

Item	7.9.1
Policy Owner	President
For approval by	UOIT Board of Governors
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Procedure on the Responsible Conduct of Research and Scholarship

1. Purpose

The purpose of this procedure is to ensure that allegations of research misconduct are handled appropriately and in a timely manner. This procedure will outline the process for addressing alleged breaches to the *University Policy on the Responsible Conduct of Research and Scholarship*.

2. Application of Procedures

This procedure applies to all allegations of research misconduct as outlined in the Responsible Conduct of Research and Scholarship Policy. When applicable, current collective agreements and academic conduct policies and procedures will apply.

3. Allegations of Misconduct

Research Misconduct includes any conduct that constitutes a significant departure from the standards that are commonly accepted within the academic community and within the relevant research discipline. Before reporting a perceived Research Misconduct, the Complainant may seek the advice of the Vice-President Research, Innovation and International to determine if the conduct warrants formal proceedings. Upon determining that formal proceedings are necessary, the allegation will be proceed as described in the sub-sections that follow.

3.1. Submitting and Receiving Allegations

3.1.1. Allegations of Research Misconduct shall be made, in writing, directly to the Vice-President Research, Innovation and International.

3.1.2. If a Complainant is uncertain that Research Misconduct has occurred the Complainant may seek the advice of the Vice-President Research, Innovation and International and determine if further action is required. The Complainant may proceed directly to a written allegation if they are confident that the misconduct is sufficient to proceed.

3.1.3. All allegations shall be made in writing, dated, identify the Complainant, and shall include Complainant's contact information. The allegation shall set out all relevant information and include supporting evidence. If for any reason an allegation in writing cannot be formulated no further steps shall be taken against the respondent under this Procedure.

3.1.4. If an allegation has already been the subject of an inquiry or an investigation and the matter had been closed, the Vice-President Research, Innovation and

International will not pursue the same allegation unless new and compelling evidence is brought forward.

- 3.1.5. The identity of the Complainant shall remain confidential only in exceptional circumstances at the written request of the Complainant; however, it will be made available, as necessary, to the Vice President, Research, Innovation and International and his/her office and the Provost. In such cases, in order to protect the identity of the Complainant, her/his identity shall be stricken from all documentation. The Vice-President Research, Innovation and International may communicate with the Complainant on a confidential basis, throughout the course of any inquiry or subsequent investigation.
- 3.1.6. The Complainant is required to declare any Conflicts of Interest, as defined in the University's *Policy on Conflicts of Interest in Research* that he/she may have and is expected to act in good faith.

3.2. Responsibilities of the Vice-President Research, Innovation and International

- 3.2.1. The Vice-President Research, Innovation and International may delegate any function specified in these procedures, but is ultimately responsible for ensuring compliance with the procedures and that all allegations are properly investigated, documented, and dispositioned. However, where the Vice-President Research, Innovation and International personally formulates the complaint in writing, or is identified in an allegation, the Provost shall be responsible for ensuring compliance with this Procedure and associated Policy.
- 3.2.2. Where a respondent is the Vice-President Research, Innovation and International all allegations shall in respect of all respondents be forwarded to the Provost. The Provost shall then be responsible for ensuring that these procedures are followed with such variations as are necessary.

3.3. Authority

- 3.3.1. The Vice-President Research, Innovation and International and the Provost both have the authority to, independently or at an Agency's request:
- suspend the research activities;
 - close down facilities used for research;
 - protect the administration of university and outside funds involved in the research – this may include freezing of grant accounts, requiring a second authorizing signature from an institutional representative on all expenses charged to the respondent's grant accounts, or other measures as appropriate;
 - obtain and retain relevant documentation (e.g., lab notes, computer disks, hard drives) related to an investigation;
 - request that members of the university community appear before a committee of inquiry or investigation and answer its questions or supply it with materials.

4. Investigating Allegations

4.1. Inquiry Process

- 4.1.1. After receiving an allegation of research misconduct, the Vice-President, Research, Innovation and International shall determine whether the allegation concerns individuals and/or matters that fall within the scope of this Procedure and its related Policy; if it does not, the Vice-President Research, Innovation and International shall so advise the Complainant.
- 4.1.2. If the allegation falls within the scope of this Procedure and its related Policy, the Vice-President Research, Innovation and International shall provide a copy of the allegation to the Respondent within fourteen calendar days after receipt of the written allegation.
- 4.1.3. An inquiry shall be conducted in a confidential manner.
- 4.1.4. The Vice-President Research, Innovation and International shall establish an Inquiry Committee comprised of two experienced University members with the requisite expertise to address the issues involved, both at arm's length from the person(s) alleging research misconduct and the Respondent. The Vice-President, Research, Innovation and International, in consultation with the Inquiry Committee members shall identify one member of the committee to act as the Chair. The Vice-President Research, Innovation and International shall advise, in writing, the Respondent, and all persons identified in the allegation, of the composition of that Committee.
- 4.1.5. Any objection to the composition of the Committee to conduct an inquiry shall be made, in writing, to the Vice-President Research, Innovation and International within seven calendar days of receiving written notice of the composition of the committee. The disposition of any such objection by the Vice-President Research, Innovation and International shall be final.
- 4.1.6. The Inquiry Committee shall proceed in complete confidentiality to determine whether or not the complaint warrants an investigation.
- 4.1.7. Prior to receiving evidence from any person not already identified in the allegation in writing, the Committee shall advise that person that it may be necessary in the interests of justice to reveal that person's identity to the Respondent.
- 4.1.8. The Inquiry Committee shall advise the Respondent of the evidence being considered by the Inquiry Committee and shall invite the Respondent, accompanied by an advisor if the Respondent so desires, to meet with the Inquiry Committee and respond to the evidence orally and/or in writing.
- 4.1.9. The Inquiry Committee, if necessary, shall invite the Complainant, accompanied by an advisor if the Complainant so desires, to provide additional details to the committee to help render a decision.
- 4.1.10. Normally within thirty calendar days of being appointed, the Inquiry Committee shall complete its inquiry and shall determine whether or not the allegation warrants a formal investigation. The Inquiry Committee may recommend to the Vice-President, Research, Innovation and International a way to resolve a situation.

Its decision shall be reported, in writing, to the Vice-President Research, Innovation and International and the Provost. The Inquiry Committee shall also provide the Vice-President Research, Innovation and International with the information used to reach its decision, which the Vice-President Research, Innovation and International shall convey to any subsequent Committee of Investigation.

- 4.1.11. If the Inquiry Committee reports that the allegation does not warrant an Investigation, the Vice-President Research, Innovation and International shall advise the Respondent and any person identified in the allegation that the allegation is dismissed.

4.2. Investigation Process

- 4.2.1. If the Inquiry Committee reports that the allegation warrants an investigation, the Vice-President Research, Innovation and International shall so advise the Respondent, any person identified in the allegation and the Provost and shall inform them comprehensively in writing of that which is to be investigated.
- 4.2.2. Upon being advised that there is an allegation warranting an investigation the Vice-President Research, Innovation and International shall, within 14 calendar days, appoint an Investigation Committee to conduct the investigation, and shall advise, in writing, the Respondent and Complainant of the composition of that Committee. Any person who was identified in the allegation or who was identified to the Respondent during the inquiry as a person who had given evidence also shall be advised of the Investigation.
- 4.2.3. Any objection to the composition of the Investigation Committee shall be made, in writing, to the Vice-President Research, Innovation and International within seven calendar days of the notice to the Respondent, Complainant, and any persons identified in the allegation. The disposition of any such objection by the Vice-President Research, Innovation and International shall be final.
- 4.2.4. The Investigation Committee shall consist of three experienced members who did not serve on the Inquiry Committee and at least one member who shall be external to the University. The members of the Investigation Committee will have no actual, reasonably perceived or potential conflict of interest or bias, and will jointly have the appropriate scientific and administrative background to evaluate the allegation and any response to it. The Investigation Committee shall elect one of its members as Chair.
- 4.2.5. The Vice President Research, Innovation and International shall provide suitable administrative support to the Investigation Committee.
- 4.2.6. In cases of collaborative research involving other institutions, it may be desirable to conduct either parallel investigations, or a joint investigation, with appropriate changes to the procedures outlined below. Whichever method is chosen, the University will cooperate fully with other institutions.
- 4.2.7. The Investigation Committee may consult confidentially with others, and see any applicable documents as deemed necessary to make an assessment, and to ensure the investigation is thorough. .

- 4.2.8. The Investigation 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 the Respondent and Complainant.
- 4.2.9. The Investigation Committee shall provide the opportunity for the Complainant, accompanied by an advisor, if desired, to address it in speech or in writing.
- 4.2.10. The Investigation Committee shall advise the Respondent in sufficient detail of the evidence being considered by the Investigation Committee and shall invite the Respondent, accompanied by an advisor if the Respondent so desires, to meet with the Investigation Committee and respond fully to that evidence orally and/or in writing.
- 4.2.11. The Chair of the Investigation Committee shall be responsible for the following:
- 4.2.11.1. ensuring compliance with the process as outlined in this procedure and associated policy(ies);
 - 4.2.11.2. following all relevant policies and procedures and current collective agreements carefully and thoroughly to conduct an investigation and endeavor to address all questions raised by the allegation(s) regarding the integrity of the research in question;
 - 4.2.11.3. maintaining proceedings and documents in a confidential manner;
 - 4.2.11.4. ensuring that no conflicts between the Complainant and the Respondent obscure the facts and divert attention from the substance of the allegation; and
 - 4.2.11.5. understanding the importance of protecting the reputations of both the Complainant and Respondent.

5. Written Report and Decision of the Investigation Committee

5.1 Normally within ninety calendar days of being appointed, the Investigation Committee shall complete its investigation and shall submit its written report to the Vice-President Research, Innovation and International.

5.2 *The written report will contain:*

- the full allegation;
- a list of the Committee members and their credentials;
- a list of the individuals who contributed relevant material to the investigation or were interviewed;
- a summary of relevant material or facts;
- a statement of determination of Research Misconduct which shall contain the following:
 - Determination of No Research Misconduct:
 - The statement will clearly identify the decision of No Research Misconduct and the basis for the decision; or
 - The statement will clearly identify the decision of No Research Misconduct and, if applicable, it may state whether a serious

scientific or any other error has been made which does not constitute Research Misconduct.

- Determination of Research Misconduct: The statement will clearly identify the decision of Research Misconduct and the extent and seriousness of the Research Misconduct.
 - Recommendations on remedial action and/or recommendations of possible changes to standard research practices.
- 5.3 Recommendations of the Investigation Committee may include, without limitation:
- the withdrawal of all pending relevant publications;
 - the notification of editors of publications where the research reported was/is affected by the Research Misconduct;
 - ensuring the research unit(s) involved is(are) informed of appropriate practices and any possible changes to such practices, where appropriate, for promoting the proper conduct of research;
 - freezing of all research accounts until the misconduct has been corrected;
 - restricting access to University resources and facilities if appropriate.
- 5.4 The Investigation Committee's written report will be delivered to the Vice-President Research, Innovation and International who shall provide a written letter advising: the Respondent and any person identified to the Respondent, the Provost, and the relevant Dean that the allegation is not determined to be research misconduct and is dismissed;
- the Respondent, any person identified to the Respondent, the Provost, and the relevant Dean that the allegation is substantiated as research misconduct, and refer the matter to the Provost for further proceedings in accordance with the Faculty Association Collective Agreement or relevant University Policy(ies).
- 5.5 The Investigation Committee's written report is final and not subject to revision. However, the Respondent and Complainant have seven calendar days, upon receiving the written report, to make submissions to the Vice-President Research, Innovation and International regarding the Committee's findings. The Vice-President Research, Innovation and International shall report to the relevant Agency, as applicable, and will act accordingly.
- 5.6 Where the complaint is not substantiated, the Vice-President Research, Innovation and International in consultation with the respondent and the Investigation Committee shall take all reasonable steps, in compliance with applicable legislation, to repair any damage that the respondent's reputation for scholarly integrity may have suffered by virtue of the allegation.
- 5.7 In some circumstances, even when a decision is made that no Research Misconduct had occurred, the investigation may reveal a scientific or another error that requires further action. In such cases, the Vice-President Research, Innovation and International will consult with the Provost, the Chair of the Investigation Committee, the relevant Faculty Dean and the Respondent, and will determine what action, if any, to take.

- 5.8 If the allegation is found to have been made in bad faith, the Vice-President Research, Innovation and International may apply or recommend the application of appropriate sanctions to be taken.
- 5.9 When the Investigation Committee determines that Research Misconduct has occurred, the Vice-President Research, Innovation and International, in consultation with the Provost, will consider the recommendations of the Investigation Committee and will determine what remedial actions are appropriate.
- 5.10 Whatever the outcome, the Vice-President Research, Innovation and International and the Provost shall also take all reasonable steps to mitigate the consequences of the process to individuals who have been unintentionally adversely affected by it the investigation.
- 5.11 The Vice-President Research, Innovation and International will consult with the Provost and the appropriate University representatives before applying or recommending the application of any disciplinary measures. Disciplinary measures shall be reasonable and proportionate with the seriousness of the Research Misconduct.
- 5.12 The Vice-President Research, Innovation and International, in consultation with the Provost, may impose or recommend the application of disciplinary measures which could include:
- a verbal warning;
 - special monitoring of future research;
 - a verbal warning with a letter of concern to be held temporarily on file in the relevant Faculty Dean's office;
 - a letter of warning to be held in the Respondent's permanent file;
 - the withdrawal of specific privileges;
 - the removal of specific responsibilities;
 - suspension or expulsion; or
 - termination.

6. Appeals

- 6.1.1. A respondent whose appointment is covered by a Collective Agreement will appeal in accordance with the Collective Agreement.
- 6.1.2. For other respondents appeal will be made to the Provost who will strike an appropriate committee to hear the appeal.
- 6.1.3. All decisions of an appeal will be final.

7. Materials from the Inquiry and the Investigation

- 7.1. The Chairs of the Inquiry and Investigation Committees shall keep copies of all material, records and notes of interviews with individuals involved in a secure and confidential manner during the inquiry or investigation. All members of the Inquiry and Investigation Committees shall return all documentation related to the proceedings, including reports, to the Vice-President Research, Innovation and International. The reports and related material are kept for a period of seven years from the date of decision.

- 7.2. No person shall make any use of the reports, or any part of the related materials, save for the purposes of this Procedure or for related purposes under the relevant collective agreement (e.g. appeals).

8. Accountability and Notification of Funding Agencies

- 8.1. The Vice-President Research, Innovation and International shall immediately inform any Agency of the research in question when it receives an allegation that may involve significant financial, health and safety, or other risks.
- 8.2. When a Committee that has conducted an inquiry reports to the Vice-President Research, Innovation and International that an investigation is warranted, the Vice-President Research, Innovation and International shall inform any granting Agency or sponsor of the research and scholarship in question of this fact whenever that granting Agency or sponsor had so requested at the time the grant was made, or so requires by its policies.
- 8.3. When a Committee that has conducted an investigation and reported its conclusions to the Vice-President Research, Innovation and International, the Vice-President Research, Innovation and International shall inform the appropriate granting Agency or sponsor of the conclusion. Further, where the decision is that misconduct or serious misconduct is substantiated, the Vice-President Research, Innovation and International shall within 7 months of the initial receipt of the misconduct allegation provide the investigative report and decision regarding discipline/remedies to any Agency, as required, known to have provided support for the research and scholarship in question of that conclusion, and may inform such other persons or Agencies as it seems essential to inform in the interests of protecting the integrity of research and scholarship.

9. Institutional Responsibility

- 9.1. Whenever an investigation concludes that serious misconduct is substantiated, appropriate arrangements shall be made to ensure that all other research and scholarship previously undertaken by the respondent at the University is evaluated to determine the integrity of that research.
- 9.2. If an evaluation of the research and scholarship previously undertaken by the Respondent, at the University, is found to breach integrity, appropriate remedial action will be determined by the Vice-President Research, Innovation and International and the Provost.

10. Good Faith

- 10.1. In all proceedings and subsequent to a final decision, the University will undertake to assure that those making an allegation in good faith and without demonstrably malicious intent are protected from reprisals or harassment.
- 10.2. False allegations made purposefully will give the University cause to discipline the individual making the allegation.

11. Reporting to the Academic Council

- 11.1. An annual report summarizing the facts of cases of scholarly misconduct and their disposition will be provided to the Academic Council for information.
- 11.2. A copy of this report shall also be made available to the applicable Agency.

12. Time Limits

- 12.1. All time limits in these procedures may be extended for good reason of which a formal record is kept. The respondent shall be advised of both the extension of time and the reasons therefore.

13. Definitions

"Advisor" means any person selected by the respondent, including and not limited to, lawyer, representative, colleague, Dean etc.

"Allegation" means a declaration, statement, or assertion communicated in writing to the Vice-President Research, Innovation and International, or Agency, to the effect that there has been, or continues to be, a breach of one or more Agency policies, the validity of which has not been established.

"Breaches of Agency Policies" means breaches of Agency policies which include, but are not limited to, the following:

"Fabrication" means the making up of data, source material, methodologies or findings, including graphs and images.

"Falsification" means manipulating, changing, or omitting data, source material, methodologies or findings, including graphs and images, without acknowledgement and which results in inaccurate findings or conclusions.

"Destruction of research records" means 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.

"Inadequate acknowledgement" means the failure to appropriately recognize contributions of others in a manner consistent with their respective contributions and authorship policies of relevant publications.

"Mismanagement of Conflict of Interest" means the failure to appropriately manage any real, potential or perceived conflict of interest, in accordance with the University's policy *Conflict of Interest in Research*.

"Invalid authorship" means the 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.

"Plagiarism" means the 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.

“Redundant publications” means the re-publication of one’s own previously published work or part thereof, or data, in the same or another language, without adequate acknowledgment or the source, or justification.

“Complainant” is an individual or representative from an organization who has notified an Institution or Agency of a potential breach of Agency policy or Research Misconduct.

“Faculty” shall include any Unit in which research and scholarship takes place, whether a teaching Unit or not, when that Unit is not part of any Faculty.

“Serious Misconduct” means 'misconduct' judged to be deliberate or reckless, going beyond negligence, and of sufficient gravity to justify initiation of dismissal proceedings.

“Inquiry” means the process of reviewing an allegation to determine whether the allegation is legitimate, the particular policy or policies that may have been breached, and whether an investigation is warranted based on the information provided in the allegation.

“Investigation” means a systemic process, conducted by an Institution’s investigation committee, or examining an allegation, collecting and examining the evidence related to the allegation, and making a decision as to whether a breach of a policy(ies) has occurred.

“Respondent”: an individual who is identified in an allegation of misconduct.