



## **Revised “Policy on Responsible Conduct of Research” for Senate Approval (April 2015)**

### **Preamble<sup>1</sup>**

The advancement of society requires the search for knowledge and its free expression. The academic freedom of the University community is a major tool in achieving this end. When the members of this community engage in teaching, research and dissemination of knowledge, they are, therefore, entitled to the freedom to carry out such activities without interference. At the same time, academic freedom carries with it a moral responsibility about the way freedom is used. Integrity within the University community is essential to the preservation of academic freedom.

Moreover, universities, governments and the public have an interest in ensuring that the research carried out by universities is free of real, apparent or potential conflicts of interest. For universities, dedicated as they should be to the unbiased and free pursuit of knowledge, conflicts of interest in research are particularly damaging. Bishop's University currently possesses a Conflict of Interest policy covering such things as awarding of contracts and hiring, and covering all members of the institution from Corporation to faculty and staff. The present policy is designed to extend its principles into the field of research.

This policy presents the principles, regulations and procedures related to research integrity and conflicts of interest at Bishop's. The adoption of this policy follows the signature of the Agreement on the Administration of Agency Grants and Awards by Research Institutions between the Tri-Council and the University (2012) to ensure that the highest standards are respected in research activities conducted at Bishop's University. It also complies with the *Politique sur la conduite responsable en recherche* (2014) of the Fonds de recherche du Québec.

The Vice-Principal Academic or his/her representative is responsible for the implementation of the policy, for the promotion of a culture of integrity at the University, for training and mentoring of researchers, and for the regular update of the policy in line with changes in best practices.

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<sup>1</sup> This document draws on similar policies approved at other Canadian universities – most notably on those in force at Brock University, the University of Regina, the University of New Brunswick, Memorial University of Newfoundland, Université de Sherbrooke, and Wilfrid Laurier University.

## 1. Purpose

The policy will:

- a) identify the members of the University to whom it applies;
- b) define *research integrity* and *conflicts of interest* in their various forms;
- c) specify the steps to be taken and the responsibilities of various parties to avoid situations of conflict of interest and/or to resolve them if they arise;
- d) outline the procedures to be followed when allegations of misconduct in research or failure to disclose conflicts of interest are made.

## 2. Scope of the Policy

This policy applies to all members of the University community including (but not necessarily confined to) faculty members (continuing, contract, visiting and adjunct), librarians, students, staff, research associates, postdoctoral fellows, and so on. It also applies to all administrative personnel who are responsible for the oversight of research or the delivery of research support at Bishop's University. This policy applies whether research activities are funded or not; whatever the funding source is, and wherever the research activities are taking place.

## 3. Definitions

### 3.1 Research Integrity

Research integrity has to do with probity and scientific/scholarly ethics in research or in research-related activities including applications for institutional or government funding. Bishop's University expects members of the University to display scientific/scholarly honesty in gathering and analysing research findings; provide the most precise possible account of the origin of their findings and of the concepts they use; recognize the intellectual property rights of the various parties; and respect the requirements and legislation regulating certain types of research such as research with human participants, research with animal subjects, research that has environmental impact, and research with biosafety or nuclear risks.

Misconduct in scholarly research and grant applications includes but is not limited to the following:<sup>2</sup>

- a) *Fabrication*: Making up data, source material, methodologies or findings, including graphs and images.
- b) *Falsification*: Manipulating, changing, or omitting data, source material, methodologies or findings, including graphs and images, without acknowledgement and which results in inaccurate findings or conclusions.

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<sup>2</sup> The definitions (a-h) are those used in the Tri-Agency Framework: Responsible Conduct of Research (2011) and the definitions (i-m) are those of Bishop's University based on article 6.2 of the Fonds de recherche du Québec policy (2014).

- c) *Destruction of research records*: The destruction of one's own or another's research data or records to specifically avoid the detection of wrongdoing or in contravention of the applicable funding agreement, institutional policy and/or laws, regulations and professional or disciplinary standards.
- d) *Plagiarism*: 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 and, if required, without permission.
- e) *Redundant publications*: 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.
- f) *Invalid authorship*: Inaccurate attribution of authorship, including attribution of authorship to persons other than those who have contributed sufficiently to take responsibility for the intellectual content, or agreeing to be listed as author to a publication for which one made little or no material contribution.
- g) *Inadequate acknowledgement*: Failure to appropriately recognize contributions of others in a manner consistent with their respective contributions and authorship policies of relevant publications.
- h) *Mismanagement of Conflict of Interest*: Failure to appropriately manage any real, potential or perceived conflict of interest, in accordance with the Institution's policy on conflict of interest in research, preventing one or more of the objectives of the Framework (Section 1.3) from being met.
- i) *False information*: Failure to provide correct information, or misrepresentation in a grant application, in a funding agency-related document, or in any form of scholarly dissemination.
- j) *Mismanagement of research funds*: Failure to manage research funds in compliance with the funding source's requirements.
- k) *Non-compliance*: Violation of policies or requirements specific to certain types of research (e.g. human participants, animals, biohazards, etc.).
- l) *Undermining peer-review process*: Behave in a way to discredit the integrity of the peer-review process and the allocation of funds.
- m) *False or misleading allegations*: The making of allegations of misconduct that are not true, reckless, malicious, and not in good faith.

### 3.2 Conflict of Interest

- a) Real conflict of interest: this exists where there is an actual conflict between a researcher's private and/or personal interests and his or her duties or responsibilities to the University and to his or her public duty as a researcher or scholar. The necessary criteria for such a conflict are:
- the existence of a real private or personal interest;
  - awareness on the part of the researcher that it exists;
  - a connection between this interest and the researcher's duties or responsibilities of sufficient importance to influence the exercise of those duties and responsibilities.
- b) Apparent conflict of interest: this exists where a reasonably well-informed person could form the impression that such a conflict as that described above exists.
- c) Potential conflict of interest: this exists when a member of the University can perceive that she or he has a private or personal interest that may in the future come into conflict with the duties and responsibilities listed above.

#### **4. Principles**

As a scholarly community, the University and all the individuals that comprise it have a responsibility to maintain and promote the highest standards of scholarly research, which include such components as:

- a) Scholarly competence and intellectual honesty;
- b) Rigour when collecting, managing and interpreting data as well as when disseminating research results;
- c) Respect of standards when conducting research with special requirements such as research involving human subjects, animals, biohazards, and environmental impact;
- d) Rigorous citations of the work of others, and one's own work;
- e) Transparent and rigorous management of research resources (funds, equipment and materials);
- f) Respect of the rights related to intellectual property;
- g) Recognition of the intellectual contribution of others to research activities;
- h) Respect of the policies and regulations of the University and granting agencies;
- i) Avoidance of any real, perceived, or potential conflict of interest.

Bishop's will not tolerate scholarly misconduct of any form within the University community. It will take appropriate measures to maintain an environment that promotes scholarly integrity. Further it will take accusations of scholarly misconduct seriously and, as quickly as possible, determine their validity and take appropriate action.

It must be recognized, however, that not all actions that fail to meet the highest standards of scholarship constitute scholarly misconduct. Scholarly misconduct is related to and involves the notion of conscious or deliberate deception or action, and even such misconduct has degrees of seriousness.

It is important to recognize that the ultimate responsibility to assure that the University community is free from scholarly misconduct belongs to everyone.

### **5. Procedure for Disclosing Conflict of Interest**

Every member of the community has a duty to report any real, perceived or potential conflict of interest that might influence his or her research activities to the dean of their division. A committee comprised of the Vice-Principal, the Deans, and the Chair of the Department concerned (who will be replaced if he or she is the person who might be in a conflict of interest) will convene to deal with the disclosure, in consultation with the researcher. The Committee will determine whether or not a conflict of interest exists, and if so, will determine a solution. The findings and the decision of the Committee will be transmitted to the researcher and a copy will be retained in the Office of the Vice-Principal Academic. **It must be emphasized that this procedure is not a punitive exercise;** its objective is to find a mechanism whereby the researcher can conduct his/her research activities in good conscience, free of the threat of allegations of misconduct. A researcher who declares a possible conflict of interest and applies the solution mandated by the committee above is acting according to the highest principles of scholarly integrity.

### **6. Procedure for Reporting and Investigating Misconduct in Scholarly Research (including undisclosed conflicts of interest)**

Allegations of scholarly misconduct against individuals associated with the University will be taken seriously by the University. Such allegations will be treated in such a way as to protect, to the maximum extent possible, the confidentiality of both those bringing the allegations and those named in allegations. All inquiries and investigations will be completed as quickly as possible while respecting due process and natural justice. The following procedures are intended to ensure that due process, natural justice, and the rules of procedural fairness are achieved.

In the case of allegations against members of the bargaining unit represented by the Association of Professors of Bishop's University, the procedures shall be modified according to Letter of Intent Number 104 of 1995.

The files for all allegations will be kept in accordance with the collective agreements of Bishop's University. When an allegation relates to a researcher funded by FRQ, FRQ requires that a unique reference number be given to each allegation. This number must be used in all correspondence with the FRQ about this specific allegation.

- a) All allegations of misconduct in scholarly research shall be directed in the first instance in writing to the Vice-Principal Academic or his/her representative who will refer the matter to the Senate Research Ethics Committee (SREC).
- b) Before the matter is referred to the SREC, the concerned individual must be informed in writing by the Vice-Principal Academic or his/her representative that he or she is the object of an allegation of misconduct in research.

- c) If the individual named in the allegations acknowledges the facts, the Vice-Principal Academic or his/her representative may decide not to bring the matter to the Senate Research Ethics Committee and the Vice-Principal Academic shall settle the matter informally by issuing a warning to the researcher. In the case of a serious offence admitted by the researcher, the Vice-Principal Academic will recommend an appropriate sanction to the Principal. Should the person who acknowledges the facts be funded by the FRQ, the Vice-Principal Academic must submit a report to the FRQ.
- d) The SREC is a Standing Committee of Senate, composed of three faculty members of Senate and the Dean of the Division of which the individual named in the allegations is attached (If a Dean is involved or an individual not attached to one of the Divisions then the Vice-Principal Academic or his/her representative will act as a member of the Committee instead of the Dean). The Committee will elect its own Chairperson. If in the Committee's judgment the allegations have sufficient substance to warrant investigation, the Committee shall inform the individual named in the allegations, in writing, within 20 working days of the original written allegation, with a copy to the Principal and Vice-Principal Academic. Otherwise, the allegations shall be dismissed and no action taken. This written notice shall summarize the allegations in sufficient detail to allow the individual concerned an opportunity to respond.
- e) Allegations which concern individuals holding federal research grants or awards must be signaled to the Federal Secretariat on Responsible Conduct of Research should the Senate Research Ethics Committee recommend an inquiry or should the original allegations involve significant financial, health and safety, or other risks.

Allegations which concern individuals holding grants or awards from the FRQ must be reported to the FRQ. A template (Lettre de recevabilité de l'allégation) provided by the FRQ must be used for this purpose. At this stage, the letter should not provide information that could allow the identification of the individual named in the allegations.

- f) Anonymous allegations are not encouraged. Nonetheless, anonymous allegations of serious breaches of the responsible conduct of research will be referred to the Senate Research Ethics Committee as in 6 a) above, which will determine whether or not a formal inquiry is needed.
- g) The University may independently or at the request of a funding agency take immediate action in exceptional circumstances to protect the administration of institutional or agency funds. Immediate actions could include freezing grant accounts, requiring a second authorized signature from an institutional representative on all expenses charged to the researcher's grant accounts, or other measures, as appropriate. In the case of such an immediate action, the FRQ must be informed without any delay.

- h) The formal investigation process commences when the individual named in the allegations has received the written notice from the SREC. An advisor may be present at any meeting or hearing involving the individual named in the allegations during the course of the formal investigation, if the individual named in the allegation so desires. Any statements made by the individual named in the allegations during informal discussions outside of these meetings or hearings shall be strictly without prejudice. All meetings and hearings shall be closed.
- i) The formal investigation process will be conducted by a special investigation committee (SIC), independent of the Senate Research Ethics Committee, composed of an external member, who has no current affiliation with the University and who is not in a conflict of interest, named by the Principal and three tenured members of the faculty selected by the Principal from a panel of six agreed to by the Corporation, and the Association of Professors of Bishop's University (APBU). One member of the committee must be from the same disciplinary field as the individual named in the allegations. This special Committee shall investigate the allegations promptly, fairly, judiciously and in a confidential manner, ensuring that the individual named in the allegations has adequate opportunity to know of the evidence presented and to respond to that evidence. It shall report in writing to the Principal, with a copy to the individual named in the allegations and to the Vice-Principal Academic or its representative within 45 working days of the commencement of the formal investigation process on whether it finds the allegations to be true, and, if so, assess the degree of seriousness of the offence. The Committee shall have available to its legal counsel in order to ensure due process.
- j) When no misconduct is found, every effort will be made by the Committee and the Principal to protect the reputation of the individual named from undue harm.
- k) The Principal shall decide on any disciplinary measure to be imposed on the individual, in accordance with the provisions of the Collective Agreement and/or the Statutes of the University. Such discipline shall be appropriate to the seriousness of the offence.
- l) The Principal shall consult with the Vice-Principal Academic or his/her representative in order to decide what additional steps should be taken to rectify the breach of research integrity.
- m) The University agrees to take such steps as may be necessary and reasonable to protect the rights, positions, and reputations of all individuals who are involved in allegations of misconduct (those who in good faith make allegations and those who are called as witnesses in the formal investigation).
- n) The University will take disciplinary action against any individual who makes allegations of misconduct in research which are reckless, malicious and not in good faith. Such disciplinary action shall be in accordance with the appropriate articles of the Collective Agreement and/or the Statutes of the University. When the individual who makes such

reckless or malicious allegations is from another university, Bishop's University will alert the external university in question of the situation.

- o) When the Secretariat on Responsible Conduct of Research has been informed of the proceedings before a judgment has been rendered, the Vice-Principal shall send a report to the Secretariat.
- p) Once the investigation process is completed and no basis was found for further action, the University must inform the FRQ. If the investigation process concludes that the allegations are true, a full report must be forwarded to the FRQ. The individual concerned must be informed of the transmission of the report to the FRQ.

## **7. Appeals**

- a) An appeal of a decision must be filed with the Vice-Principal Academic within 30 working days of receiving notification of the decision.
- b) The Vice-Principal Academic must set up an Appeal Committee (AC) composed of three individuals: two faculty members named by the Faculty Council, and one Officer of the University who is not a member of the SREC nor of the special investigation committee (SIC) who shall be named by the Principal. The members of the Appeal Committee will elect its Chair and establish its own procedures and shall observe the basic principles of procedural fairness.
- c) The appeal may be from either complainant or respondent but in either case shall be written and signed and state specifically the grounds for appeal and the remedy sought.
- d) Unless the AC decides that there is a compelling need for further clarity or the grounds for appeal involve new evidence, no new documents will be considered by the AC that were not before the SIC.
- e) Within 30 working days of receipt of a request for an appeal, the Chair of the AC will acknowledge the request and notify the other parties. Within ten working days, the Chair shall convene a hearing of the AC. Five working days notice will be given to all parties of the date of the first meeting of the AC.
- f) The AC has the power to hear an appeal against a decision of the SREC only for the following reasons:
  - errors of fact in the information used by the SREC or the SIC which could affect the decision rendered; or
  - new evidence not available to the parties at the time of the decision of the AC; or
  - serious and prejudicial procedural defects; or
  - action by the SREC and SIC beyond their jurisdiction.

- g) The AC may hear testimony from the Chair of the SREC and SIC where significant procedural error is alleged as the grounds for appeal.
- h) The AC will have access to all of the recorded testimony, documents and minutes of the SREC and SIC.
- i) Decisions shall be by simple vote of the AC; two positive votes are necessary to carry any decision. All votes shall be recorded in the minutes.
- j) The AC may decide to return the case to the SREC for further review; to uphold the decision of the AC; or to fashion any other remedy as it sees fit.
- k) The AC shall normally render a decision on the appeal within two months of the request for appeal.
- l) The Chair of the AC will report its decision to the complainant, the respondent, the Chair of the SREC and the SIC, the Vice-Principal Academic and the Principal within ten working days of the rendering of the decision.
- m) The decision of the AC will be final and binding on all parties.

#### **8. Responsibilities of researchers, students, research personnel, and grant administrators**

- a) Be informed and involved in the evolution of best practices related to responsible conduct of research, integrate these into their research activities and promote them to their research team.
- b) Monitor and reflect on their research activities in order to adopt a responsible conduct and to be in compliance with policies, regulations and applicable laws in this area.
- c) Ensure a responsible and ethical use of research funds.
- d) Collaborate to any process related to the management of an allegation of misconduct.
- e) Be proactive to remedy, the consequences of a breach to responsible conduct and be honest and consistent in relation to the conclusions of the investigation.

#### **9. Approval**

This policy, adopted by Senate in April 2012, replaced the Policy on Integrity and Misconduct in Scholarly Research adopted by Senate in 1995. The current revision of this policy will be reviewed by Senate in April 2015 and shall be revised every three years.