

<b>POLICY NAME</b>	<b>REGULATION ON THE CONDUCT OF RESEARCH</b>
<b>Approving Body</b>	Senate Board of Governors
<b>Initial Approval Date</b>	Senate March 24, 2010 Board of Governors April 12, 2010
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<b>Executive Sponsor</b>	Vice-President (Research and Innovation)

<b>Related Documents</b>	N/A
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## **PART I – PURPOSE AND SCOPE**

### **PREAMBLE**

Research and scholarship are central to the mission of the University. They are the cornerstone of the continuing creation of the knowledge which is the foundation of all disciplines. They directly contribute to social well-being, health, culture, economic development and the advancement of society.

Research and scholarship can flourish only in a climate of academic freedom which includes freedom of inquiry and the right to disseminate the results thereof, freedom to challenge conventional thought, freedom from institutional censorship, and the privilege of conducting research involving humans and animals. However, with academic freedom comes the responsibility to ensure that all research and scholarship: are informed by the principles of honesty, integrity, trust, accountability and collegiality; meet high scientific and ethical standards; are conducted with honest and thoughtful inquiry, rigorous analysis, and accountability for the use of professional standards; and seek to advance knowledge in ways that do not harm but which benefit society.

The cultivation of these values in the University community is advanced by the ongoing education of its members in matters of research integrity, and by adopting and following appropriate policies within which research and scholarship should be conducted, policies which all major funding agencies require universities to have in place.

This Regulation, therefore, establishes a general framework for the conduct of research. It is premised on individual responsibility for the selection and conduct of research and scholarship as individual members of the University community are best positioned, through special knowledge, to be aware of both the manner in which their Research and scholarly activities are being conducted and the consequences of such activities. Special responsibility rests with

Researchers to consider the consequences of their Research and to balance the potential benefits against the possibility of harmful applications.

This Regulation should be interpreted in a manner that is consistent with the vision of the University as a research and scholarly community committed to the principles of academic freedom, honesty, integrity, trust, accountability and collegiality, and to the idea that fair play must prevail at all times.

This Regulation does not replace the policies and guidelines of agencies sponsoring research or those that have oversight of particular research activities.

## **PART II – CONTENT**

### **1. DEFINITIONS**

For the purposes of this Regulation:

**1.1** “Agency” means the funding agency, foundation, organization, sponsor or other Person, public or private, international, national, provincial or foreign, supporting in whole or in part any Research, or which has oversight of any Research.

**1.2** “Chair” means the leader of a department, school, institute or centre and includes the chairs of all such units within which a Researcher undertakes Research.

**1.3** “Corresponding Author” means:

- (i) the Researcher so identified by agreement of Research Collaborators; or
- (ii) in the absence of agreement, the Researcher who submits the manuscript for publication.

**1.4** “Data” means the recorded factual information and material, both physical and electronic, commonly accepted in the relevant scholarly community as necessary to validate research findings including, but not limited to, research proposals, laboratory records, progress reports, internal reports, and presentations. Data includes all information or records of any sort related to the application for, performance of, or results obtained from the research in question.

**1.5** “Dean” means the leader of a Faculty and includes the Deans of Faculties within which a Researcher undertakes Research and also includes, as appropriate to the context, any other Dean.

**1.6** “Gift” means a voluntary transfer of property without valuable consideration or benefit of any kind to the donor, or to any Person designated by the donor.

**1.7** “Legal Person” means corporations, partnerships, associations, foundations, organizations, government agencies, and any other entity or body.

**1.8** “Person” means, as the context requires, natural and Legal Persons.

**1.9** “Plagiarism” means 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.

**1.10** “Principal Investigator” means the Researcher who is so identified to an Agency or, in the absence of such identification, the Researcher who has primary responsibility for the design, conduct and supervision of Research.

**1.11** “Regulatory Framework” means the regulations, policies and guidelines of the University concerning the conduct of Research and related matters as they may exist from time to time.

**1.12** “Research” means all forms of funded and unfunded scholarly, scientific, artistic and professional work and related activities based on intellectual investigation aimed at discovering, interpreting, revising, disseminating or publishing knowledge.

**1.13** “Research-Related Agreement” means international project agreements, licensing agreements, Research agreements, Research contracts, Research grant applications, Research grant agreements, service agreements, shareholder agreements, clinical trial agreements, confidentiality agreements, material transfer agreements, partnership program agreements, collaborative Research development agreements, inter-institutional Research agreements and industrial Research chair agreements and any document accessory to such agreements.

**1.14** “Research Misconduct” includes, but is not limited to, a breach of any Agency policy related to the conduct of research, for example: fabrication, falsification, Plagiarism, mismanagement of research funds, misappropriation of intellectual property rights of another, or any other conduct that constitutes a significant departure from the ethical and other standards that are commonly accepted within the relevant research community for proposing, performing, reporting or reviewing research or the treatment of humans or animals involved in research. Research Misconduct does not include:

- (i) differences of interpretation or judgment relating to Data or results that are reasonable in light of the circumstances in which they are made or reached; or
- (ii) alleged Plagiarism by students relating to unpublished research that is undertaken for academic credit, provided that the allegation implicates only students. Such allegations shall be dealt with in accordance with the Code of Student Conduct and Disciplinary Procedures. However, if the alleged Plagiarism is in a graduate thesis, it is reviewed as Research Misconduct.

**1.15** “Researcher” means any member of the University community who engages in or supervises Research.

**1.16** “Student” means a student as defined in the Code of Student Conduct and Disciplinary Procedures.

**1.17** “University” means McGill University and institutions affiliated with the University.

## **2. SCOPE**

**2.1** This Regulation applies to all Research conducted by a Researcher.

### **3. BASIC OBLIGATIONS**

**3.1** The primary responsibility for the selection and conduct of Research shall rest with the Researcher. To this end, Researchers shall:

- (i) maintain the highest standards of honesty, integrity and ethical behaviour in all Research;
- (ii) familiarize themselves with, and abide by, the Regulatory Framework and the regulations, policies and guidelines of any Agency relevant to their Research;
- (iii) not misrepresent their academic, professional or employment credentials or experience;
- (iv) obtain necessary approvals including, but not limited to, ethics, protocol and standard operating procedure approvals before engaging in a Research activity for which prior approval is necessary.

**3.1.1** The University shall take reasonable measures to ensure that Researchers are made aware of, and kept informed of, changes to the Regulatory Framework relevant to Research.

**3.2** In the case of collaborative or team Research, the Principal Investigator shall take reasonable measures to ensure that the members of the Research group or team are aware of, and comply with, the Regulatory Framework relevant to the Research being undertaken.

**3.3.1** The Dean of Graduate and Postdoctoral Studies and graduate program directors shall put in place reasonable measures to ensure that Students who may engage in Research are aware of:

- (i) their obligations in respect of academic integrity and the ethical conduct of Research;
- (ii) the Regulatory Framework relevant to their Research.

**3.3.2** A supervisor of Students engaged in Research shall take reasonable measures to:

- (i) ensure that the Students have been advised of their obligations in respect of academic integrity and the ethical conduct of Research;
- (ii) ensure that the Students have received a copy of the Regulatory Framework relevant to their particular Research;
- (iii) provide the Students with a copy of any Research related documents which the Students have been asked to sign; and
- (iv) disclose to the Students any special conditions concerning such matters as constraints on publication, limitations on future use of Data, and ownership of intellectual property that may influence a Student's decision to participate in the Research.

**3.4** Researchers engaged in Research external to the University which is not part of their academic duties shall act with integrity and adhere to the highest ethical standards.

**3.5** Researchers engaged in Research which is not part of their academic duties for Persons external to the University shall:

- (i) comply with the disclosure requirements of the Regulatory Framework governing conflicts of interest, and conflicts of commitment and consulting activities; and

- (ii) advise in writing the Person on behalf of whom such activities are undertaken that the Researcher is acting in a private capacity, and not as an employee or representative of the University unless the Researcher has been expressly authorized in writing so to act by their Chair;
- (iii) not make use of University personnel or Students, or more than minimal use of services, facilities, equipment or supplies in such Research without, in advance of such use:
  - (a) obtaining written approval for such use from their Chair and Dean; and
  - (b) making appropriate written financial arrangements to reimburse the University in advance of such use.

**3.5.1** Where appropriate, prior to granting approval pursuant to section 3.5, the Chair shall consult with the Dean, Vice-President (Research and Innovation) and/or Vice-President (Administration and Finance).

**3.6** Researchers shall ensure that publications do not misrepresent data or images and that the nature and purpose of any image manipulation is explained.

**3.7** Researchers shall comply with the accepted practice of their discipline relating to the publication of Research including those constraining:

- (i) the submission of manuscripts to two or more journals; and
- (ii) the duplicate publication of Data or a manuscript.

**3.8** Researchers shall not enter into or participate in any arrangement whereby an Agency or Person with a vested interest in the findings of Research may:

- (i) suppress any findings of the Research; or
- (ii) withhold information that may have a bearing on the interpretation of the findings

**3.8.1** Section 3.8 shall not override the rights of human participants in the Research.

**3.9** Researchers normally shall not enter into an arrangement with a Person to write or contribute to a publication without the Researcher's contribution being publicly acknowledged. Such an arrangement is only acceptable if the Researcher, if so requested, is prepared to be publicly associated with the publication.

**3.10.1** Subject to section 3.5, Researchers shall acknowledge their affiliation with the University in all publications resulting from Research undertaken while a member of the University community.

**3.10.2** Researchers who are no longer members of the University community shall cease to indicate in publications, other than those resulting from Research performed while members of the University community, any affiliation with the University in the absence of prior written approval of the Chair.

## **4. RESEARCH DATA**

**4.1** Researchers shall collect Data in accordance with the Regulatory Frameworks governing the ethical conduct of research involving humans and animals.

**4.2** Researchers shall respect the laws governing access to personal information and privacy in the collection and use of Data.

**4.3** A Student may engage in Research in which use of certain kinds of Data, in the custody of a government or Person, is restricted provided that:

- (i) the eventual publication of Research based on the Data is permitted; and
- (ii) subject to section 4.3.1, any delay in publication does not exceed one (1) year.

**4.3.1** A request by a third party for a delay in publication of Research undertaken by a Student for a thesis that exceeds one (1) year may be agreed to only in exceptional cases and shall require:

- (i) the written consent of the Student; and
- (ii) the written approval of:
  - (a) the Vice-President (Research and Innovation); and
  - (b) the Dean of Graduate and Postdoctoral Studies.

**4.4** Researchers shall not use or publish Data which they know to be, or have reasonable grounds to believe are, false or of unknown provenance unless it is so identified.

**4.5** Researchers shall organize Data in a manner that allows for its verification by third parties.

#### **4.6 Retention of Research Data**

**4.6.1** Researchers shall retain Data in conformity with best practice in their discipline and for:

- (i) the period specified by the Agency supporting the Research; or
- (ii) in the absence of an Agency specification, a period of at least, seven (7) years from first publication of the Data.

**4.6.2** Each department or research unit shall establish procedures appropriate to its needs for the retention and recording of Data.

**4.6.2.1** Data shall be retained by a Principal Investigator or the department or research unit in which they were generated as agreed to by the Principal Investigator and the Chair.

**4.6.2.2** Researchers who cease to be a member of the University shall deposit Data with the department or research unit where the Data were generated unless alternative written arrangements are made with the Chair.

**4.6.3** In the event that Data obtained from a limited access database or under a Research Related Agreement cannot be retained by a Principal Investigator, the Principal Investigator must provide the Chair in writing with the location of the Data or the limited-access database.

#### **4.7 Access to Research Data**

**4.7.1** Subject to exceptions based on a duty of confidentiality and the laws respecting intellectual property and access to information, a Researcher shall make Data available after publication to an Agency or established scientific or scholarly journal presenting a reasonable and legitimate written request to examine the Data.

**4.7.2** Where there is a disagreement between the Researcher and the Agency or journal requesting the Data, the disagreement shall be referred for resolution:

- (i) first to the Chair or Dean where there is no department Chair;
- (ii) then, if necessary, to the Dean; and
- (iii) finally, if necessary, to the Office of the Vice-President (Research and Innovation).

## **4.8 Collaborative Data**

**4.8.1** Research collaborators, at the commencement of their collaboration, shall make all reasonable efforts to reach agreement, preferably in writing, that is consistent with the law and the Regulatory Framework relating to intellectual property, on their rights to, and future use of, Data.

**4.8.2** In the absence of an agreement between Research collaborators, their rights to, and future use of, the Data shall be governed by the law and the Regulatory Framework relating to intellectual property.

**4.8.3** In the event that a dispute should arise between Research collaborators concerning rights to and future use of the Data, the University shall assist in facilitating the resolution of the dispute in accordance with section 6.5.

## **5. USE OF OTHERS' WORK**

**5.1** Researchers shall not knowingly engage in Plagiarism.

**5.1.1** Upon the demonstration that a Researcher has engaged in Plagiarism it shall be presumed that the Researcher did so knowingly and they shall bear the burden of rebutting the presumption by evidence satisfying the Person or body investigating the matter that no such knowledge existed.

**5.2** Researchers shall obtain the prior permission of another Person before using, even with proper attribution, the unpublished work or Data of the other Person.

**5.2.1** Notwithstanding section 5.2, where a Researcher has obtained access to unpublished information, concepts or Data through access to confidential information or documents, including material obtained by the Researcher as part of processes, such as peer review, the Researcher is prohibited from using such information, concepts or Data.

**5.3** Researchers shall not enter into, or participate in, any arrangement whereby an Agency or other Person may have exclusive use of, or access to, the Data of a Research collaborator, whether with or without proper attribution, without the Research collaborator's prior written informed consent.

**5.4** Researchers shall use archival material in accordance with the rules of the archival source.

## **6. COLLABORATIVE RESEARCH**

**6.1** Researchers shall recognize in an appropriate form or manner in their publications the substantive contributions of all Research collaborators including Students.

## **6.2 Authorship**

**6.2.1** Researchers shall ensure that authorship of published work includes all those and only those who have made significant scholarly contributions to the work and who share responsibility and accountability for the results.

**6.2.2** Researchers shall ensure that where a co-authored publication is based primarily on the work of a Student, including a dissertation or thesis, the Student is granted due prominence in the list of co-authors in accordance with the established practices of the discipline.

**6.2.3** In the absence of an agreement between Research collaborators, the following rules shall govern the order of attribution of authorship:

- (i) authorship shall be attributed to all those Researchers who have made significant scholarly contributions to the work and who share responsibility and accountability for the results;
- (ii) attribution of authorship shall be determined according to:
  - (a) the quality and quantity of a Researcher's contribution;
  - (b) the extent of a Researcher's responsibility and accountability for the results; and
  - (c) the best practices of the discipline;
- (iii) the order of attribution of authorship shall not be affected by whether a Researcher was paid for their contribution or by their employment status.

**6.2.4** A person who provides only administrative and/or managerial services to a collaborative Research endeavour shall not qualify for co-authorship.

## **6.3 Responsibilities of Corresponding Author**

**6.3.1** Prior to the submission of a manuscript for publication, the Corresponding Author shall:

- (i) ensure all persons who are entitled to co-authorship are included as co-authors;
- (ii) make a reasonable attempt to obtain the consent of the co-authors to the order of attribution of authorship;
- (iii) ensure that persons who have made useful contributions to the Research which do not qualify them for co-authorship, are appropriately acknowledged in accordance with the standards of the discipline and the publisher;
- (iv) provide each co-author an opportunity to comment on the manuscript prior to its submission for publication; and
- (v) provide each co-author with a copy of the manuscript submitted for publication.

## **6.4 Ownership of Intellectual Property**

**6.4.1** Subject to section 6.4.3, Research collaborators shall endeavour to reach an agreement, consistent with the Regulatory Framework concerning the allocation of intellectual property.

**6.4.2** Subject to section 6.4.3, in the absence of agreement between Research collaborators, the allocation of copyright shall be governed by the law and the Regulatory Framework relating to intellectual property.

**6.4.3** In the event that an external Person has an interest in the Research, the Research collaborators, the University and such Person shall, following negotiations with the appropriate office within Research and Innovation, establish by contract:

- (i) ownership of intellectual property arising out of any Research Related Agreement;
- (ii) the rights and obligations of the parties to seek patents; and
- (iii) the entitlement of the parties to share in any associated royalties.

## **6.5 Disputes Resolution in Collaborative Research**

**6.5.1** The University shall assist in facilitating the resolution of disputes between Research collaborators (“the disputants”), in accordance with section 6.5.

The University, however, has no obligation to ensure that such disputes are resolved.

**6.5.2** Disputants shall first seek to resolve their dispute amicably between themselves using the good offices of the Principal Investigator if they are not a party to the dispute.

**6.5.3** In the event that an amicable resolution of the dispute is not or cannot be achieved in accordance with section 6.5.2, the disputants shall refer the dispute to the Chair or the Dean (should the dispute arise in a Faculty without a departmental structure), who shall attempt to resolve the dispute.

The Chair or Dean, as the case may be, may appoint a senior member of the academic staff of the department or Faculty to act in their stead.

**6.5.4** In the event that the dispute is not resolved within 60 days in accordance with section 6.5.3, the disputants may seek the assistance of the Vice-President (Research and Innovation) in achieving a resolution.

The Vice-President (Research and Innovation) may appoint a senior member of the academic staff to act in their stead.

**6.5.5** Where the disputants seek the assistance of the Vice-President (Research and Innovation) under 6.5.4, the Vice-President (Research and Innovation)’s, or appointee’s, involvement in any of these processes shall be without prejudice to the disputants’ rights in any subsequent internal or external process. The Vice-President (Research and Innovation), or appointee, will respond to requests for such assistance within 30 days.

**6.5.6** Notwithstanding section 6.5.5, in the event that a resolution acceptable to the disputants is reached:

- (i) it shall be acknowledged by them in writing and in sufficient detail to allow for its implementation; and
- (ii) it shall be deemed to be final and the disputants thereby waive any further internal and external recourse based on the facts having given rise to the dispute.

**6.5.7** Sections 6.5.1 through 6.5.6 do not apply to disputes that may arise because of alleged Research Misconduct or disagreement as to the ownership of intellectual property rights which disputes shall be resolved respectively in accordance with the Regulatory Framework relating to:

- (i) the investigation of research misconduct; and
- (ii) intellectual property.

## **7. RESEARCH FUNDS**

**7.1** Researchers shall ensure that all research funds they administer are used with honesty, integrity and accountability.

**7.2** Researchers, and anyone with oversight of research funds and their use, shall comply with the Regulatory Framework and applicable Agency policies and guidelines relating to the management and disbursement of funds and reimbursements for expenses.

**7.3** Researchers shall not approve payment from any Agency or University funds to, or the use of any University personnel or any University administered resources, services or materials for, a Person developing or using a Researcher's invention, software or other discovery unless such payment or use is expressly authorized in writing by the Agency and the University.

**7.4** Researchers shall acknowledge, in all published works resulting from their Research, all Agencies and other public and private funding sources which supported their Research.

## **8. RESEARCH INVOLVING HUMAN PARTICIPANTS**

**8.1** Researchers shall:

- (i) conduct Research involving human participants in accordance with the highest ethical standards;
- (ii) respect the legal and moral rights of the persons who are the participants in the Research; and
- (iii) comply with the Regulatory Framework governing such Research.

**8.2** Researchers shall not use the premises, facilities or publications of the University to recruit in any manner a member of the University community as a participant in medical testing or in clinical trials involving human participants related to non-University Research projects.

**8.3** Researchers shall obtain the prior approval of a research ethics board before engaging in self- experimentation involving any element of risk to the Researcher whether or not the Researcher is the sole or one of the human participants. Researchers are responsible for consulting with the relevant research ethics board to determine if such approval is needed.

**8.4** Researchers shall not accept any personal benefit (including a bonus or milestone payment) for:

- (i) enrolling a particular number of patients or for meeting a deadline in recruiting human participants;
- (ii) a particular number of human participants successfully completing the study or trial or for successfully completing it within a specific timeframe;
- (iv) assessing potential recruits for a study or a clinical trial in which the Researcher is involved.

## **9. RESEARCH INVOLVING ANIMALS**

**9.1** Researchers shall:

- (i) conduct Research involving animals in accordance with the highest ethical standards; and
- (ii) comply with the Regulatory Framework, including the policies and guidelines of the Canadian Council on Animal Care.

## **10. SECRET RESEARCH**

**10.1** Researchers shall not enter into any arrangement with any Person to conduct any Research under the auspices of the University, or on University premises or using Students, academic, administrative or support staff, or University resources or facilities on the understanding that the conduct of the Research is to be kept secret.

## **11. HAZARDOUS RESEARCH**

**11.1** Researchers proposing to engage in Research activities that pose a recognizable inherent risk of accidental injury to persons or property shall:

- (i) comply with the Regulatory Framework governing the conduct of such activities;
- (ii) obtain all necessary approvals before accepting delivery of hazardous materials, or embarking on the activities in question; and
- (iii) prior to the commencement of the activities, notify those for whom it is reasonably foreseeable may be placed at risk.

**11.2** Researchers engaged in a Research activity which poses a significant recognizable inherent risk of physical injury to persons or property who has reasonable cause to believe that injury to person or property has occurred or is imminent shall:

- (i) take appropriate measures to address the situation in accordance with the University's emergency policies and guidelines; and
- (ii) report the incident or potential threat to the Researcher's Chair or Dean (should the situation arise in a Faculty without a departmental structure).

## **12. COMMERCIALIZATION OF RESEARCH**

**12.1** Without prejudice to the rights of a Researcher's collaborators or sponsors of Research, a Researcher shall not be obliged to seek commercial development of an invention, software or other discovery. The University shall respect the decision of a Researcher not to commercialize an invention, software or other discovery.

**12.2** Researchers who elect not to seek the commercial development of an invention, software or other discovery may, in accordance with the Regulatory Framework governing intellectual property, permit its commercial development by their collaborators.

**12.3** Researchers who elect to develop an invention, software or other discovery or to become involved directly in its commercial application shall comply with the Regulatory Framework governing intellectual property.

## **13. NEGOTIATION OF RESEARCH RELATED AGREEMENTS**

**13.1** All Research Related Agreements must be approved and executed according to the Regulatory Framework relating to the conclusion of such agreements.

## 14. CONFLICT OF INTEREST

14.1 Researchers shall comply with the Regulatory Framework governing conflicts of interest, and consulting activities.

14.2 Researchers shall disclose to all relevant Persons (including other institutions, Agencies, conference organizers and participants, and journals and publishers) any conflict of interest that might influence such Persons' decisions such as whether a Researcher should be asked:

- (i) to review Research proposals, funding applications or manuscripts;
- (ii) to test inventions, software or other discoveries;
- (iii) to present Research results; or
- (iv) to be permitted to undertake Research sponsored by outside Persons.

## 15. RESEARCH MISCONDUCT

15.1 Any action that is inconsistent with integrity, honesty or the Regulatory Framework, including this Regulation, may constitute a disciplinary offence and, where appropriate, shall be investigated in accordance with the Regulatory Framework relating to the investigation of research misconduct or, where appropriate, the Code of Student Conduct and Disciplinary Procedures.

15.2 Nothing in the provisions of this Regulation is intended to impugn Researchers for differences of interpretation or judgment relating to Data or results that are reasonable in light of the circumstances in which they are made or reached.

## PART III – AUTHORITY TO APPROVE PROCEDURES

N/A

## PART IV – REVIEW

### 16. REVIEW OF REGULATION

This Regulation shall be reviewed after a further five years of its approval, and if Senate so determines, by a working group composed of one representative of each of the AMURE, MACES, MAUT, MCSS, MGCSS, MUNASA, PGSS, SSMU, the Office of the Provost and the Office of the Vice-President (Research and Innovation). The working group may make recommendations for modification of this regulation.

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