



Operating Procedures: Series R 1-05 Integrity in Scholarship and Research

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Responsibility for Responding to Alleged Misconduct

The Associate Provost, Research & Graduate Studies (APRGS) is responsible for and responding to all allegations of misconduct in research. The APRGS may designate another senior academic administrator to whom responsibilities under this Policy are delegated. When the APRGS is a party to the alleged misconduct, then the Provost will assume the role of Associate Provost, Research under this policy.

Allegations of Misconduct

All allegations of misconduct in research and information relating to allegations of breaches of the present policy must be made responsibly to and received confidentially by the APRGS. A formal allegation of misconduct in research may be made by any member of the university community, or by any other person. For example, the allegation may be made by a member of faculty or staff, a University administrator, a granting source, a student, a member of the general public, a media report, or an anonymous source. An allegation should normally be presented in writing and include all relevant evidence, appropriately documented, and be signed and dated. If an allegation is incomplete or otherwise improperly documented, the APRGS may contact the complainant and request additional information.

Anonymous allegations will not normally be considered. However, if compelling evidence of misconduct is received anonymously by the APRGS, he or she may initiate the investigation process described below, on the basis of this evidence.

Protection of Complainant

Measures will be taken, at all stages of the process established by this policy and to the full extent possible, in accordance with the law, to protect from any reprisals individuals making an allegation in good faith or providing information related to an allegation.

Privacy

The matters pertaining to the allegations and investigation will remain confidential to those parties directly involved or investigating the circumstances. The privacy of the complainant(s) and respondent(s) will be protected as far as is possible. Any and all information and records relating to an action under this policy will be handled by the University in compliance with its own Privacy Policy and the Protection of Privacy Act.

Timelines

Although timelines are defined below, circumstances may dictate exceptions which will be granted by the APR after consultation with the concerned parties. Allegations of misconduct in research should be made as soon as possible after an apparent misconduct has been identified.

Informal Proceedings

Instances of alleged misconduct in research may be resolvable through informal proceedings. Informal proceedings shall take place only if both the complainant and the respondent agree and cannot be required as a first step in dealing with an allegation of misconduct. Such informal proceedings will include appropriate provision for ensuring impartial, equitable, and fair processes. If the matter is not resolved by informal proceedings, or the complainant or respondent prefers not to engage in such proceedings, the allegation will be addressed through formal procedures.

Immediate Action

Upon receiving a formal allegation of misconduct in research, as justified by the nature of the allegation and the evidence submitted with it, the APR, or his or her designate¹ may decide to take immediate action to suspend some research activities or protect the administration of research funds, including the freezing of grant accounts and any other reasonable measures, as appropriate.

Procedure

1. Upon receipt of an allegation of misconduct in research, the APRGS will promptly request in writing an informal meeting with the respondent(s) in order to determine whether a formal investigation is warranted. Notice of this meeting shall inform the respondent that an allegation of misconduct has been received and that the purpose of the meeting is to help determine whether a formal investigation is warranted. The notice should include a brief summary of the allegation and

¹ In this Procedures document, any use of the term “Associate Provost Research” or “APR” includes his or her designate.

inform respondents of their right to be accompanied by a person of their choice in this and any future meetings, hearings or other sessions related to a formal investigation.

2. During the information meeting with the respondent and his/her representative, any and all statements made will be without prejudice and no formal record will be kept of its proceedings. Throughout the process, the respondent will be allowed due process and full opportunity to respond to the allegations.
3. After this informal meeting, the APRGS may:
 - a. Dismiss the allegation
 - b. Resolve the allegation through informal proceedings;
 - c. Inform the person(s) named in the allegation in writing of the allegation and appoint an Investigative Committee, if in the judgement of the APRGS the allegation has sufficient substance to warrant an investigation.
4. The APRGS may accept an admission of misconduct by the respondent(s), provided that it is made in writing and reflects the fact of the case as disclosed by the complainant and understood by the APRGS. In such cases, the APRGS may immediately proceed to take appropriate action to respond to the allegation that was admitted to by the respondent.
5. When the APRGS finds that a formal investigation is warranted, the notice to the respondent(s) shall enclose a full copy of the signed allegation and an invitation to respond to it in writing. If an affected person believes that the decision of the APRGS was reached improperly or disagrees with that decision, an appeal or grievance as appropriate may be filed, according to the terms of the appeal or grievance mechanism applicable to that person. If no such mechanism is in place, an appeal may be filed with the President. The President's, or his or her designate's decision is final.
6. If a formal investigation is warranted, the APRGS will inform the respondent (s) and the complainant(s) in writing, normally within ten (10) working days of receipt of the allegation.
7. The APRGS will appoint an Investigation Committee (the Committee) with the authority to decide whether a breach occurred. The Committee will consist of up to three (3) faculty members appointed from a roster of faculty with suitable expertise and experience in conducting research and who are without conflict of interest, whether real or apparent, and at least one (1) external member who has no current affiliation with the University. The Committee will provide the respondent specific meeting times to discuss the allegations and evidence prior to conclusions being made.
8. The procedures to be followed by the Committee must be guided by the principle of fairness, applicable to all parties. The respondent(s) and complainant(s) will have adequate opportunity to know any evidence presented by any party and to respond to that evidence if they so choose. The purpose of the investigation shall be fact-finding and formulation of a conclusion as to whether misconduct in research occurred and the responsibility, if any, of the respondent(s). The

appropriate criterion for a decision is the presence of clear and convincing evidence. The Committee should communicate in its decision and recommendations in writing to the APRGS within thirty (30) working days. An extension of this time period may be granted by the APRGS if justified by the circumstances and the complexity of the investigation. The report of the Committee shall include a copy of the allegations signed by the complainant(s), the written response of the respondent(s), if any, the findings and decisions of the panel and its recommendation for any action to be taken.

9. The Committee will provide its report, including its final decision and recommendations, to the APRGS within fifteen (15) days after completing its draft report.
10. The Committee will make recommendations to the APR. These recommendations may include:
 - a. Disciplinary actions, such as a letter of reprimand, probation, suspensions, termination of employment, or expulsion of a student.
 - b. If applicable, notification of editors in which the involved research was reported.
11. In cases of collaborative research involving other institutions, the APRGS may modify these procedures to facilitate the conduct of parallel or joint investigations or as otherwise deemed appropriate by the APRGS.

Sanctions and Other Measure

All sanctions and measures taken as a result of the procedures described above must be proportional to the severity of the misconduct. In the case of faculty, disciplinary action will comply with the relevant provisions in the Faculty Employment Policies. In the case of students, the APRGS will consult with the Vice President, Student Life to determine how policy applicable to student conduct will be applied. If sanctions or actions are components of the decision contained in the final report, the sanctions or actions will be imposed or taken by the APRGS unless another person is designated to do so by existing University policies, employment policies, or by legislation. In such cases, the final report will be transmitted to that other person, as a recommendation for action.

Appeals

If a person affected by the misconduct or by the decision of the APRGS believes that that decision was reached improperly or disagrees with that decision, an appeal or grievance as appropriate may be filed, according to the terms of the appeal or grievance mechanism applicable to that person. If no such mechanism is in place, an appeal may be filed, within fifteen (15) working days of the receipt of the report, with the President or, if appropriate, with the national granting agency which funded the research with respect to which an allegation of misconduct was made.

Notifications

In cases where the research misconduct involved activities funded in whole or in part by one of the national granting councils and where that misconduct may involve significant financial, health and

safety, or other risks, the APRGS will immediately advise the relevant Agency or Secretariat of Responsible Conduct of Research (SRCR) of the allegations. In cases where the research misconduct involved activities funded in whole or in part by one of the national granting councils or another funding agency, a copy of the final report prepared by the APRGS will be transmitted to that council or SRCR, or other funding agency by the APRGS. If an allegation is dismissed or it is otherwise determined to have been unfounded, and a granting council or other funding agency is known to be or is likely to be aware of the allegations, the APRGS will so inform the council or other funding agency and the University will make every effort to protect or restore the reputation of those who were wrongly subjected to an allegation. When the APRGS determines it to be in the best interests of the University, a report on the investigations of the misconduct and its outcome will be disseminated to persons with a legitimate interest in knowing about them, such as the research subjects themselves or co-investigators. This report will normally contain no information that would identify the parties, unless this action is fully consistent with the final outcome of this case as described in the final report.

A SUMMARY OF PROCESS

