



# Policies & Procedures Manual

<b>Section:</b> ACADEMIC – RESEARCH	<b># Pages:</b> Page 1 of 12	<b>Policy Number:</b> AC-04-02
	<b>Approved by:</b> Learning Council	
<b>Title:</b> INTEGRITY IN RESEARCH AND SCHOLARLY ACTIVITY	<b>Effective Date:</b> April 24, 2018	
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## POLICY STATEMENT

University College of the North will establish principles and procedures that promote high standards of ethics and integrity in research and scholarly activity undertaken by and affiliated with the University College.

## PURPOSE OF POLICY

The purpose of this policy is to provide a framework for ensuring that all research and scholarly activity involving University College of the North will be conducted with the highest level of integrity and ethics. This policy also designates responsibility for maintaining these expectations, and addresses allegations and timely response to inappropriate conduct related to integrity of research.

## INTERPRETATION OF POLICY

This policy should be interpreted throughout with the understanding that the term ‘research’ is inclusive also of scholarly activity as defined below.

This policy should be interpreted with the understanding that research can involve honest error, conflicting data or valid differences in experimental design or in interpretation or judgment of information.

## EXEMPTIONS TO POLICY

This policy does not apply to ongoing information-gathering activities deemed to be of minimum risk that are sanctioned by University College of the North, are in accordance with its core mandate, and are related directly to the normal administering, evaluating, or improving of an operation, program, service or activity within University College of the North. Such activities commonly include, but are not limited to, quality assurance studies, performance reviews, or testing within normal educational requirements, and are not considered to be “research” as defined under the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS2)*.

## DEFINITIONS

**University College** means University College of the North (including its institutes and research facilities) particularly as relating to the University College of the North’s eligibility to receive and manage grant funds and contracts.

**Researcher** means, for the purposes of this policy, any University College of the North faculty member, non-instructional staff member, Elder, student, or any other person or organization engaged in conducting research under the auspices of or involving University College of the North. A researcher might, but not necessarily, hold a research grant awarded by the Natural Sciences and Engineering Research Council (NSERC), Social Sciences and Humanities Research Council (SSHRC) or Canadian Institutes of Health Research (CIHR) (hereinafter referred to the Agencies, or Agency).

**Scholarly activity** refers to contributing externally to one's discipline, institution or community, and includes but is not limited to '... scholarly teaching, the application of teaching or learning principles to the practice of teaching to enable more effective teaching strategies and learner outcomes; scholarly enquiry, discovery, integration, creativity, professional service and application; research in support of teaching and learning ...'"<sup>1</sup>

**Complainant** means the person making an allegation of inappropriate conduct related to integrity or ethics of research. The complainant may or may not be directly affected by the alleged misconduct.

**Respondent** means the researcher accused by the complainant of inappropriate conduct related to integrity or ethics of research.

**Research integrity** covers a broad spectrum of ethical behaviours grounded in principles such as honesty, carefulness and fair recognition. Conversely, **inappropriate research conduct** covers a broad spectrum of behaviours that can include but not be limited to fabrication, falsification, plagiarism, conflict of interest and conflict of commitment. Inappropriate research conduct also includes any breach of research ethics involving human participants or animal subjects. Inappropriate research conduct does not include honest error or differences of opinion.

## PROCEDURES

### 1. Appropriate Ethics and Integrity While Conducting Research

Appropriate conduct in research includes, but is not limited to, the following:

- (a) Obtaining, recording, analyzing, storing, reporting, and publishing or otherwise disseminating data or results without fabricating, falsifying or plagiarizing;
- (b) Recognizing the substantive contributions of all collaborators, including students; using any work of other researchers and scholars, published or unpublished, only with permission and with due acknowledgment; and using archival material in accordance with the rules of the archival source;
- (c) Ensuring that authorship of published work includes all those who have materially contributed to, and share responsibility for, the contents of the publication, and only those persons;

- (d) Using scholarly and scientific rigour and integrity in obtaining, recording and analysing data, and in reporting and publishing or otherwise disseminating results;
- (e) Putting safeguards in place to prevent abuse of supervisory power affecting collaborators, assistants, students and others associated with the research or any behaviour contrary to University College of the North Policy HR-05-07 Harassment and Discrimination;
- (f) Obtaining the permission of the author before using new information, concepts or data originally obtained through access to confidential manuscripts or applications for funds for research or training that may have been seen as a result of processes such as peer review;
- (g) Seeking and obtaining approval by University College of the North's Research Ethics Board before engaging in any research involving human participants, and then complying fully with the approved research protocols in the performance of the research;
- (h) Being conversant with specifics relative to research involving Aboriginal peoples in Canada as set out in the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2), and guiding research design accordingly;
- (i) Seeking and obtaining approval by the appropriate committee or authority before engaging in any research involving biohazards or ionizing radiation and then complying fully with the approved research protocols in the performance of the research;
- (j) Seeking and obtaining approval by the appropriate committee or authority before engaging in any teaching and/or research involving animals and then complying fully with the approved research protocols in the performance of the teaching and/or research;
- (k) Complying with University College of the North requirements regarding the operational and financial terms of research grants and/or contracts awarded to the researcher;
- (l) Revealing to the appropriate authorities at University College of the North any material financial interest in a company that contracts with the University College to undertake research (material financial interest includes ownership, substantial stock holding, directorship, significant honoraria or consulting fees, but does not include minor stock holding in a large, publicly traded company);
- (m) Revealing to project sponsors, this and other institutions, journals or funding agencies, any material conflict of interest, financial or other, that might influence their decision on whether the researcher should be asked to review manuscripts or applications, test products or be permitted to undertake work sponsored from outside sources;
- (n) Revealing any other potential conflicts of interest or commitment, including undisclosed personal ties.

## **2. Roles & Responsibilities**

- a. Responsibilities of University College of the North
  - i. University College of the North is responsible for promoting integrity in research. The University College will conduct workshops and post all related documents and processes on its intranet. New faculty, as well as students, will be made aware of research and other policies as part

of their respective orientations. Updates and changes will be announced through e-mail or other announcement, and be available on the intranet.

- ii. University College of the North is responsible for investigating and responding, in a timely manner, to allegations of misconduct in research. Per the Tri-Agency Framework: Responsible Conduct of Research, and subject to any applicable laws, including privacy laws, the institution shall advise the relevant Agency or Secretariat on the Responsible Conduct of Research immediately of any allegations related to activities funded by the Agency that may involve significant financial, health and safety, or other risks.

b. Responsibilities of the Researcher

- i. The researcher is responsible for maintaining high standards of conduct in research. University College of the North holds researchers responsible for ensuring that they maintain the appropriate level of integrity and ethics while conducting research and scholarly activity under this policy.
- ii. Researchers will monitor the work of students, research assistants, and others, and oversee the designing of research methodology and the processes of acquiring, recording, examining, interpreting and storing data.
- iii. Researchers will comply with terms and conditions of awards and contracts; receive prior approval for use of University College of the North resources, facilities or equipment; will not misuse resources, facilities or equipment; will correctly acknowledge the source of research funds; will not make purchases for unauthorized personal gain; will maintain compliance with University College rules respecting research; will not submit misleading budget requests for research; and, will not submit misleading information for contractual purposes.
- iv. In planning any research activity dealing with human participants, the researcher must follow the most current version of the *Tri-Council Policy Statement: Ethical Conduct of Research Involving Humans (TCPS 2)* as well as *UCN Policy and Procedures Governing Ethical Conduct of Research*, and ensure that the research problem, design, and execution are in full compliance with these policies.
- v. In research as well as teaching involving animal subjects, researchers must comply with Canadian Council on Animal Care policy and guidelines as well as UCN's animal use policy, as well as inform the University College of the North Animal Care Committee of the proposed research/teaching before the proposal writing/instruction stage.
- vi. Researchers must not knowingly breach confidentiality, such as illegitimately using or sharing information acquired in confidence through processes such as peer reviewing a manuscript, grant application, from a human research participant, or from an inquiry or investigation of research conduct.
- vii. When reporting research results, explicit mention must be made of all variables and conditions known to the investigator that might affect the outcome of the investigation or the interpretation of the data.

- viii. Researchers will provide their collaborators, students, staff and assistants with all reasonable information necessary to prevent inappropriate conduct as defined in this policy.
- ix. A researcher listed as the principal investigator or co-investigator must be able to verify the authenticity of all data or other factual information generated in his/her research.

### **3. Authorship**

- a. Authorship implies significant intellectual and practical contribution to the work, and must include all those who have materially contributed to and share responsibility for content, and only those people. The concept of 'honourary authorship' is unacceptable.
- b. Students will be given appropriate recognition for authorship or collection of data in any publication.

### **4. Research Data Collection, Retention and Ownership**

- a. A complete set of all original research data must be retained by the principal investigator for a minimum of seven (7) years from the date of publication of results based on the data. A researcher must have access to his/her original results in order to respond to questions regarding their research. Errors may be mistaken for inappropriate conduct when the primary experimental results are unavailable. In no instance should primary data be destroyed while investigators, colleagues or readers of published results may raise questions answerable only by reference to the data except in the case where there is a bona fide requirement for confidentiality.
- b. Researchers must not deliberately destroy their own research data in order to avoid detection of wrongdoing, or tamper with or destroy the research of another person either for personal gain or out of malicious intent.
- c. Entitlement to ownership, reproduction and publication or other dissemination of primary data, software and other products of research will vary according to the circumstances under which research is conducted. A common understanding of ownership should be reached among collaborators, supervisors, students and University College of the North, and an agreement drafted and signed by all parties to that effect, before the research is undertaken. Nothing in this document on the matter of protection of intellectual property generated through research supersedes the terms and conditions of the current Collective Agreement.
- d. Issues of confidentiality will arise in some disciplines and areas of research, particularly as this relates to working with human participants, and these must be appropriately addressed by the department or research unit involved.
- e. Subject to any limitations imposed by the terms of grants, contracts or other arrangements for the conduct of research, the principal investigator and all co-investigators must have free access to all original data and products of the research at all times. With the knowledge and authorization

of the principal investigator, a member of the research team may make copies of the primary data for his/her own use.

- f. When a principal investigator (either faculty member or student) leaves University College of the North, arrangements for the safekeeping of records, data and products of research must be made. In the case of students, the data is retained by University College of the North; in the case of a faculty member, he/she would normally take the data with them.

## **5. Investigating and Responding to Complaints of Inappropriate Conduct in Research**

### **a. For the Researcher**

Inappropriate conduct while undertaking research is unacceptable and may be cause for disciplinary action. Disciplinary actions will reflect the severity and nature of the inappropriate conduct and may include but not be limited to:

- i. verbal warning;
- ii. extraordinary monitoring of future work;
- iii. letter of reprimand to the individual's permanent personnel file;
- iv. withdrawal of specific privileges;
- v. removal of specific responsibilities;
- vi. suspension or steps to terminate the research appointment.

### **b. For Students**

In the case of students, expectations and sanctions are defined in policies respecting student conduct, behaviour and discipline.

### **c. Informal Inquiry into Potential Inappropriate Conduct**

- i. Anyone who believes that there has been a breach of this policy must put their concerns in writing and date them, and provide them to the Vice-President, Academic & Research. Anyone receiving a complaint is required to document the complaint in writing including the date it was received, and direct it to the Vice-President, Academic & Research. The Vice-President, Academic & Research will notify the respondent of the initial complaint within 5 days of receiving it.
- ii. Such inquiries shall be kept confidential and may result in no action or a move to formal investigation. The Vice-President, Academic & Research will review the allegations and documentation related to the alleged misconduct within 10-20 days of receiving them, and determine whether a move to formal investigation is required. If the Vice-President, Academic & Research dismisses the informal complaint and the complainant wishes to pursue it further, the complainant must initiate a formal complaint.

### **d. Formal Investigation of Complaints**

- i. A formal complaint must be made in writing to the Vice-President, Academic & Research. Anonymous allegations will not normally be considered; however, if compelling evidence is received anonymously by the Vice-President, Academic & Research the investigation process may be initiated. Within ten days of receiving the complaint, the Vice-President, Academic & Research will establish an Investigating Committee of three independent individuals with relevant experience in the area of research involved in the particular case, to conduct an investigation. No member of the department/school involved will be part of the Investigating Committee. Persons external to the University

College may be appointed at the discretion of the Vice-President, Academic & Research.

ii. In all proceedings and subsequent to a final decision, University College of the North will undertake to assure that those making an allegation in good faith and without demonstrably malicious intent are protected from reprisals or harassment. False allegations made purposefully will give cause for disciplinary action to be taken by the University College respecting the individual making the allegation.

iii. The Investigating Committee shall pay special attention to all issues of privacy and confidentiality and, if the complaint being investigated relates to research involving human participants, the Investigating Committee shall take whatever steps are necessary to protect the identity of the persons who participated.

iv. To protect Agency funding, if deemed necessary the Vice-President, Academic & Research may direct that research funds be withheld until matters of inappropriate conduct are resolved.

v. Within ten working days of receipt of the complaint, the Investigating Committee will meet with the complainant and respondent(s) and discuss and document the nature of the complaint and the circumstances surrounding it. Additional interviews will be held and documentation reviewed depending on the circumstances.

Complainants as well as respondents will be given an opportunity to give their version of the facts to the Investigating Committee, and both parties will be available to ensure a timely resolution to the complaint.

vi. Following the process outlined in 5.d.v above, the Investigating Committee will generate a report, which will include:

- A summary of the allegations;
- Composition of the investigating Committee and rationale for selection process;
- Investigative methods;
- Persons interviewed or supplying information;
- Proposed plan to restore reputations and protect complainants that have acted in good faith;
- Details on recommended sanctions; and
- Other relevant details.

The Investigating Committee will report to the Vice-President, Academic & Research. The Investigating Committee is authorized to decide on inappropriate conduct, and its decision will be binding on the institution. The investigation must be concluded within 60 to 90 days from the date of creation of the Investigating Committee.

vii. If upon reviewing the report the Vice-President, Academic & Research believes the complaint is without foundation, the Investigating Committee will dismiss the complaint and immediately advise the complainant and the respondent with a written response outlining the reasons for this decision. Based on the findings, the Vice-President, Academic & Research may require the complainant, or others, to take action to protect or restore the reputation or credibility of a wrongly accused researcher. A copy of the report will be forwarded to all relevant funding Agencies within thirty days of receipt.

viii. If the Vice-President, Academic & Research determines a breach to the integrity of the research, or that the researcher has acted

unethically, the Vice-President, Academic & Research will determine any actions or sanctions to be taken, and will communicate these in writing to the respondent and to others as may be appropriate given the circumstances. Such information will be provided to the funding agencies as soon as possible, but not later than thirty (30) days following receipt of the Investigating Committee's report.

e. Retaliation

Researchers accused of inappropriate conduct must not retaliate against a person(s) who acted in good faith and provided information about alleged research misconduct. This is especially important if the person making the allegation is a student supervised by the individual alleged to be involved in fraud or research misconduct, or is a research employee whose employment in the University College is directly dependent upon grant or contract funds for which the individual alleged to be involved in fraud or research misconduct is the signing authority.

## 6. Appeals under this Policy

- a. Appeals under this policy may be requested by university members who are not represented by a collective agreement and who are not students. Members represented by a collective agreement may grieve any action taken by the University College using the grievance procedure set out in the relevant collective agreement.
- b. Either the complainant or the respondent may appeal the decision of the Investigating Committee and/or the penalty imposed by delivering to the Vice-President, Academic & Research a written notice of appeal within thirty (30) days of receipt of a copy of the Investigating Committee report. The notice should include a written statement of appeal that indicates the grounds on which the appellant intends to rely, any evidence the appellant wishes to present to support those grounds, and (where relevant) what remedy or remedies the appellant believes to be appropriate.
- c. An appeal will be considered only on one or more of the following grounds:
  - i. That the original Investigating Committee had no authority or jurisdiction to reach the decision or impose the sanction(s) it did;
  - ii. That there was a reasonable apprehension of bias on the part of a member or members of the original Investigating Committee;
  - iii. That the original Investigating Committee made a fundamental procedural error that seriously affected the outcome;
  - iv. That new evidence has arisen that could not reasonably have been presented at the initial hearing and that would likely have affected the decision of the original Investigating Committee.
- d. Upon receipt of a notice of appeal, the Vice-President, Academic & Research or designate will review the record of the original hearing and the written statement of appeal and determine whether or not the grounds for appeal are valid. If the Vice-President, Academic & Research determines that there are no valid grounds under these Procedures for an appeal, then the appeal will be dismissed without a hearing. If the Vice-President, Academic & Research determines that there may be valid grounds for an appeal, then the appeal hearing will proceed as provided

for below. The decision of the Vice-President, Academic & Research with respect to allowing an appeal to go forward is final, with no further appeal.

## **7. Appeals Board**

The Appeals Board will be constituted by the Vice-President, Academic & Research within twenty one (21) calendar days and will be composed of three senior members of the University or of another academic institution. One member of the board shall be named chair. Individuals appointed to serve on an Appeals Board shall exclude anyone who was involved in the original hearing of the case. The members of the Appeals Board will have no actual, apparent, reasonable, perceived, or potential conflict of interests or bias and will jointly have appropriate subject matter expertise and administrative background to evaluate the allegation and the response to it. The complainant and the respondent will be advised of the composition of the Appeals Board and will have seven (7) calendar days to advise the Vice-President, Academic & Research of their intent to challenge the suitability of any member of the Appeals Board based on a reasonable apprehension of bias against the complainant's or respondent's case.

## **8. Appeals Procedure**

- a) The Appeals Board shall convene to hear the appeal within twenty-one (21) calendar days of being constituted. Under exceptional circumstances, the Board may extend this period.
- b) Written notice of the hearing, along with a copy of these Procedures and of the written statement of appeal, will be delivered by the Vice-President, Academic & Research or designate to the appellant, to the other party in the original hearing as respondent, to the chair of the original Investigating Committee, and to members of the Appeals Board. Where possible and reasonable, the schedules of all parties will be accommodated and at least seven (7) calendar days' notice of the time and location of the hearing will be provided. Where there are special circumstances (as determined by the Vice-President Research or designate), the matter may be heard on less than seven (7) calendar days' notice.
- c) If any party to these proceedings does not attend the hearing, the Appeals Board has the right to proceed with the hearing, and may accept the written record of the original hearing and the written statement of appeal and/or a written response in lieu of arguments made in person. An appellant who chooses to be absent from a hearing may appoint an advocate to present his/her case at the hearing.
- d) The Appeals Board is not bound to observe strict legal procedures or rules of evidence but shall establish its own procedures subject to the following principles:
  - i) Appeals Boards under these regulations will not hear the case again, but are limited to determining whether the original Investigating Committee had authority and jurisdiction to hear the original case; whether there was a reasonable apprehension of bias on the original Investigating Board that heard the case; whether the original Investigating Committee made fundamental procedural errors that seriously affected the outcome; or whether any new evidence that is being presented

- would likely have affected the original outcome AND could not reasonably have been presented at the original hearing.
- ii) The parties to the hearing shall be the appellant (who may be either the original complainant or the original respondent) and the other party to the original hearing as respondent. The chair (or another member designated by the chair) of the original Investigating Committee is invited to attend and at the discretion of the chair will be permitted to participate in the hearing and to answer questions of either party or of the Appeals Board.
  - iii) Except as provided for under 8.d) i. above, no new evidence will be considered at the hearing. The record of the original hearing, including a copy of all material filed by both sides at the original hearing, and the written statement of appeal, will form the basis of the Appeals Board's deliberations.
  - iv) It shall be the responsibility of the appellant to demonstrate that the appeal has merit.
  - v) Hearings shall be restricted to persons who have a direct role in the hearing. Witnesses will not normally be called, but the appellant may request the presence of an advocate and up to three observers. At the discretion of the chair, other persons may be admitted to the hearing for training purposes, or other reasonable considerations.
  - vi) The appellant and the respondent shall be present before the Appeals Board at the same time.
  - vii) Both the appellant and the respondent will have an opportunity to present their respective cases and to respond to questions from the other party and from members of the Appeals Board.
  - viii) Both the appellant and the respondent will have the opportunity to suggest what sanctions, if any, they believe are appropriate to the matter before the Appeals Board.

## **9. Disposition by the Appeals Board**

- b) After all questions have been answered and all points made, the Appeals Board will meet in camera to decide whether to uphold, overturn or modify the decision of the original Investigating Committee. The deliberations of the Appeals Board are confidential.
- c) The Appeals Board may, by majority,
  - i) Conclude that the appellant received a fair hearing from the original Investigating Committee, and uphold the original decision; or
  - ii) Conclude that the appellant did not receive a fair hearing, but that the outcome determined remains appropriate and the original decision is upheld; or
  - iii) Conclude that the appellant did not receive a fair hearing, and dismiss or modify the original decision and/or sanctions; or
  - iv) Order that a new Investigating Committee be struck to re-hear the case. This provision shall be used only in rare cases such as when new evidence has been introduced that could not reasonably have been available to the original Investigating

Committee and is in the view of the Appeals Board significant enough to warrant a new hearing.

- v) The chair of the Appeals Board shall prepare a report of the board's deliberations that shall recite the evidence on which the board based its conclusions and state any penalty imposed or withdrawn. The report shall be delivered to the Vice-President, Academic & Research.
- vi) If the decision of an original Investigating Committee is successfully appealed, the chair of the Appeals Board shall ask the relevant Senior Administrator to take all reasonable steps to repair any damage that the appellant's reputation for academic integrity may have suffered by virtue of the earlier finding of the Investigating Committee.

vii)

## **10. No Further Appeal**

The findings and ruling of the Appeals Board shall be final with no further appeal.

## **11. Reports**

Not later than 15 days after a hearing board or an appeal board has completed its deliberations, the chair shall deliver a copy of the report to the Appellant, the Respondent, the relevant Senior Administrator, and the Vice-President Research. If there is more than one Appellant or Complainant, reasonable efforts will be made to provide each with parts of the report that are pertinent to him/her.

## **12. Privacy and Confidentiality**

a. The privacy of both the complainant and the respondent will be protected as far as is possible given the need for due process in pursuing an enquiry and reporting the findings. In the case of a researcher being wrongly accused, all documents or files provided to a third party will be destroyed at the conclusion of the investigation, and an official letter of exoneration from the Vice-President, Academic & Research will be sent to the researcher.

b. The Vice-President, Academic & Research will be responsible for keeping and controlling appropriate access to records relating to this policy. Such records will be kept in accordance with the University College's policy on record keeping *AD-01-19 Records and Archives Policy*.

c. If the investigation is at the request of the funding Agency, all findings and actions taken will be reported to the funding Agency within thirty (30) days.

<sup>1</sup>White Paper on Scholarly Activity. Federation of Post-Secondary Educators of B.C. April 30, 2009.

**RELATED POLICIES AND GUIDELINES**

AC-04-03 Conflict of Interest and Commitment in Research and Scholarly Activity

AN-01-01 Use of Animals in Teaching, Research and Testing

UCN Policy and Procedures Governing Ethical Conduct of Research Involving Humans

HR-05-07 Harassment and Discrimination