

POLICY ON SCHOLARLY INTEGRITY
(Pursuant to the Framework Agreement)

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1 Preamble

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 Definitions

For the purposes of this Appendix:

- 2.1 Complaint means a written allegation of misconduct in a scholarly activity that complies with the requirements of Paragraph 6.1 that has been forwarded to the Dean.
- 2.2 Days means calendar days unless otherwise stated.
- 2.3 Dean means University Librarian if the Respondent is a Librarian.
- 2.4 Inquiry means the process described in Section 8.
- 2.5 Respondent means a person in respect of whom an allegation of misconduct in a scholarly activity has been made.
- 2.6 Review means the process described in Section 7.
- 2.7 Reviewer means a person appointed to conduct the review described in Section 7.
- 2.8 Scholarly Activity includes all activities by Members that is appropriate for inclusion in a curriculum vitae as scholarship, research (including graduate student supervision), or other creative activity.
- 2.9 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).

3 Scholarly Integrity

- 3.1 Members engaged in scholarly activity shall exhibit intellectual honesty and integrity in all their scholarly activities.
- 3.2 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.
- 3.3 Members are also responsible for scholarly rigour and integrity in teaching including evaluating the work of students in a fair manner.
- 3.4 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) Using a high level of rigour in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data, findings and results.
 - (b) Keeping complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agreement, institutional policies and/or 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 data, source material, methodologies, findings, graphs and images.
 - (d) Including as authors, with their consent, all those and only those who have materially or conceptually contributed to, and share responsibility for, the contents of the publication or document, in a manner consistent with their respective contributions, and authorship policies of relevant publications.
 - (e) Acknowledging, in addition to authors, all contributors and contributions to research, including writers, funders and sponsors.
 - (f) Appropriately managing any real, potential or perceived conflict of interest in accordance with Article 69 of the Framework Agreement.
- 3.5 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.

4 SCHOLARLY MISCONDUCT

4.1 Scholarly misconduct includes:

- (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;
- (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;
- (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.

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

4.3 **Serious scholarly misconduct** means misconduct judged to be deliberate or reckless, going beyond negligence, and of sufficient gravity to justify initiation of dismissal proceedings.

5 DATA AND MATERIAL PRODUCTS

- 5.1 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.
- 5.2 In the event that an allegation of misconduct proceeds to a review, a Member shall cooperate 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.

6 ALLEGATIONS

- 6.1 An allegation of scholarly misconduct must be in writing and shall contain sufficient detail to enable the Respondent to understand 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 making the allegation must identify herself or himself. Anonymous allegations will not be investigated.
- 6.2 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.
- 6.3 A Complaint containing allegations of scholarly misconduct shall be forwarded to the Dean of the unit in which the Respondent holds an appointment.
- 6.4 Where the Respondent holds appointments in more than one Faculty, the Complaint may be forwarded to the Dean of any Faculty in which the Respondent holds an appointment. If the Complainant is a graduate student, the Complaint shall also be forwarded to the Dean of Graduate Studies. Upon the receipt of a Complaint, the Deans shall determine which Dean is the most appropriate Dean to ensure the procedures of this Policy are followed.
- 6.5 Where there is more than one Respondent and not all are from the same unit, the Deans in question shall agree which Dean shall be responsible for ensuring that these procedures are followed appropriately with such variations as are necessary.
- 6.6 On receipt of an allegation of scholarly misconduct, the Dean shall determine whether the allegations fall within the definition of scholarly misconduct in Section 4 and the form of the Complaint complies with Paragraph 6.1. Where the Complaint does not fall within the definition of scholarly misconduct in Section 4 or does not comply with Paragraph 6.1 or, in the opinion of the Dean, the allegation is trivial, frivolous or vexatious, the Dean shall notify the Complainant as soon as possible.
- 6.7 If the Dean determines that a Complaint falls within the definition of scholarly

misconduct in Section 4, complies with Paragraph 6.1 and is not trivial, frivolous or vexatious, and the allegation alleges misconduct in research, the Dean shall notify the Vice-President Research of the allegation. In the case of an allegation of misconduct involving Tri-Agency funding that may involve significant financial, health and safety, or other risks, the Vice-President Research 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.

7 REVIEWS

- 7.1 Where a Complaint falls within the definition of scholarly misconduct in Section 4 and the form of the Complaint complies with Paragraph 6.1, the Dean shall:
- (a) immediately 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 Complainant.
 - (b) not later than ten 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 Dean shall appoint a senior faculty or academic staff member from another Faculty. The purpose of the Review is to determine whether the Complaint warrants an Inquiry.
 - (c) advise the Respondent and Complainant of the name of the person appointed to conduct the Review.
- 7.2 Any objection to the person appointed to conduct the Review shall be made to the Dean within seven days. The only grounds for objection are alleged bias or conflict of interest. The Dean's disposition of any such objection shall be final.
- 7.3 The Reviewer shall proceed informally and in complete confidentiality. 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 her or his Report, the Reviewer may request the Complainant and the Respondent to comment on all or portions of a draft report.
- 7.4 Within thirty days of being appointed, the Reviewer shall report in writing to the Dean, with copies to the Respondent, the Complainant, and the Vice-President Academic.
- 7.4.1 A Report may conclude that the Complaint does not warrant an Inquiry only on one or more of the following grounds:
- (a) the Complaint does not pertain to a scholarly activity as defined in the Policy;
 - (b) the Complaint is trivial, frivolous, or vexatious;
 - (c) there is insufficient evidence for an Inquiry to consider;
 - (d) the Complaint is made in bad faith; or
 - (e) the lapse of time since the conduct in question has been such that the matter cannot be properly investigated because of the unavailability of

witnesses, the absence or loss of records, or similar reasons.

- 7.4.2 Where the Report concludes that the Complaint warrants an Inquiry, the 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 of any documents considered by the Reviewer; and
 - (d) attach copies of all documents provided to the Reviewer by either the Complainant or the Respondent.

8 INQUIRIES

- 8.1 Where the Report of the Reviewer concludes that the Complaint does not warrant an Inquiry, the Dean shall so advise the Respondent and the Complainant and shall forward to the Vice-President Academic a copy of the written Complaint and the Review Report.
- 8.2 Where the Report of the Reviewer concludes that the Complaint does warrant an Inquiry, the Dean shall, within ten working days of receiving the Report,
- (a) request the Vice-President Academic to appoint a Committee of Inquiry to conduct an Inquiry into the Complaint; and
 - (b) appoint a person, who may be the Complainant, to present the evidence in support of the Complaint to the Committee of Inquiry.
- 8.3 The Committee of Inquiry shall consist of three 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 Vice-President Academic shall advise the Respondent and the Complainant of the composition of the Committee of Inquiry.
- 8.4 Any objection to the composition of the Committee of Inquiry shall be made to the Vice-President Academic within seven days. The only grounds for objection are alleged bias or conflict of interest. The Vice-President Academic's disposition of any such objection shall be final.
- 8.5 The terms of reference of the Committee of Inquiry are:
- (a) to determine in accordance with Paragraph 8.11 (a) and (b) whether the Respondent has committed misconduct in relation to a scholarly activity; and
 - (b) to make recommendations in accordance with either Paragraph 8.13 or Paragraph 8.14.
- 8.6 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 Paragraph 5.2, 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.

- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 Within sixty 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.
- 8.11 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 serious misconduct as defined in this Policy.
- 8.12 The Committee's finding under Paragraph 8.11 shall be final.
- 8.13 Where the Committee of Inquiry finds either misconduct or serious misconduct in a scholarly activity, the Committee shall make recommendations with respect to any appropriate disciplinary action that should be instituted against the Respondent.
- 8.14 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:
 - (a) steps that should be taken by the person who made the initial allegation of misconduct; and
 - (b) steps that could be taken by the University to help overcome any damage that the Respondent's reputation for scholarly integrity may have suffered by virtue of the Complaint.
- 8.15 The Vice-President Academic shall immediately provide copies of the Report to the Respondent, the Complainant and the Dean and, as appropriate, shall promptly:

- (a) advise the Respondent and the Dean that the Complaint is dismissed;
- (b) advise the Respondent and the Dean that the Complaint is substantiated as misconduct, which can appropriately be dealt with by the Dean;
- (c) advise the Respondent and the Dean that the Complaint is substantiated as serious misconduct in scholarly activity and refer the matter as outlined in Article 59 for appropriate disciplinary action.

8.16 Where the Complaint is not substantiated, the Dean 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.

9 NOTIFICATION OF FUNDING AGENCIES

- 9.1 When a Committee of Inquiry has found misconduct and made its Report to the Vice-President Academic, the Vice-President Academic shall request the Vice-President, Research to report those conclusions to any granting agency or sponsor of the scholarly activity in question. Further, where the finding is that serious misconduct is substantiated, the Vice- President, Research shall report that finding to any granting agency or sponsor known to have provided support for the scholarly activity, and may inform other relevant persons or agencies in the interests of protecting the integrity of scholarly activity.
- 9.2 In the case of an allegation of misconduct involving Tri-Agency funding, the Vice-President Research shall submit a report of the review and inquiry conducted to the Tri-Agency Secretariat on Responsible Conduct of Research.

10 INSTITUTIONAL RESPONSIBILITY

Whenever an Inquiry concludes that serious misconduct is substantiated, the Vice-President Academic may appoint a Reviewer to evaluate the integrity of all other scholarly activity previously undertaken by that Respondent at this University.

11 TIME LIMITS

Time limits specified in Article 59 of the Framework Agreement shall normally apply to any review or inquiry. All time limits in these procedures may be extended, but only for compelling reasons of which a formal record is kept. The Respondent shall be advised of both the extension of time and the reasons for the extension.