

Contact

Research, Development and Creativity Office
Laurentian University
935 Ramsey Lake Road
Sudbury, Ontario
P3E 2C6

Phone: 705-675-1151
Fax: 705-671-3850
Email: yalarie@laurentian.ca

Procedures for Reporting and Investigating Research Misconduct

Questions regarding this procedure should be addressed to the Office of Research, Development and Creativity.

Category:	Research
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1. SCOPE

The procedures contained in this document apply to all members of the Laurentian University Community engaged in any form of research activity.

2. DEFINITIONS

- 2.1 ‘the University’ – refers to Laurentian University
- 2.2 ‘granting agencies’ – refers to any agency or organization that provides grants and/or contracts for the funding of research, including, but not limited to, the three major federal funding agencies, NSERC (the Natural Sciences and Engineering Research Council of Canada), SSHRC (the Social Sciences and Humanities Research Council of Canada), and CIHR (Canadian Institutes of Health Research).
- 2.3 ‘Research’ – encompasses the creation of new knowledge and understanding through research, development, scholarly activity, and artistic work.
- 2.4 ‘Laurentian University Community’ or ‘University Community’ – refers to all full-time and part-time faculty, adjunct Professors, all full-time and part-time students (both undergraduate and graduate), all post-doctoral fellows and research associates, all non salaried visiting researchers/professors (including students from other institutions; hereafter called visiting researchers/professors in this document), staff and research scientists involved in organizations owned by the University (such as MIRARCO), all staff including those involved in supporting research and all people hired on term positions and/or casual employment positions at Laurentian University.
- 2.5 ‘Director of Research’ – refers to the Director of Research, Development and Creativity of Laurentian University.
- 2.6 ‘Vice President of Research’ – refers to the Vice President who has responsibility for research.
- 2.7 ‘Respondent’ – refers to the individual or individuals accused of scholarly misconduct (i.e., the person or persons charged) as described by this document and are named in a written allegation.
- 2.8 ‘Complainant’ – refers to the individual or individuals submitting an allegation of scholarly research misconduct.
- 2.9 ‘All parties’ – refers in the case of a formal investigation to all persons making an allegation and all persons charged with an allegation of scholarly misconduct as defined under the Senate Policy of Responsible Conduct of Research.
- 2.10 ‘Working days’ – refers to days the university is officially open.

Oversight of the Procedures for Reporting and Investigating Scholarly Research Misconduct is the responsibility of the Office of the Vice-President of Research. Allegations of research misconduct made against a member of the University Community shall be dealt with by

prompt, effective procedures that ensure fairness and protect both those whose integrity is brought into question and those who bring forward allegations of misconduct. The following procedures are intended to ensure that due process, natural justice and the rules of procedural fairness are achieved. They apply to all members of the University Community involved in Research but do not apply to scholarly misconduct related to course work unless the alleged misconduct goes beyond material submitted in the course (for example, a graduate thesis, work leading to a publications, etc.). The University will take action against those who make unfounded allegations of fraud or misconduct that are reckless, malicious, vexatious, or in bad faith.

3. Allegations of Misconduct in Research Activity

Members of the University Community¹ who have reasonable grounds to suspect misconduct in research or who have allegations of scholarly misconduct reported to them, should report the matter to the Director of Research or Designate.

- 3.1 Allegations of misconduct must be reported to the Director of Research or Designate in writing, with evidence, be signed and dated and include contact information. No complaint in writing shall be valid unless it identifies the Complainant and the Respondent. Nothing in this procedure prevents the Director of Research who has direct information that misconduct has occurred to initiate an investigation. Normal rules of conflict of interest henceforth apply.
- 3.2 The Director of Research or Designate will take whatever practical and reasonable actions necessary to protect the person making the allegation from possible acts of coercion or retribution by the individual(s) alleged to be involved in the research misconduct.
- 3.3. At any time during the proceedings, the Respondent and the Complainant may be represented by legal counsel or other representatives who will be bound by the same confidentiality requirements.
- 3.4 Within 14 working days upon receipt of a written allegation, the Director of Research or Designate shall provide a copy of the allegation to the Respondent. If the circumstances allow, the Director of Research or Designate will attempt a resolution by mediation between the parties. If the mediation is successful, no further action will be taken, and the file shall be destroyed.

4. Formal Investigation

- 4.1 If the Director of Research or Designate determines that the complaint does warrant an investigation, he/she shall inform the Complainant and the Respondent that the allegation will be investigated in accordance with the procedures outlined in this Procedure within 28 working days of receipt of the allegation. The written decision

¹ This is not meant to exclude other individuals who may have grounds to believe that a breach has taken place.

must specify the nature and substance of the allegation and scope of the investigation and invite the Respondent to respond by meeting with the Director of Research or Designate or by the submission of materials or both. The Director of Research or Designate will instruct the Respondent to retain all materials relevant to the allegation until further notice.

- 4.2 The Director of Research or Designate shall appoint an Investigative Committee within 15 working days upon having informed all Parties that the allegation will be investigated. The Investigative Committee shall normally include three persons with experience in the general area of research involved in the particular case including at least one external member not currently affiliated with the University. Of these one shall act as a Chair. No member of the department in which the Respondent holds membership shall be among the three persons appointed. Emeritus faculty members are eligible to serve on the Committee.
- 4.3 Upon sending a complaint to an Investigative Committee to conduct an investigation, the Respondent and Complainant shall have the opportunity to review the membership of the Investigative Committee and to comment on any members who may have a conflict of interest and/or apprehension of bias. Any objection to the composition of the Investigative Committee shall be made in writing to the Director of Research or Designate within 7 working days of being informed of the composition of the said committee. Disposition of any such objection by the Director of Research or Designate shall be final.
- 4.4 The Investigative Committee will review the allegation from the Complainant, the response from the Respondent and evidence or materials submitted. The Committee will invite the Respondent and the Complainant to appear separately before the Committee to be heard and to provide evidence. The Respondent and the Complainant have the right to choose an advisor who may be a person of their choosing and who may attend the meeting with the Committee. The name and position of an advisor should be provided to the Investigative Committee Chair at least 3 working days prior to any meeting.
- 4.5 The Investigative Committee may request additional records to be obtained in order to complete the investigation. The Respondent will be given access to all materials received from the Complainant concerning the allegation. The Committee may seek impartial expert opinions (from outside the University if required), as necessary and appropriate, to ensure that the investigation is thorough and authoritative. The Chair will ensure a record is made of all documentation collected and reviewed by the Investigative Committee.
- 4.6 The Investigative Committee may call witnesses to appear before a hearing. If so, the Committee will prepare a detailed report of testimony of the Complainant and any witnesses, which will then be forwarded to the Respondent. The Respondent will have 10 working days upon receipt of the report of testimony to respond to any allegations or counter-allegations in the report either orally or in writing.

- 4.7 The Investigative Committee will prepare a written report of their investigation and submit it to the Director of Research or Designate within 60 working days of receipt of the allegation. The report will list the documents reviewed, summarize content of the interviews conducted and report its reasoned decision (i.e., not guilty of any misconduct and the complaint is dismissed or that the complaint is substantiated in whole or in part). The Investigative Committee will normally decide on a finding by consensus. If consensus cannot be reached, the finding will be according to the decision of the majority excluding the Chair. In the case of a tie, the Chair will make the final decision.
- 4.8 The finding of the Investigative Committee regarding misconduct is binding unless successfully appealed (cf. below). The Director of Research or Designate will provide the Respondent and the Complainant with a copy of the final report within 15 working days of receipt of the report.

5. Appeals under these Procedures

- 5.1 If it is the recommendation of the Investigative Committee that a finding of misconduct is appropriate, the Respondent shall have 25 working days upon receipt of the writing decision to appeal before the matter is referred to the appropriate authorities (Section 6). Appeals shall be heard by an ad hoc Appeal Committee that shall be struck by the Vice-President of Research or Designate. The ad hoc Appeal Committee will be composed of three senior members of the University or of another academic institution. One member of the Appeal Committee shall be named Chair. Individuals appointed to serve on an Appeal Committee shall exclude anyone who was involved in the original hearing of the case. The members of the Appeal Committee will have no actual, apparent, reasonable, perceived, or potential conflict of interest and/or apprehension of bias and will jointly have appropriate subject matter expertise and administrative background to evaluate the allegation and the response to it. The Complainant and the Respondent will be advised of the composition of the Appeal Committee and will have 7 working days to advise the Vice-President of Research or Designate of their intent to challenge the suitability of any member of the Appeal Committee based on a conflict of interest or on a reasonable apprehension of bias against the Complainant or Respondent case.
- 5.2 The Appeal Committee shall conduct its task in the same fashion as the Investigative Committee, except that the decision shall be made in writing to the Vice-President of Research or Designate. The Vice-President of Research or Designate shall, upon receipt of advice of the Appeal Committee, decide whether or not the finding of misconduct recommended is to be overturned, upheld or otherwise modified.

6. Actions Taken Based Upon the Investigation

- 6.1 When no finding of scholarly misconduct has taken place, every effort will be made by the Director of Research or Designate to protect the reputation and credibility of the Respondent from undue harm, as well as the reputation of the University.
- 6.2 If there is a finding of misconduct or if a complaint is found to have been reckless, malicious, vexatious, or made in bad faith, the Director of Research or Designate will inform the appropriate authorities. More specifically,
 - a) If a Respondent is a faculty member, the appropriate authority is the Dean of the Faculty of the Respondent.
 - b) If the Respondent is a student, the appropriate authority is the Dean of the faculty in which the student is enrolled (for some programs, more than one Dean may be involved).
 - c) In the case of members of the staff, the appropriate authority is the Dean and the Executive Director, Human Resources & Organizational Development. or Designate.
- 6.3 If the research is funded by an outside granting agency, or has been published or submitted for publication, the Director of Research or Designate will inform the granting agency or publisher concerned within 25 working days the inquiry/investigation is completed including any Appeal under Section 5. In some instances, the nature of the misconduct may require its referral to law enforcement agencies.
- 6.4 In cases where misconduct is concluded to have occurred, the national granting agency(ies) could also consider imposing its/their own sanction(s) in relation to grants made to the respondent(s), in accordance with the Tri-Council Policy Statement of Responsible Conduct in Research.
- 6.5 The process and its outcomes shall be fully documented and those records must be retained as a confidential file in the Vice-President of Research's office for a 10-year period. If the allegations are deemed to have been groundless, these records should be destroyed unless they are useful to the protection of the Respondent's reputation.

Acknowledgements

This document is adapted from the policy of Queen's University, Saint Mary's University, the University of Prince Edward Island and the University of Saskatchewan.