shall determine whether the allegations fall within the definition of scholarly misconduct in Section 5 and the form of the Complaint complies with s. 7.1. Where the Complaint does not fall within the definition of scholarly misconduct in Section 5 or does not comply with s. 7.1 or, in the opinion of the Administrative Authority, the allegation is trivial, frivolous or vexatious, the Administrative Authority shall notify the complainant as soon as possible.
- 7.7 In the case of an allegation of misconduct involving Tri-Agency funding the Vice-President Research and Innovation shall, subject to any applicable laws, including privacy laws, forward a copy of the allegation to the Tri-Agency Secretariat on Responsible Conduct of Research. The University may independently, or at the Agency's request in exceptional circumstances, take immediate action to protect the administration of Agency funds including, but not limited to, freezing grant accounts, requiring a second authorized signature from an institutional representative on all expenses, or other measures, as appropriate.
- 7.8 Where the Complaint falls within the definition of scholarly misconduct in section 5.1 f), the allegations will be considered under the Discipline Article of the Collective Agreement for Faculty and Librarians. The matter will be investigated by the Office of Internal Audit (or agent).

8 REVIEWS

- 8.1 Where a Complaint falls within the definition of scholarly misconduct in Section 5 (except as in 7.8) and the form of the Complaint complies with s. 7.1, the Administrative Authority shall:
- (a) within five (5) Working days of receiving the Complaint, notify the Respondent that a Complaint has been received and send a copy of the Complaint and any documentation provided with the Complaint to the Respondent. The notice shall advise the Respondent that they may, within five (5) Working days of the notice, request a meeting with the Administrative Authority to discuss the Complaint.

- (b) not later than ten (10) Working days after receiving a Complaint, appoint a Reviewer who shall be a senior faculty or academic staff member in a unit other than that (those) of the Respondent(s) and complainant(s) to conduct a Review. Where the Faculty is not divided into units, the Administrative Authority shall appoint a senior faculty or academic staff member from another Faculty. The purpose of the Review is to determine whether the Complaint is a responsible complaint under s. 8.5.1 and therefore warrants an Inquiry.
- (c) advise the Respondent and complainant of the name of the person appointed to conduct the Review.

8.2 Any objection to the person appointed to conduct the Review shall be made to the Administrative Authority within seven (7) Working days. The only grounds for objection are alleged bias or conflict of interest. The Administrative Authority's disposition of any such objection shall be final.

8.3 The Reviewer shall proceed informally and in complete confidentiality, except as required under s. 8.4. The Respondent shall be invited to make a written submission that responds to the Complaint and to submit any documents that may be relevant to the Complaint. Prior to submitting their Report, the Reviewer may request the complainant and the Respondent to comment on all or portions of a draft report.

8.4 The Reviewer shall consult with the Respondent's Chair to understand relevant standards in the Respondent's field. The Chair may seek the advice of other scholars in the Respondent's field, without disclosing the presence of the Complaint.

8.5 Normally, within thirty (30) Days of being appointed, the Reviewer shall report in writing to the Administrative Authority, with copies to the Respondent, the complainant, and the Vice-President Academic.

8.5.1 A Review shall conclude that the Complaint warrants an Inquiry only where the allegation:

- (a) is based on facts which have not been the subject of a previous investigation;
- (b) falls within s. 4.4, s. 4.5 and s. 5.1 of this policy; and
- (c) if proven, would constitute a breach at the time the alleged breach occurred.

8.5.2 Where the Review concludes that the Complaint warrants an Inquiry, the Review report shall:

- (a) specify the allegations of misconduct in Scholarly Activities that require an Inquiry;
- (b) include particulars of the evidence considered by the Reviewer that may be relevant to each allegation of misconduct;
- (c) list any documents considered by the Reviewer; and
- (d) attach copies of all documents provided to the Reviewer by either the complainant or the Respondent or the Chair under s. 8.4.

9 INQUIRIES

- 9.1 Within five (5) Working days following receipt of the Review report, the Administrative Authority shall advise the Respondent and the complainant of the outcome of the Review and shall forward a copy of the Review to the Vice-President Research and Innovation.
- 9.2 Where the Review concludes that the Complaint does warrant an Inquiry, the Administrative Authority shall, within ten (10) Working days of receiving the Review, request the Vice-President Research and Innovation to appoint a Committee of Inquiry to conduct an Inquiry into the Complaint.
- 9.3 The Committee of Inquiry shall consist of three (3) members who are not members of either the Respondent's or the complainant's departments. One of the members should be chosen from outside the Faculty of either the Respondent or the complainant and may be from outside the University. That member must be from outside the University if the allegation relates to Tri-Agency funding. One of the members shall be appointed as the Chair. The Administrative Authority shall advise the Respondent and the complainant of the composition of the Committee of Inquiry.
- 9.4 Any objection to the composition of the Committee of Inquiry shall be made to the Authority within five (5) Working days. The only grounds for objection are alleged bias or conflict of interest. The Administrative Authority's disposition of any such objection shall be final.
- 9.5 The terms of reference of the Committee of Inquiry are:
 - (a) to determine in accordance with s. 9.11 (a) and (b) whether the Respondent has committed misconduct in relation to a Scholarly Activity; and
 - (b) to make recommendations in accordance with either s. 9.13 or s. 9.14.
- 9.6 The Committee of Inquiry has the right to see any relevant documents in the possession of the University or a Member subject to the limitations specified in s. 6.2, to call witnesses, and to request written submissions. It may seek impartial expert opinions to ensure that its work is thorough and informed. It acts as a quasi-judicial body, and therefore its activities are privileged under the *Freedom of Information and Protection of Privacy* legislation.
- 9.7 The Committee of Inquiry shall either hold a hearing on the matter or (with the consent of the Respondent) conduct its Inquiry solely on the basis of written submissions. In either case, when determining its procedures, the Committee shall ensure that the rules of natural justice and administrative fairness are observed.
- 9.8 The Committee of Inquiry shall invite the Respondent to make a submission in writing prior to its seeking or obtaining any further information or submissions. All documentation submitted to the Committee shall be made available to the Respondent. The Respondent shall be given the opportunity to respond fully to the evidence presented in writing. Ethical or research guidelines of a professional organization of which the Respondent is a member and which are applicable to the subject matter of the Complaint are admissible as evidence before the Committee of Inquiry and may be considered by the Committee in making any decision or recommendation.

- 9.9 In the case of a hearing, the Respondent may be accompanied by an advisor if the Respondent so desires. The Respondent shall have the opportunity to question witnesses presented to the Committee of Inquiry and the opportunity to call witnesses on behalf of the Respondent.
- 9.10 Within sixty (60) Days of being appointed, the Committee of Inquiry shall complete its Inquiry and shall report in writing its decision with reasons to the Vice-President Academic. The Committee's Report is considered a private, not a public, document.
- 9.11 The Committee of Inquiry shall determine whether clear, cogent and convincing proof establishes a preponderance of evidence that:
- (a) the Respondent has committed misconduct in a Scholarly Activity; and
 - (b) where the Committee finds misconduct, whether the misconduct constitutes a serious breach as defined in s. 9.11.1.
- 9.11.1 In determining whether a breach is serious, the Panel of Inquiry will consider the extent to which the breach jeopardizes the safety of the public or brings the conduct of research into disrepute. This determination will be based on an assessment of the nature of the breach, the level of experience of the researcher, whether there is a pattern of breaches by the researcher, and other factors as appropriate. Examples of serious breaches may include, but are not limited to:
- Recruiting human participants into a study with significant risks or harms without Research Ethics Board approval, or not following approved protocols
 - Using animals in a research study with significant risks or harms without Animal Care Committee approval, or not following approved protocols
 - Deliberate misuse of research grant funds for personal benefit not related to research
 - Knowingly publishing research results based on fabricated data
 - Obtaining grant/award funds from the Agencies by misrepresenting one's credentials, qualifications and/or research contributions in an application.
- 9.12 The Committee of Inquiry shall prepare a written Investigation Report setting out the evidence considered, their findings of fact, any determinations of credibility, and their determinations under s. 9.11. The Investigative Report shall be provided to the Administrative Authority.
- 9.13 Where the Committee of Inquiry finds that there has not been any misconduct in a Scholarly Activity that is the subject of the Complaint, the Committee shall make recommendations with respect to steps that should be taken by the complainant or the University to help overcome any damage to the Respondent's reputation caused by the Complaint.
- 9.14 The Committee's finding under s. 9.11 may be appealed by the Respondent in accordance with the following requirements and procedures:
- (a) The Respondent will advise the Vice-President Research and Innovation of the appeal and the basis for the appeal in writing no later than ten (10) Working days from the Respondent receiving the Committee's findings.

- (b) The Respondent may only appeal on the following grounds, or a combination thereof:
 - i. that the Committee's process failed to follow the principles of natural justice or procedural fairness;
 - ii. that the Committee failed to materially address one or more of the Respondent's statements of defence;
 - iii. that the Committee's decision shows evidence of bias; or
 - iv. that new information, not previously available to the Respondent, has been discovered, which addresses one or more of the reasons for the Committee's finding.
- (c) Failure by the Respondent to identify one or more grounds of appeal as outlined in (b) above will result in summary dismissal of the appeal by the Vice-President Research and Innovation.
- (d) The appeal will be heard by a new Committee of Inquiry appointed by the Vice-President Research and Innovation in accordance with 9.3.

9.15 The appeal will be determined on the basis of written submissions alone and in accordance with the principles of natural justice and procedural fairness.

9.16 Denial of an appeal under c) above, and any decision by the appeal committee, is final and is not subject to grievance.

9.17 Within five (5) Working days of receipt of the Investigative Report, the Administrative Authority shall provide copies of the Investigation Report to the Respondent, the complainant and the Vice-President Research and Innovation and the Vice-President Academic and Provost with notice to the Respondent and the Dean and complainant as to whether the Complaint was substantiated. Where the Complaint is substantiated, the Administrative Authority shall also advise the Respondent whether discipline will be initiated under the collective agreement.

9.18 Where the Complaint is not substantiated, the Administrative Authority in consultation with the Respondent and in light of any recommendations made by the Committee of Inquiry shall take all reasonable steps to repair any damage that the Respondent's reputation for scholarly integrity may have suffered by virtue of the Complaint including notification of all parties who have been advised of the allegation during the course of a Review or inquiry.

10 NOTIFICATION OF FUNDING AGENCIES

10.1 The Vice-President Research and Innovation (or designate) shall undertake the necessary reporting to the Tri-Agency Secretariate on Responsible Conduct of Research, and to any granting agency or sponsor of the Scholarly Activity in question and may inform other relevant persons or entities in the interests of protecting the integrity of Scholarly Activity.

11 INSTITUTIONAL RESPONSIBILITY

11.1 Whenever an Inquiry concludes that a serious breach has occurred, the Vice-President Research and Innovation may appoint a Reviewer to evaluate the integrity of all other Scholarly Activity previously undertaken by that Respondent at this University.

12 TIME LIMITS

- 12.1 All time limits in these procedures may be extended in writing by agreement of a designated representative of the Faculty Association and Faculty Relations. The Respondent, complainant and Administrative Authority shall be advised of both the extension of time and the reasons for the extension.