PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

In accordance with the *Policy for the Responsible Conduct of Research* (VPRGS-12)

Last Updated – October 2023

GENERAL

These Procedures for the Inquiry and Investigation of Allegations of Research Misconduct (the "Procedures") shall apply for the inquiry and investigation of Research Misconduct, as well as for any related disciplinary measures for individuals who are found to have committed Research Misconduct who are not subject to a collective agreement.

These Procedures shall not replace or supersede any provision set out in any collective agreement to which the University is a party nor shall these Procedures be applied in such a way as to detract from the rights of unions to defend the interests of their members and to exercise their rights under a collective agreement. Any disciplinary measures to be undertaken with respect to allegations of Research Misconduct shall be in accordance with the provisions of the relevant collective agreement if applicable.

For the purposes of these Procedures, all terms that are capitalized shall have the same meaning as those terms defined in the *Policy for the Responsible Conduct of Research* (VPRGS-12) (the "Policy").

All members of the University are expected to fully cooperate with any inquiry or investigation of allegations of Research Misconduct. This may include providing documentation and information in a timely manner and participating in any interview, if requested.

The Role of the Vice President, Research and Graduate Studies (the "VPRGS")

The VPRGS is responsible for the application of the Policy and these Procedures.

The VPRGS will also oversee any communication of the outcomes and decisions emanating from these Procedures including to the Respondent, Complainant, relevant Agencies and appropriate bodies in, and outside, the University as deemed appropriate.

The VPRGS shall also be responsible to manage any Conflict of Interest, claims of bias, and take any appropriate action.

In the event that the VPRGS is unavailable or is in Conflict of Interest, their duties and responsibilities will be delegated to the Provost and Vice-President, Academic (the "Provost").

Role of the Research Integrity Officer

The Research Integrity Officer ("RIO") is a delegate of the VPRGS who assists the VPRGS in carrying-out their mandate with respect to the Policy and Procedures. This may include, but is not limited to, organizing processes described in these Procedures, assisting all parties engaged in these Procedures in fulfilling their roles and communicating with Agencies and within the university.

I) Allegations of Research Misconduct

Allegations of Research Misconduct shall be taken seriously, and inquiries and investigations shall be carried out thoroughly, and as promptly as possible, to resolve any questions regarding the integrity of the research and those individuals who may be involved in an allegation. Such individuals, including those making allegations, those who are the subject of the allegations, and those who assist in the inquiry, shall be treated with due sensitivity. The highest possible degree of confidentiality shall be maintained regarding all allegations, inquiries and investigations, subject to any disclosure that might be required by legislation or the relevant Agencies.

Before making an allegation of Research Misconduct, an individual making such an allegation (the "Complainant") should attempt, if possible, to seek an explanation from the subject of the allegation (the "Respondent"), in order to ensure that the complaint is not based simply on a misunderstanding or misinterpretation.

Allegations of Research Misconduct should be made directly to or immediately referred to the VPRGS.

Allegations shall be made in writing, be signed, dated, identify the Complainant, and shall include contact information. They shall set out all relevant information and include supporting evidence, if available.

Exceptionally, and if appropriate, at the written request of the Complainant, their identity shall remain confidential and will only be made available to those who need to know for the application of the Policy and Procedures. In such cases, in order to protect the identity of the

Complainant, their identity shall be stricken from all documentation and the Complainant will not be formally advised of the inquiry, investigation, or investigation results as is outlined in these Procedures. The VPRGS or RIO may communicate with the Complainant on a confidential basis, throughout the course of any inquiry or subsequent investigation.

Allegations received from anonymous parties or allegations made publicly (i.e. news or social media), determined to be within the scope of these Procedures and its related Policy shall be treated in the same manner in terms of inquiry and investigation as is outlined in these Procedures.

The Complainant is required to declare any Conflict of Interest, as such term is defined in the University's *Policy on Conflict of Interest in Research* (VPRGS-5), that they may have and is expected to act in good faith.

If an allegation has already been the subject of an inquiry or an investigation and the matter had been closed, the same allegation will not be pursued unless new and compelling evidence that could not reasonably have been available at the time of the original inquiry or investigation is brought forward.

Allegations of Research Misconduct shall be carefully assessed by the VPRGS in the context of other policies and/or procedures that may apply separately, simultaneously or consecutively. In the event of simultaneous allegations of Research Misconduct the VPRGS may initiate simultaneous or separate processes under these Procedures.

The VPRGS will also ensure that any necessary interim administrative actions are taken, as appropriate, notably to protect research materials, data, subjects, research funds, research collaborators, members of the University community and the public, and funds provided by an Agency are used for the intended purposes as outlined in the relevant award notification.

In consultation with the RIO, the VPRGS shall assess whether reporting is required to any relevant Agency and will act accordingly during the processes provided for under the Procedures.

Both the Complainant and the Respondent may consult or be accompanied by a member of the university community or a union or association representative during the processes provided for under the Procedures.

At any time, the Respondent may admit to the Research Misconduct allegations and that their conduct violates the Policy. The Respondent must provide a written admission that encompasses all aspects of the breach, recognizes the nature and seriousness of their actions and accepts full responsibility for the breach. The VPRGS may then decide to conclude the proceedings. The VPRGS and/or Designated Investigators must prepare a reasoned report.

II) Inquiry into Allegations of Research Misconduct

Upon receiving an allegation of Research Misconduct that falls within the scope of the Procedures and the Policy, the VPRGS may initiate an inquiry of the allegations.

In order to protect the integrity of an inquiry, it shall be conducted in a confidential manner.

The VPRGS will appoint two Designated Investigators to carry out the inquiry into the allegations of Research Misconduct. If the allegations concern a Respondent associated with a Faculty, one of the Designated Investigators will normally be the Researcher's Faculty Dean.

Inquiries shall begin within 30 working days of the receipt of an allegation by the VPRGS.

The Designated Investigators shall conduct the inquiry and report their findings to the VPRGS no more than two months from the receipt of an allegation by the VPRGS

The Designated Investigators shall make diligent efforts to ensure that the assessment of an allegation is conducted in a timely, objective, thorough, competent and fair manner.

Process of Inquiry Into Allegations of Research Misconduct

The Respondent shall be provided with a copy of the allegation within 10 working days of its receipt by the VPRGS.

If the allegation, as written, does not contain sufficient evidence to warrant an inquiry, the Designated Investigators may request that supplementary information be provided by the Complainant in writing. Such supplementary information shall be shared with the Respondent.

In conducting an inquiry, the Designated Investigators, may consult confidentially within the University (including the RIO) and externally, if appropriate, to assist in their assessment of whether an investigation is warranted.

In conducting an inquiry, the Designated Investigators may request any relevant information or documentation from the Respondent and may invite the Respondent to a meeting so they may address the allegations.

At the conclusion of the inquiry, the Designated Investigators will produce a report to the VPRGS.

If subsequent to an inquiry, a decision is made not to proceed with an investigation, the VPRGS shall, in consultation with the RIO, provide written notice of the decision to the Complainant and the Respondent. The notice shall include a brief written summary of the reasons for such a determination. This decision cannot be appealed.

If subsequent to an inquiry, a decision is made that a formal investigation is warranted, the VPRGS shall, in consultation with the RIO, provide written notice of the decision to the Complainant and the Respondent.

If at any time during an inquiry and/or investigation, the Designated Investigators and/or the VPRGS have reasonable grounds to believe that an allegation was not made in good faith, the Complainant and the Respondent will so be advised in writing. The VPRGS may apply or recommend the application of appropriate sanctions to be taken.

III) Investigation of Research Misconduct

An investigation of an allegation in Research Misconduct shall be a formal process initiated by the VPRGS once they have made the decision that a formal investigation is warranted. The

VPRGS is responsible for making the arrangements for an investigation falling within the jurisdiction of these Procedures and informing the Provost accordingly.

The VPRGS will exercise their discretion in determining the appropriate timelines for commencing, conducting and reporting on investigations. The VPRGS will appoint an Investigation Committee, as detailed below, within 15 working days of the determination that an investigation should be conducted. The final report of the Investigation Committee shall be delivered within five calendar months after receipt of the allegations. If these deadlines cannot reasonably be met, the Investigation Committee will submit a procedural report to the VPRGS citing the reasons for the delay and progress to date.

The Investigation Committee

The VPRGS shall appoint a committee of three or more members to perform an investigation in accordance with these Procedures. The committee membership shall remain at an odd number in order to avoid tie votes.

The members of the Investigation Committee will be senior faculty members and/or members of the senior administration of the University or another academic institution. At least one member will be from another academic institution. The members of the Investigation Committee will have no bias or Conflict of Interest, as such term is defined in the University's *Policy on Conflict of Interest in Research* (VPRGS-5) and the *Policy on Conflict of Interest* (BD-4), and will jointly have appropriate scientific and administrative background to evaluate the allegation and any response to it. The Investigation Committee may consult confidentially with others, as necessary, in order to make its assessment.

The VPRGS shall provide suitable administrative support to the Investigation Committee, including, but not limited to, the RIO. For administrative purposes, one of the members of the Investigation Committee shall be appointed Chair of the Investigation Committee by the VPRGS.

Supported by the RIO, the Chair of the Investigation Committee shall ensure that Committee members are informed of:

- the investigative process
- the requirements to:
    - conduct the investigation carefully and thoroughly
    - endeavor to address all questions raised by the allegation regarding the integrity of the research in question
    - keep proceedings confidential, and
    - keep documents confidential and obtainable only by those who require them
- the responsibility to be vigilant and not to permit personal conflicts between the Complainant and the Respondent to obscure the facts and divert attention from the substance of the allegation
- the importance of protecting the reputations of both the Complainant and Respondent.

Process for Investigating Complaints of Research Misconduct

The Chair will communicate with the Respondent and the Complainant advising them of the appointment of the Investigation Committee, outlining the process that will be undertaken by the Committee and highlighting their respective obligations. To protect confidentiality, the Chair of the Investigation Committee will assume the responsibility of restricting the dissemination of the relevant materials and information to only those who are required to receive it. All parties receiving such materials and/or information may be required to sign a confidentiality agreement before such materials and/or information is provided to them.

In all cases, the Investigation Committee must provide the Complainant with the opportunity to submit any supplementary written materials that they wish to make available to the Committee; a copy of all such materials shall be provided to the Respondent who shall be granted the opportunity to comment, in writing, and provide any supplementary written response. The Respondent's written response, if any, shall be shared with the Complainant.

The Investigation Committee is not obliged to conduct a hearing; it is solely mandated to conduct a fair and objective investigation. It may, at the Committee's discretion, request an

interview with the Complainant, the Respondent, or any other relevant individuals. Interviews, when conducted, may be audio-recorded by the Investigation Committee.

In the event that the Respondent has been the subject of previous disciplinary measures as a result of Research Misconduct, the Investigation Committee shall be made aware of such disciplinary measures only as they may be relevant to recommendations with regard to the investigation underway. All other information concerning the previous investigation shall not be made available to the Investigation Committee, including the nature of the allegation.

The Investigation Committee will set a deadline by which all responses must be made and all evidence must be submitted. No response or evidence will be accepted after the designated deadline except in exceptional circumstances and with the permission of, and as instructed by, the Committee Chair.

The Investigation Committee will take reasonable steps to provide the Respondent with access to relevant material in the Committee's possession so as to provide them with a fair opportunity to respond to such material. The Investigation Committee may provide the Complainant with access to relevant material where a response from the Complainant may be required to help in determining the facts of the case.

Decisions and Reports of the Investigation Committee

Supported by the RIO, acting in their capacity as a non-voting advisor, the Investigation Committee will prepare a written report that sets out its findings and its decisions. The written report may also state whether a serious scientific or other error has been made which does not constitute Research Misconduct.

The Committee's written report will be delivered to the VPRGS.

All members of the Investigation Committee shall return all documentation in their possession to the VPRGS.

The Committee's written report is final and not subject to revision.

Cases Where No Research Misconduct Has Been Found

When an Investigation Committee determines that Research Misconduct did not occur, the VPRGS shall ensure that a letter confirming the Committee's decision is sent to the Provost, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty, the Respondent and the Complainant. At the sole discretion of the VPRGS, and subject to any applicable legislation, including privacy legislation, a copy of this letter may be sent to other individuals with knowledge of the allegation. These individuals may include co-authors, co-investigators, collaborators and others directly or indirectly affected by the alleged Research Misconduct.

In some circumstances, even when a decision is made that no Research Misconduct occurred, the investigation may reveal a scientific or other error that requires further action. In such cases, the VPRGS will consult with the Provost, the Chair of the Investigation Committee, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty and the Respondent, and will determine what action, if any, to take.

Cases Where Research Misconduct Has Been Found

When the Investigation Committee determines that Research Misconduct has occurred, the VPRGS, in consultation with the Provost, will consider the recommendations of the Investigation Committee and will determine what remedial actions are appropriate.

The VPRGS shall ensure that a letter confirming the Committee's decision is promptly transmitted to the Provost, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty, the Respondent and the Complainant.

The VPRGS will consult with the Provost and University representatives as appropriate before applying or recommending the application of any disciplinary measures. Disciplinary measures shall be reasonable and proportionate with the seriousness of the Research Misconduct.

The VPRGS may impose, or recommend the application of, disciplinary measures or any other appropriate corrective measures which could include, but is not limited to:

- a verbal warning
- special monitoring of future research
- a verbal warning with a letter of concern to be held temporarily on file by the University
- a letter of warning to be held in the Respondent's permanent file
- the withdrawal of specific privileges
- the removal of specific responsibilities
- the obligation to participate in any training
- suspension or expulsion
- termination.

The VPRGS shall ensure that a letter outlining their decision or recommended disciplinary measures, or any other appropriate corrective measures, to be undertaken (the "Notice") is sent to the Provost, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty and the Respondent. Such Notice shall be sent to the Respondent via email and mail to the last addresses provided by the Respondent to the University.

Irreversible disciplinary measures (such as suspension, termination, expulsion or public notifications) will not be instituted until 15 working days have elapsed from the issuance of the Notice and confirmation that the Respondent has received the Notice.

A Respondent may seek the review of the decision of the Investigation Committee or the decision or recommendation of the VPRGS with respect to disciplinary measures.

IV) Appeal of the Decision of Research Misconduct by the Investigation Committee

A Respondent may seek the review of the decision of the Investigation Committee via written request addressed to the VPRGS within 15 working days from the date of transmission of the Investigation Committee's decision to the Respondent.

The members of the Appeals Panel will be senior faculty members and/or members of the senior administration of the University or another academic institution. At least one member

will be from another academic institution .The members of the Appeals Panel will have no bias or Conflict of Interest, as such term is defined in the University's *Policy on Conflict of Interest in Research* (VPRGS-5 and the *Policy on Conflict of Interest* (BD-4). Every attempt will be made to select members from the Respondent's research discipline.

The appeal is considered in a two-stage process: the authorization to appeal and the appeal. Both stages are carried out by the Appeals Panel. The members of the Appeals Panel shall be selected by the VPRGS for a given appeal.

Request to Appeal

An Appeals Panel shall decide whether an appeal shall be heard taking into account the circumstances of each case. A request to authorize an appeal may be based only on the following grounds:

- the discovery of new relevant materials or facts following the decision of the Investigation Committee, or
- the presence of serious and/or prejudicial procedural defects of the Investigation Committee.

The request to appeal shall state in clear and precise terms the grounds on which the appeal is based. The Appeals Panel shall be provided with the complete file of the Investigation Committee and its authorization decision shall be based on the written record only.

An Appeals Panel shall be convened as soon as possible after receipt of the request to appeal by the VPRGS and normally within 15 working days. The Appeals Panel shall normally make and render its authorization decision with respect to the request to appeal within five working days of its consideration of the request. The decision shall be prepared with the support of the RIO.

If the authorization to appeal is granted, the appeal shall normally be heard within 15 days of the decision to authorize the appeal. Notification of such shall be sent to the VPRGS, the Provost, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty, the Respondent and the Complainant.

The Appeal

The Appeals Panel has the authority to confirm, reverse or modify the decision being appealed. Further, should the appeal be based on the production of new evidence, the Appeals Panel may order a new investigation of the allegation by a new Investigation Committee.

The Appeals Panel shall normally render its decision within 10 working days of the hearing. The decision of the Appeals Panel shall be signed, dated and reasoned. The decision shall be prepared with the support of the RIO and shall be sent to the VPRGS, the Provost, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty.

The VPRGS will communicate the Appeals Panel decision to the Respondent and the Complainant.

The decision of the Appeals Panel shall be final.

V) Review of the Disciplinary Measures Imposed or Recommended by the VPRGS

The Respondent may request a review of a decision or recommendation of the VPRGS regarding disciplinary measures. Such request must be made in writing, to the University's Provost within 15 working days from the date of receipt of the Notice by the Respondent. The Provost shall be provided with the complete file resulting from these Procedures and the complete file of the VPRGS. The Provost shall conduct their review as soon as possible after receipt of the request to review and normally within 20 working days. The Provost will base their review on the files in their possession and may request interviews from any affected party.

The Provost has the authority to confirm, reverse or modify the decision or recommendation being reviewed. The decision of the Provost and shall be signed, dated and reasoned.

The decision of the Provost shall be final.

The decision of the Provost shall be sent to the VPRGS, the relevant Faculty Dean or equivalent for Respondents not affiliated with a Faculty, and the Respondent.

Suspension, termination or expulsion, where applicable, shall take effect on a date to be determined by the Provost in accordance with the relevant University policy.

VI) Reports under these Procedures

The written report will contain:

- a list of the members and their credentials
- identity of the Complainant and Respondent
- a list of the individuals who contributed relevant material or were interviewed
- which, if any, Funding Agencies supported the research
- the specific allegations considered under these Procedures
- a statement regarding the "good faith" of the complaint as needed
- a summary of relevant material or facts plus an appendix of any new information or evidence developed
- a statement of whether Research Misconduct has occurred, its extent, and seriousness
- a statement of whether a serious scientific or other error has been made which does not constitute Research Misconduct as appropriate
- and where applicable, recommendations on remedial action and/or recommendations of possible changes to standard practices

Record Keeping and Reporting

Subject to any applicable legislation, including privacy legislation, the VPRGS, may communicate the outcome an investigation, directly, or through senior University administration, to other parties, including, but not limited to:

- Agencies (in accordance with the individual requirements and formats imposed by the Agencies, where applicable)
- Affiliated Institutions, co-authors, co-investigators, collaborators
- editors of journals or other publications in which research or erroneous findings were published
- sponsors and funding sources with which the Respondent had been affiliated with in the past in relation to research projects that are affected by the Research Misconduct
- professional licensing boards

- professional societies
- police authorities.

All documents related to an inquiry and investigation of allegations of Research Misconduct, including a report of an Investigation Committee and material submitted as part of an investigation, will be maintained in a confidential and secure manner in the offices of the VPRGS, the Provost, the relevant Faculty Dean.

Subject to any applicable legislation, including privacy legislation, the VPRGS will prepare and publish annual summaries of decisions (with personal or nominative information excluded) on confirmed findings of Research Misconduct and disciplinary measures taken.

Promotion of Research Integrity

The University is committed to promoting an understanding of research integrity. As such, it will employ the following measures:

- make available these Procedures and its related Policy and other research and behavioral policies on the relevant University webpages
- provide workshops, seminars and written materials to employees
- provide orientation for new employees.

Approved by Senate on May 18, 2012.
Revisions approved by Faculty Deans on June 1, 2015.
Revisions approved by Faculty Deans on October 18, 2023.