



Title	Scholarly Misconduct Policy
Policy Area	Education/Academic/Student Services
Policy Number	D.3.2
See also	Scholarly Integrity Policy

Effective Date: June 25, 2008

Approval Date: June 24, 2008

Applies to: Employees and Students of Okanagan College or any individual who works under the auspice of Okanagan College

Students from other institutions who are working on Okanagan College premises under the supervision of an Okanagan College employee

Approving Body: Okanagan College Board of Governors

Supersedes: OUC Scholarly Integrity Policy

Authority: *College and Institute Act*

The following are responsible for the administration of this policy,

Primary Office	Contact
Office of the Vice President, Education	Vice President, Education

Policy Statement

1. Okanagan College recognizes the necessity for maintaining ethical standards in the conduct of scholarly activity. This policy applies to all Okanagan College employees and students. The definition of scholarly activity may be found in the OC/OCFA Collective

Agreement. Note that this policy is not intended to cover normal student work conducted as part of an Okanagan College course with the exception of projects that are approved by the Okanagan College Research Ethics Board.

2. The purpose of this policy is to proscribe activities which breach generally acceptable standards of scholarly conduct and to provide a process for dealing expeditiously with allegations of scholarly misconduct.

Policy Details

3. Acts of scholarly misconduct may be committed with varying degrees of deliberateness. It is recognized that the line between scholarly incompetence, carelessness and negligence, on the one hand, and intentional dishonesty on the other, may be very narrow. The result is objectionable in any case, even if different degrees of discipline are appropriate.
4. Examples of scholarly misconduct may include but are not limited to:
 - a) fabrication or falsification of research data;
 - b) using the work of others without permission or acknowledgement;
 - c) failure to acknowledge the contribution of others including students and colleagues;
 - d) the use of another's unpublished work without permission;
 - e) use of archival material in contravention of the Copyright Act;
 - f) abuse of supervisory authority over collaborators, assistants, students and others associated with the scholarly activity;
 - g) financial misconduct including the misuse of funds acquired for support of research;
 - h) lack of compliance with relevant federal or provincial statutes or regulations;
 - i) failure to comply with the regulations of a funding agency regarding the conduct of the scholarly activity;
 - j) failure to comply with other relevant legal requirements relating to the conduct of the scholarly activity; and
 - k) failure to reveal any conflict of interest (material or otherwise) to sponsors or to those who commission the scholarly activity.
5. Okanagan College shall investigate allegations of scholarly misconduct in a timely, impartial and accountable manner, and shall take appropriate action, including any necessary steps to preserve evidence when it finds that scholarly misconduct has occurred.

Procedures

6. Formal procedures for the investigation of allegations of scholarly misconduct are essential to assure the protection of the rights of all those involved in the case until the basis of the allegations can be examined and a resolution of the problem can be determined.

Initial Determination

7. An allegation of scholarly misconduct may come from various sources within or from outside Okanagan College. For example, an allegation may come from an employee, a

student, a member of the public, a media report, a group of individuals, or a granting agency. Note that anonymous allegations will not normally be considered.

8. Allegations of scholarly misconduct received by any member of the Okanagan College community should be forwarded immediately to the Vice President, Education (VPE). The allegation of misconduct must be made in writing, signed and dated. The allegation should contain sufficient detail to enable the VPE to understand the allegation. The VPE may require that additional information be provided in the allegation. Anonymous allegations will not normally be considered; however, if the evidence is compelling, the VPE may elect to proceed with the allegation.
9. The VPE is the central point for receiving allegations, as normally the VPE is sufficiently removed from the scholarly activity in order to be viewed as impartial and free of personal conflicts of interest. If the VPE feels it would be inappropriate to receive a particular allegation for whatever reason, the VPE shall refer the allegation to another Okanagan College Vice President. In such instances, that Vice President shall act in place of the VPE wherever the latter is named in this procedure.
10. Prior to making a decision pursuant to Sections 11-14, the VPE may do any or all of the following:
 - a) request additional information regarding the allegation;
 - b) inquire into the allegation further;
 - c) request that the relevant organizational unit review the matter, or some aspect of the matter, and report to the VPE;
 - d) appoint an individual(s) to review the matter, or some aspect of the matter, and report to the VPE; and
 - e) take any other steps the VPE deems necessary.
11. If in the judgment of the VPE the allegations do not have sufficient substance to warrant an investigation, the VPE may choose to refer a complaint to the relevant organizational unit or to dismiss the allegation.
12. If in the judgment of the VPE the allegations have sufficient substance to warrant investigation, the VPE shall inform in writing the students or employees named in the allegation within 10 days. The written notice shall summarize the allegation in sufficient detail to allow the individuals concerned an opportunity to respond. The complaint and such responses shall be forwarded to an Investigative Committee if one is established.
13. In cases of collaborative research involving other institutions, it may be desirable to conduct either parallel investigations or a joint investigation. This may require changes to the procedures as outlined below. Whichever method is used, Okanagan College shall cooperate fully with other institutions. The VPE, in consultation with any other institutions and whoever within Okanagan College is deemed appropriate, shall make this determination.
14. The VPE and the President both have the authority to close and secure facilities used for research in order to:
 - a) protect Okanagan College and outside funding agencies involved in the research;
 - b) obtain and retain relevant documentation¹ related to an investigation;

¹ e.g. laboratory notes, computer disks, hard drives, proof of credentials. A factor in many cases of alleged scholarly or scientific misconduct has been the absence of a complete set of verified data. The retention by Okanagan College of accurately recorded and retrievable results is of the utmost importance.

- c) request that members of the Okanagan College community appear before an Investigative Committee to answer questions put by the Investigative Committee or supply materials to the Investigative Committee.

Investigative Committee

15. The VPE shall appoint an Investigative Committee (hereafter the "Committee") consisting of three experienced individuals, normally faculty members, at least one of whom shall be external to Okanagan College. The members' experience shall be such that they are capable of developing a good understanding of research, scholarship or creative activity, and can adjudicate the evidence fairly. All members of the Committee shall be sufficiently removed from both the persons alleging misconduct and the persons accused of misconduct to be deemed to have no conflict of interest. The Committee shall determine if scholarly misconduct has occurred, and, if so, its extent and seriousness. The Committee shall elect one of its members to act as Chair. The Committee's decision regarding misconduct is final and binding on Okanagan College.
16. The mandate of the Committee is to determine on a balance of probabilities whether Scholarly Misconduct has occurred, and if so, its extent and seriousness. The determination is made by majority vote.
17. The Committee shall aim to review all scholarly activity with which the individuals have been involved during the period of time considered pertinent to the allegations, including any abstracts, papers or other methods of scholarly communication. A special audit of accounts may also be performed on the sponsored research accounts of the involved individuals. Individuals may be required to provide proof of their credentials.
18. The Committee has the right to see any relevant Okanagan College documents and question any students or employees in the course of its investigation. All members of faculty, staff and students must cooperate fully with the Committee and make available any documents requested by the Committee in the course of its investigation.
19. The Committee shall ensure that it is cognizant of all real or apparent conflicts of interest on the part of those involved in the inquiry, including both those accused and those making the allegations.
20. The Committee may seek impartial expert opinions, as necessary and appropriate, to ensure that the investigation is thorough and fair.
21. As part of the investigation, the Committee shall ensure that the persons alleged to have engaged in misconduct are informed of all allegations against them and are given the opportunity to respond fully.
22. The Chair of the Committee shall keep all materials, records and notes of interviews with the persons involved in a secure and confidential manner.

Investigative Report

23. Due to the sensitive nature of allegations of scholarly misconduct, the inquiry by the Committee should be completed and a draft investigative report prepared within 60 working days of the initial written notification to the respondents (in complex cases the draft report may not be possible within this time limit, but some assessment must be
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provided within the 60 day period; in such instances, the draft investigative report shall be completed thereafter as quickly as possible). The draft investigative report shall include:

- a) the full allegation;
 - b) a list of the witnesses interviewed;
 - c) a summary of relevant material;
 - d) a determination of whether Scholarly Misconduct occurred and the reasons for making this determination;
 - e) if Scholarly Misconduct has occurred, its extent and seriousness; and
 - f) recommendations on any remedial action to be taken in the matter in question and changes to procedures or practices to avoid similar situations in the future.
24. If the Committee finds that scholarly misconduct has occurred, it shall also make recommendations in its draft investigative report on the need to:
- a) withdraw all pending relevant publications;
 - b) notify editors of publications in which the involved research work was reported;
 - c) ensure that the units involved are informed about appropriate practices for promoting the proper conduct of research; and
 - d) inform any outside funding agency of the results of the inquiry and of the actions to be taken.
25. If allegations are not substantiated, the Committee may make recommendations in its draft investigative report of the need for remedies.
26. The involved individuals, including collaborators and supervisors related to the investigation shall be given a reasonable opportunity to review and comment on the draft investigative report. Upon comments being received, the Committee will complete the final investigative report.
27. The final investigative report shall be addressed to the VPE and shall detail in full the allegations, the investigative process, the persons with whom it communicated, what their evidence was, its findings, and any recommended disciplinary or remedial action.
28. Upon submitting the final investigative report to the VPE, the Chair of the Committee shall also give the VPE all materials, records and notes of interviews with the persons involved. The final investigative report and related records shall be kept for a period of six years. All requests for access to the records shall be handled in accordance with the provisions of the B.C. *Freedom of Information and Protection of Privacy Act*.
29. The VPE shall forward the final investigative report to the appropriate administrative officers within 15 working days of receiving the report. For students, the President is the administrative officer with authority to receive and act on the Committee's report; for employees it is the appropriate supervisor or the President depending upon the nature of the discipline that may be recommended.

Actions

30. If the Investigative Committee determines that Scholarly Misconduct has not occurred, the VPE will make a final determination on what action, if any, is necessary in light of the Investigative Committee's report and will communicate that decision to the President, the individuals alleged to have committed the Scholarly Misconduct, and the Deans and Department Chairs of the individuals named in the allegation. In such

instances, every reasonable effort will be made by the VPE to protect the reputations of the individuals alleged to have committed the Scholarly Misconduct.

31. If the Investigative Committee determines that Scholarly Misconduct has occurred, the VPE will forward the Investigative Committee's report:
 - a) in the case of a student, to the President and relevant Dean or Director. The President will make a final determination of what discipline or other action, if any, is appropriate and will communicate that decision in writing to the student and the VPE.
 - b) in the case of an Okanagan College employee, to the President and the relevant Dean or Director. The President will make a final determination of what discipline or other action, if any, is appropriate and will communicate that decision in writing to the employee, Dean or Director and the VPE.
32. The appropriate administrative officer shall communicate to the parties involved within 15 working days of receiving the report regarding the decision reached in the case in general, and to the parties affected by decisions on discipline and remedies about the outcome particular to them.
33. Discipline may be appealed through the provisions of collective agreements by those covered by collective agreements. Students may appeal in accordance with the appeal policies in the Okanagan College Calendar. Suspensions of employees and students may be appealed according to Okanagan College policies.
34. For an investigation that was initiated internally, when scholarly misconduct is found to have occurred the final investigative report and decisions regarding discipline and remedies shall be forwarded by the administrative officer within 30 working days of the decisions to any granting agency that has funded the scholarly activity.
35. For an investigation that was requested by a granting agency, the final investigative report and decisions regarding discipline and remedies should be sent to the agency by the administrative officer, whether or not misconduct is concluded to have occurred, within 30 working days of the decision to any granting agency that has funded the scholarly activity.
36. When no scholarly misconduct is found, every effort shall be made by Okanagan College to protect the reputation of the individuals named from undue harm, as well as to protect the reputation of the institution. The VPE may consult about any remedial steps that need to be taken in this regard.
37. In order to disseminate information about issues that this policy is intended to address, the VPE may publish annually an anonymous report summarizing the facts of cases of scholarly misconduct and their disposition.

Protection for Good Faith Claims

38. Okanagan College will make every effort to protect those making an allegation of Scholarly Misconduct or who have provided information to Okanagan College in good faith from retaliation. Retaliation does not include actions of Okanagan College taken pursuant to sections 30-35.
39. No person to whom this policy applies may retaliate against a person making such allegations or providing such information in good faith.

40. If a person who has made such an allegation or who has provided such information in good faith believes they have suffered retaliation from a person to whom this policy applies, they may file a written complaint with the VPE. Okanagan College will conduct an investigation of the alleged retaliation. Anyone who does engage in such retaliation is subject to disciplinary action.
41. Okanagan College may take disciplinary action against individuals found to have made allegations of Scholarly Misconduct pursuant to this Policy where such allegations were not made in good faith. This includes, but is not limited to, allegations that are based upon facts that the complainant knows to be false, or allegations made with reckless disregard towards, or wilful ignorance of, facts that would disprove the allegations.
42. Any disciplinary action taken against an employee of Okanagan College pursuant to this section will follow the procedures outlined in any applicable collective agreement or policy on conditions of employment that apply to that employee.