

**SCHOLARLY ACTIVITY STEERING COMMITTEE MEETING**

**Friday, May 20th, 2011 at 10:00am**

**Meeting Room C408**

**MINUTES**

Chair: John Belshaw

Present: Stan Copp, Janet Douglas, Vivian Feng, Martin Gerson, Margaret Heldman, Ian Humphreys, Wanda Pierson, John Russell, Kelly Sveinson, Margaret Lerer (Notes)

Absent: Stéphane Guerraz, Scott Plear

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**Opening Remarks:**

John Belshaw called the meeting to order at 10:04am. He then advised the committee that he had attended a BC Studies Conference at which S. Copp had given a presentation on Archaeology in BC which was by far the best and most engaging of the three presentations given at that conference. J. Belshaw congratulated S. Copp on his excellent presentation. (It was also noted that an impressive tie had been worn by S. Copp.)

**1. Approval of Agenda**

J. Belshaw then brought the committee's attention to the agenda and asked if there were any changes and/or additions. There were no items added to the agenda.

J. Russell offered that at some point discussions on the **post approval activities/mandate and post approval** administration strategy should be added to the agenda-and perhaps plan for fall or spring. J. Belshaw concurred and noted that this would be covered under Item **5. ii) Strategies** (which should be a parallel process ) and would be on all following agendas. Motion made by J. Russell and seconded by M. Gerson that the Agenda of May 20<sup>th</sup> be approved.

**2. Approval of Minutes**

J. Belshaw called for review and approval of the Minutes of April 29th, 2011. Motion made by M. Heldman, seconded by J. Russell that the Minutes of April 29th, 2011 be approved. The minutes of April 29<sup>th</sup>, 2011 were approved.

**Follow –up on Action of Action Items of Minutes of April 29<sup>th</sup>, 2011 followed:**

**Action Item #22:** Reworking of the Application Form has been done and is brought back to the table today. A mark-up copy of the form is attached. **J. Belshaw**

**Action Item #23:** M. Gerson informed the committee that the Memorandum of Understanding between SFU and Langara has been finalized and signed. M. Gerson has spoken to Sarah Dench (his principal contact at SFU) who has spoken with Mario Pinto (VP, Research at SFU) about SFU providing our Research Ethics Board **Appeal** Panel. Dr. Pinto had no problem with the idea, but he does want to review some details, such as what would happen if we have an appeal and SFU is too busy, details regarding coverage of out-of-pocket costs, honoraria, etc. It does not appear that these would be an impediment.

**M. Gerson to review with J. Belshaw the next steps in this process and set up a meeting with Mario Pinto or whomever M. Pinto decides would be appropriate at SFU.**

**M. Gerson will contact Sarah Dench to set up this meeting.**

**M. Gerson**

**J. Belshaw added that he did have draft document in Terms of Agreement framework that they could use. J. Belshaw to provide M. Gerson with this document.**

J. Belshaw

There was a discussion about whether SFU was the most appropriate institution to partner with and whether an institution more similar to Langara (e.g. Douglas College) might not be more appropriate.

M. Gerson noted that in the draft research policy as it now stands, the President is responsible for the research ethics board, and said that D. Ross had some questions on why that is. It was noted that the Tri-Council Policy Statement has been recently revised to state that the highest authority/body at the college (i.e. President, Board of Governors, or Chancellor) will be responsible for the REB. The rationale is to move away from a model where the REB is responsible to the person in charge of promoting research. M. Gerson will pass that information on to the President.

After review of the balance of action items, J. Belshaw then drew the committee's attention to the next agenda item, the LC-REB Application for Ethics Approval for Research Involving Humans.

**3. Langara College Research Ethics Board Application for Ethics Approval for Research Involving Humans**

J. Belshaw advised that he, J. Douglas, and J. Russell worked on this form about 1 ½ weeks ago and J. Belshaw then asked J. Douglas to broadly read through the tracked changes document. J. Russell noted that this form is a vast improvement over the original Camosun document, and there were a few items that he wanted to address but as this document is pretty self explanatory felt that it would serve the purposes of the committee better if the committee would review this document and send comments to J. Douglas, J. Russell and J. Belshaw to process and make any amendments to the form.

**It was agreed that the committee would review this document and send comments to J. Douglas, J. Russell and J. Belshaw to process and make any amendments.**

**Action Item #1: Review the LC-REB Application for Ethics Approval for Research Involving Humans and send comments and amendments to J. Belshaw, J. Douglas, J. Russell for inclusion in the document.**

All

The committee's attention was drawn to page 14, Paragraph 16. Confidentiality, 16 a. *"Will the confidentiality of the participants and their data be protected."* J. Douglas addressed this addition as meaning "I will protect your identity, i.e. I will go to jail for you to maintain your identity." It is important to know that "Yes, Completely" means that the employee is willing to defy the law. J. Russell cited the example of Russell Ogden's general research into suicide in HIV patients. In the United States they have Certificates of Confidentiality in Research, which exempts your research from any legal requirement to disclosure at all, maybe even under the Patriot Act but that has not yet come up. We do not have that in Canada. We have some legal protection on researchers. The law is pretty careful about protecting someone's confidentiality, although the law is not fully developed. J. Russell noted that, as a member of a research board, he is very happy whenever he hears researchers say "we will provide absolute confidentiality". Among behavioural researchers it is much more common to guarantee complete confidentiality otherwise how are we going to get say sex workers or HIV patients to talk about their sexual history.

J. Belshaw asked if there were any thoughts on this.

J. Russell then added that Research Ethics Boards pay attention to the law but ultimately they provide ethical advice to the researchers and they do hold researchers to the law but our goal is not to uphold the law per say, our goal is to uphold the ethical guidelines. There are cases where there are tensions between the ethical guidelines and the law. SFU, for example has been a leader in developing an "ethics first" policy which I think is the appropriate way for ethics boards to proceed. Generally the law and ethics are in sync but not always and that poses a dilemma and unfortunately in Canada we don't have documents such Certificates of Confidentiality

so we don't know what the court is going to do in certain cases. We know that they will look at the researchers and the promises they made and they will look at the social value of the research. J. Russell also informed the committee that one of the things he would like to do later on is hold workshops to talk to educators and he has a colleague at SFU who specializes in privacy and research methods and he would agree that this is something we should know about.

M. Heldman added that in light of J. Russell's remarks anyone who dare tick that Box (Yes with no limits) needs to know that what they are saying is exactly what they want to say or perhaps one of the other ones, say *Yes but with limits due to legal requirements or reporting purposes* might be a more appropriate box.

J. Douglas replied yes that was why we put in there Yes Completely (no exceptions, legal or otherwise), and I think John is right if anyone ticks that box it is the responsibility of the board to ensure that the researcher understood what they were doing and they had a conversation about it.

M. Gerson felt that in his opinion if people are doing research into activities which are illegal or at the edge of the legal line, say sex workers or something of that nature then the choice of which box they tick is quite significant. If people are doing research into something where they really do not expect in the course of research to run across illegal activities, or learning of things that they are supposed to report, for example child abuse which we all have a duty to report, I would think it would be common in a case like this that the behavioural researchers would be ticking this box.

J. Douglas noted that the only legal duty to disclose is child abuse which supersedes and overrides all policies.

Extensive discussions of the legal obligation to disclose ensued with examples such as being advised that someone was planning to commit homicide, is there an ethical obligation to disclose. The Supreme Court of Canada has made a decision that is sort of on topic that has qualified rights of privilege to recognize that in some circumstances there is a **permission** to disclose. We don't have a Tarasoff- type ruling in Canada. Some lawyers think that we should follow that but the only case we have is where a psychiatrist who was giving a sentencing report to a sexual offender's lawyer applied to the court to be able to reveal that information. He only asked for **permission** to disclose and so the court was not asked about a ruling on a duty to disclose and did not take the further step and ruled on permission to disclose. So there is not yet any ruling on a duty to disclose. The Russell Ogden issue was where he disclosed that he had witnessed a suicide and he was compelled to disclose the names of others involved. In order to study child abuse offenders how much of a duty do you have to disclose to the subject that you do have a duty to disclose? By that disclosure you would not be able to get that information that would in the public interest protect the victims.

J. Belshaw suggested some kind of visual rearrangement of these boxes.

V. Feng felt that Yes Completely should be at the very bottom to allow applicants to go through the choices in a thoughtful sequence. J. Russell commented that 98% of cases would be "Yes With Limits" and advised that the standard is usually front loaded, with Yes first.

After further discussion **it was agreed that the sequence of choices would front loaded and amended as below.**

**Action Item #2: Add a box to indicate Yes, with limits before the No box.**

**Move the relevant boxes to follow the Yes with limits box before the No but after the Yes Completely box.**

**J. Belshaw/M. Lerer**

J. Belshaw then drew the committee's attention to page 11 of the Application Form.

After extensive review and discussion of this issue M. Gerson suggested that after each age range the phrase (incl.) be added. **It was agreed that after each of the age definitions (incl.) is to be added.**

**Action Item #3 : Item M. Free and Informed Consent – under the heading Competent after each of the age definitions add the phrase (incl.).** M. Lerer

W. Pierson enquired about Item 23 Risk to Researchers and if it was required. J. Douglas added that our responsibility is to protect the subjects.

**It was agreed that Item 23 Risk to Researchers be deleted** as it is not within the mandate of the Langara College Research Ethics Board.

**Action Item #4: Item #23 – Delete Item #23 and renumber the following items 24, 25 and 26 as 23, 24 and 25 along with their subparagraph numbers.** M. Lerer

**FOR REVIEW: Possible Amendment to the following item.**

**For Review**

*Item M. Free and Informed Consent*

*Competent Youth*

*Youth 13 to 18 (incl.): consent of youth will be obtained and parental agreement will be sought. (e.g. school districts).*

*Youth 13 to 15 (incl.): consent of youth will be obtained and parental agreement will be sought.*

*Youth 13 to 15 (incl.): consent of youth will be obtained and parental agreement will NOT be sought. Youth 16 to 18 (incl.): consent of youth will be obtained and parental agreement will not be sought.*

It was agreed that agreement and informing are two different things. (agreement to their child's consent?)

**Action Item #5: Ensure that there is a change in Research Involving Humans Policy itself to reference this application form.** J. Belshaw/J. Russell/J. Douglas

**Action Item #6: Circulate this application form electronically once the changes have been made and ask for one last review.** M. Lerer

4. **Tri-Council Eligibility: Review of Policy Drafts**  
iii) **Conflict of Interest Research Policy**

J. Belshaw then asked for and received consensus that as W. Pierson and K. Sveinson are both present the committee move to a review of the Conflict of Interest Policy which they have both been working on. The committee agreed by consensus to move on to a review of the Conflict of Interest Policy.

K. Sveinson distributed Discussion Notes on the Conflict of Interest Policy to the committee. K. Sveinson noted that although we have a policy on conflict of interest here at Langara it does not speak to research at all. What W. Pierson and K. Sveinson did was to look at the Tri Council requirements and then took a look at existing conflict of interest policies and copied and pasted a lot and hopefully came up with something that makes sense. Unfortunately it was printed today without the margin notes. They met with J. Belshaw just this week and got some of these comments. K. Sveinson then proceeded with a review of the Conflict of Interest Policy. K Sveinson felt that in general communicating to researchers what the policy is and awareness and adherence to the policy was paramount but was unsure whether the place for that is to be imbedded in the policy or whether it is some sort of educational document that expands upon these things and gives examples designed to help people understand it.

J. Russell suggested that perhaps the second paragraph of 2. Definitions might be moved to 6. Guidelines and Standards. **It was agreed that this sentence would be moved.**

**Action Item #7: Move second paragraph of item 2. Definitions to Item 6. Guidelines and Standards.**

**K. Sveinson/W. Pierson**

J. Russell asked where 2. Definitions came from and K. Sveinson replied that they were taken exactly word for word from Tri-Council. K. Sveinson then added that they had provided some context or ways to interpret that

and those items shown in red in the document are directly from Camosun's Conflict of Interest Policies. Financial Interest's definition was taken directly from UBC's definition.

K. Sveinson referenced J. Belshaw's comment on non-financial conflict of interests, i.e. special interests, non-profit, political organizations etc. J. Belshaw was aware that some Conflict of Interest Policies articulate non-financial conflicts of interests. In political research for instance the fact that you are an executive of a political party there clearly may have some bearing on what you are doing. Again policy – you are doing research on sex trade workers which we mentioned earlier – there may be political conflicts there. The other day Portland Housing Society was doing research on Insite, well there is a conflict of interest because they are essentially the same thing.

J. Russell felt that 5% implies that less than 5% is not in conflict of interest. **It was agreed that the first sentence under Financial Interest be amended as follows:**

**Action Item #8: Delete first sentence and insert “An opportunity to receive any ownership interest in a single entity or a nominal monetary value, including remuneration (e.g. salary, consulting fees, retainers, honoraria, bonuses, gifts, speaker's fees, advisory board remuneration, finders or recruitment fees), equity interests (e.g. stocks, stock options or other ownership interests), and intellectual property rights (e.g. patents, copyrights, royalties or other payments from such rights).”**

**Action Item #9: J. Belshaw to set up a meeting with K. Sveinson and W. Pierson to review language in the Conflict of Interests Policy to include non-financial conflicts and/or special interests.** J. Belshaw

**Action Item #10: Work on some language to include non-financial conflicts of interests (special interests).** K. Sveinson, W. Pierson, J. Belshaw

K. Sveinson put forward that modern conflict of interest is a three step process. The goal is for researchers - 1. to try to avoid potential conflicts - 2. if the conflict is unavoidable they have to declare that to the approval body, and then - 3. that body is supposed to see if it is manageable and to make it manageable to make it an acceptable conflict and if it cannot manage it then prohibit it. So that is sort of the goal of this type of policy.

M. Gerson said that he felt there were people who doing research into wind energy who hold shares through mutual funds in a wind energy company. W. Pierson added that if you are unaware that you have a conflict then you do not have a conflict. J. Belshaw noted that ownership in a **single** entity which you would know about. The other item is Gifts and declaring receipt of gifts. Typically a lot of institutions set a very low level on that – you have to declare \$250 for instance. Declaring that you have received gifts – i.e at one of colleague institutions two years ago - Prada Gate – where a series of Prada gifts was given to visiting researchers and delegates from the institution. These were just handbags but each one was worth \$1,000. There was a mess which could have been eliminated if the people had just declared the gifts. He felt that a blanket disclosure would be more workable. The question remains who do you declare it to – which is will coming up shortly.

Some discussion ensued about what constitutes a research project. **It was agreed to delete the second sentence under Research or Scholarly Activity heading:** *Approval of these activities is provided by the Research Project Approval Committee.*

**Action Item #11: Page 2 Delete second sentence under Research or Scholarly Activity:** Approval of these activities is provided by the Research Project Approval Committee.

J. Belshaw noted that we do not currently have an Intellectual Property Policy.

**It was agreed that under heading 3. Authority 3.2 Related Policies, Intellectual Property Policy is to be deleted.**

**Action Item #12: Item 3. Authority, 3.2. Related Policies – Delete Intellectual Property Policy.** K. Sveinson/  
W. Pierson

M. Gerson spoke about conflict of interest when making decisions on behalf of the college when you have a personal relationship or a family member involved.

V. Feng put forward a point about Intellectual Property Rights with respect to patents. J. Russell added that it would have to have a monetary value. V. Feng noted that initially there is no monetary value until someone recognizes it. J. Russell added that the purpose of a copyright or a patent is to protect an invention or use. This is a good point and usually a patent will be defined in years. V. Feng posited the following example - she does her research with no conflict of interest, two years later she is writing a book. Something derived afterwards. V. Feng then asked would Intellectual Property Rights be considered conflict of Interest. W. Pierson added that she felt that the conflict of interest applies to the period of time that you are actually involved in the research.

M. Gerson added that there were almost two different kinds of research – one is clearly what people would understand as a conflict of interest. What is wrong with conflict of interest? The research itself might not be trustworthy. For example people argue that a lot of research by pharmaceutical companies is not trustworthy because it is financed by the pharmaceutical company to have a certain outcome. The other kind of research is discovery research and in many cases there the researcher will want to patent what and if they actually do discover something that will have real value. Is that a conflict of interest wanting to be able to patent the outcome of the research? W. Pierson noted that when you are doing the research project you will be presenting a hypothesis which would show the potential outcome. J. Russell asked if that was disclosable – that you wanted to find a patentable outcome? M. Gerson noted that this was often the case with applied research specifically. W. Pierson enquired if that applied even when talking about potential situations. J. Belshaw then interjected that as K. Sveinson has noted further in this agreement there is a responsibility to disclose potential financial interests. The thorny issue right now is to whom do we report. There is a responsibility to report we can either carry on with what we have got there or we change it to a more general statement you or any member of your family will not receive any kind of benefit. **It was agreed that the committee will go with the policy as is for the time being and focus on the process.**

K. Sveinson noted that under Item 5.2 the mechanism, entity or body to whom researchers would report as in their report “Research Project Approval Committee” and noted that they had made up this term to enable the policy to have a reporting mechanism. J. Belshaw informed the committee that in the Research Involving Humans Policy reference is made to the **Director of Research Ethics**. J. Russell added that UBC has a Conflict of Interest Committee. Researchers meet on an annual basis to update their conflict of interest. K. Sveinson added that at UBC the initial reviewer has the authority to decline or accept. M. Gerson put forward that not every single researcher is going to have to go before this committee. This committee would deal with exceptions who would report to somebody – VPA or Director of Ethics Research. We have to have a mechanism where they can go before they get to this stage. Would that be the VPA or research project approval committee? J. Belshaw noted that 8.6.1 is where VPA first shows up and K. Sveinson said this came from the Integrity in Research Policy and that’s why the terminology is not unified. M. Gerson asked if it would make sense if there is not a standing committee but a committee that is struck by the VPA and the VPA who receives complaints or disclosures has the initial opportunity to decide if it is potentially significant or not. If not they can dismiss it and if potentially significant then strike a committee of say three people to assess it. That way we don’t have a standing projects approval committee. K. Sveinson noted that this would work as a lot of these disclosures would not be significant. W. Pierson felt that particularly when you have a lot of inexperienced researchers they will require a lot of help.

@ 11:25 J. Belshaw asked if an extension of the meeting would be appropriate. The committees agreed to go on.

J. Belshaw referred to item 5.2 and suggested replacing the phrase “Research Project Approval Committee” with The Vice President, Academic or delegate.

J. Russell noted that he agreed with M. Gerson’s suggestions on procedures. K. Sveinson added that there is some language in the existing Conflict of Interest Policy regarding language about striking an ad hoc committee.

**Action Item #14: Rewrite portions of 8. Procedures to include VPA and language about striking an ad hoc committee.**

**K. Sveinson**

J. Douglas asked if they state the make-up of the committee in other policies. K. Sveinson replied no (responsible administrator) at the most it goes to the REB.

J. Russell felt it was not a good idea to send it to the REB. M. Gerson asked about conflicts of interest that are within research involving humans. J. Russell advised that those would be dealt with by the REB and that board will make its own mind up about conflicts of interest.

V. Feng forwarded the question if she has a research project to whom would she disclose the conflicts of interest. What is the next step? Is there not a central place? With this research project approval committee it sounds like the project has to go to the committee to get approval. W. Pierson suggested an algorithm. J. Belshaw stated that yes we will have to do that – but currently this is one step ahead of where we are - as we currently do not have an office of research. We are going to have to make a decision about it at this institution because what NSERC really likes is if somebody at the institution is called the Director of Research or if they have an office of research. What they did at NIC was they just tacked on REB after my title. At some point we are going to create an office of research of some kind and that may happen sooner than later I think. It is currently the piece that is missing.

J. Belshaw noted that he was aware of the time and suggested Kelly, Wanda and he might take this away and rewrite the portions referring to the process with an eye to directing the traffic through VPA 's and not a standing committee but an ad hoc committee.

## **5. Other/Outstanding Business**

The other pieces on our agenda today – Agenda Item 5. i) Scholarly Activity Survey – (changes made by J. Belshaw to the Scholarly Activity Survey) and ii) Strategies will be brought to the DDC committee just to raise their consciousness and awareness of what we are doing and with an eye to getting approval to do a scholarly activity survey. J. Belshaw advised the committee that he had been approached in the last two weeks by ACC C which comes out every year at this time and always asks what's happening – we are going to go to the FEDS and lobby for money for research at colleges. It would be good to move ahead.

J. Belshaw advised that he wanted to ask the group regarding SWAP money available. He would like to hire a SWAP student to help with a survey like this. This person would tabulate results and perhaps have that person available at the disposal of the committee for the summer to help move things forward. He asked for the committee's thoughts were on that. After some discussion **it was moved by J. Russell and seconded by M. Gerson that J. Belshaw would look into hiring a SWAP student for the summer.**

**Action Item #15: Check into the hiring of a SWAP student for the summer.**

**J. Belshaw**

J. Belshaw asked if there were any outstanding items on the Research Involving Humans Policy. The only two pieces that remain outstanding in this policy are the MOU with SFU and inserting the application form.

## **6. New Business**

- i) Field School will be included on the next meeting Agenda to be facilitated by S. Copp .
- ii) On the next meeting Agenda under (ii) Strategies) – include Update Reporting post approval activities/mandate/post approval administration to be facilitated by all.

**7. Date of next meeting:** Friday, June 10<sup>th</sup>, 2011 at 10:00am, Meeting Room C408

**8. Meeting adjourned at 11:40am.**