

Procedure Title:	Breaches of Integrity in Research & Scholarship
Procedure ID:	#OP 9-906
Manual Classification:	Applied Research
Linked to Policy:	Policy #9-906: Integrity in Research and Scholarship
Approved by Senior Management Team (SMT):	March 2024
Effective Date:	March 2024
Originally Approved	2008
Next Review Date:	2027
Contact for Procedure Interpretation:	Executive Vice President, Applied Research

1.0 – Purpose

The purpose of this procedure (the “Procedure”) is to set out instructions to collectively create and promote a culture of responsible research and scholarship. This procedure and its related policy represent a framework for conducting and enforcing responsible research and scholarship.

2.0 – Definitions and Acronyms

Capitalized terms not defined in this Procedure have the same meaning found in its linked Policy. The following acronyms apply to this Procedure.

DARI: Director, Applied Research and Innovation

EVPAR: Executive Vice President, Applied Research

3.0 – Guiding Principles

Anyone who believes that there has been a breach of College Policy #9-906: Integrity in Research & Scholarship may seek informal assistance and may request a preliminary investigation from the Director, Applied Research & Innovation at any time.

All faculty researchers, students, research assistants and staff have an obligation to report to the DARI any circumstances which they believe involve a breach of the Integrity in Research and Scholarship policy of Fleming College.

The DARI shall take such steps as may be reasonable to protect against retribution or coercion of Complainants, including students, staff and research assistants under the supervision of faculty members, whose conduct is the subject of misconduct allegations.

4.0 – Operating Procedure

4.1 Complaint Procedure

- a) An allegation of integrity breach in research or scholarship must be received in writing by the DARI within six (6) months of discovery of the alleged breach. Written notification may be submitted directly to the DARI or submitted through another college administrator such as a Dean, Chair or Director.
- b) Allegations received by the DARI after six months of discovery of an alleged beach will not normally be considered, except under compelling circumstances.
- c) The description of the alleged breach should be as specific and thorough as possible. The allegation must contain sufficient detail to enable the person named to understand the allegation. It must be signed and dated by the complainant. All documentary evidence that supports the allegation must be included with the initial submission to the DARI.
- d) Anonymous allegations will not normally be considered, if compelling evidence is received, an investigation process may be initiated.
- e) At any time after becoming aware of an allegation of a breach of research integrity, the DARI may impose interim measures to protect research integrity, grant agency or sponsor funds, and health and safety.

4.2 Investigation

- a) Upon receipt of a complaint, the DARI or designate shall initiate an investigation into the allegation within 10 business days.
- b) If a satisfactory resolution of a formal complaint is possible, the DARI shall attempt such a resolution. The complaint will be considered resolved through an informal process when the Complainant and Respondent confirm that it has been resolved to their satisfaction. Resolution, in this context, implies that the Complaint is withdrawn and the Complainant and Respondent unreservedly accept any additional resolution matters.
- c) After the initial investigation the DARI may determine that there is a likelihood that a breach in policy has occurred. In such cases, the DARI will meet with the Executive Vice President, Applied Research (EVPAR) to discuss the allegation.
- d) The EVPAR and the DARI will discuss with the researcher whose conduct is in question the nature of the complaint and the circumstances surrounding it within five (5) working days of the meeting noted in 4.2(c), above.
- e) In the event the EVPAR, determines that the formal complaint is without foundation, then the EVPAR may dismiss the complaint and immediately advise the Complainant accordingly, providing written justification for the decision.

4.3 Investigations

- a)** In the event the EVPAR is unable to achieve a satisfactory resolution or if the EVPAR determines that an investigation is required, this complaint will be referred by the EVPAR to a committee for investigation within ten (10) days of receipt of the complaint.
- b)** In consultation with the DARI, the EVPAR will strike a committee of three independent persons to conduct an investigation. Committee members should have relevant experience related to the subject area of research and scholarship. No member of the Department/School involved shall be among the three persons appointed. Persons external to the College may be appointed, if necessary.
- c)** The Committee will conduct interviews with the Complainant, Respondent and other individuals as they deem appropriate to discern the facts. All interviews will be documented.
- d)** During any meeting with the Respondent, the Respondent is entitled to be accompanied by an advocate of the Respondent's choosing. The Respondent has the right to know the allegations against him/her and has the right to answer the allegations both orally and in writing.
- e)** The Committee will address the allegations made and determine if they have merit and in doing so will act fairly and conduct its proceedings in a manner consistent with the principles of natural justice.
- f)** The Committee shall make its final decision within one (1) calendar month from its appointment. The Committee will provide the Complainant and the Respondent with a draft of their report. The Complainant and the Respondent may submit, in writing, comments to the Committee within five working days. The Committee will then report in writing to the DARI who will provide a copy of the final report to the individuals named and to the EVPAR within five working days.
- g)** If the investigation was initiated at the request of an Agency, the report will be provided to that Agency within thirty (30) days of completion of the investigation.
- h)** Where an investigation was initiated within the institution and misconduct was found to have occurred in research funded by one or more of the Agencies, the institution will provide the Agency with a copy of the report. The final decision of the Committee will be binding on the institution.
- i)** In cases where the Committee determines that misconduct or breach of the Integrity in Research and Scholarship policy has occurred, such a determination could be cause for sanctions.
- j)** In the case of unfounded allegations, efforts will be made by the Institution to protect or restore the reputation of those unjustly accused, and Complainants who have been found to have made allegation of misconduct which are unfounded, reckless, malicious or in bad faith shall be subject to sanctions.

4.4 Sanctions

- a) Sanctions will depend on the severity of the offence, which may include for faculty and staff (all or which will comply with the relevant provisions of the appropriate Collective Agreement or employment contract), but are not limited to:
 - verbal warning,
 - special monitoring of future work,
 - a letter of reprimand to the individual's permanent personal profile,
 - the withdrawal of specific privileges,
 - removal of specific responsibilities,
 - suspension or steps to terminate the appointment.
- b) In the case of students, sanctions may include verbal warning, special monitoring of work, letter of reprimand in the student's official file, suspension, or expulsion.
- c) If sanctions are to be taken, the sanctions will be imposed by the EVPAR or designate.
- d) A person subject to disciplinary action, who believes that the decision was reached improperly or if they disagree with that decision or with the sanctions, may file an appeal or grievance as appropriate in accordance with the relevant collective agreement or employment contract.

4.5 Appeals

- a) The Complainant may challenge this decision by submitting an appeal to the President. Appeals must be in writing, and a copy of the appeal letter should also be sent to the EVPAR.
- b) The College shall use a duly constituted Appeal Committee (appointed by the President consisting of at least three members, none of whom is a member of the Research Ethics Board) to review the decision. The Appeal Committee shall meet within ten (10) days of receiving the appeal and Appeals may be granted when there is a significant disagreement over an interpretation of the Tri-Council Policy Statement. The decision of the Appeal Committee shall be binding.

4.6 Additional Information

- a) Reports and records will be kept by the EVPAR for a period of ten (10) years, and access to such records will be by application to the EVPAR.
- b) Access to reports and records are subject to the Freedom of Information and Protection of Privacy Act.
- c) Where misconduct is found to have occurred, the DARI will be responsible for the protection of agency funding by informing the Finance office to withhold any payments or disbursements of Agency funds, if such action is deemed appropriate.

5.0 – Related Documents

- Canadian Institutes of Health Research (CIHR); Natural Sciences and Engineering Research Council of Canada (NSERC), Social Sciences and Humanities Research Council of Canada (SSHRC): *Tri-Agency Framework: Responsible Conduct of Research Guideline*, 2016
- *Ontario College of Applied Arts and Technology Act, 2002*, Ontario Regulation 34/03, Ministry Binding Policy Directives,
- Policy 9-905: Ethical Conduct for Research Involving Humans and associated College Operating Procedure(s)
- Policy 9-902: Animal Care and Welfare and associated College Operating Procedure(s)
- Policy 3-344: Conflict of Interest Policy and associated College Operating Procedure(s)
- Policy 9-903: Intellectual Property and associated College Operating Procedure(s)
- Policy 4-411: Procurement Policy and associated College Operating Procedure(s)

6.0 – History of Amendments & Reviews

Date	Activity
2008	Originally approved; replaced Policy 2-214 and associated procedures
2024	Reviewed and Updated, Procedure separated from Policy