

Policy on Responsible Conduct of Research

Office of Accountability:	Vice-President, Academic and Research
Office of Administrative Responsibility:	Office of Research Services
Approver:	Board of Governors
Scope:	Provide requirements related to applying for and managing funds, performing research, and disseminating results, and the processes that Nipissing University follows in the event of an allegation of a breach of policy.
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1. Introduction

The search for knowledge about ourselves and the world around us is a fundamental human endeavour. Research is a natural extension of this desire to understand and to improve the world in which we live, and its results have both enriched and improved our lives and human society as a whole.

In order to maximize the quality and benefits of research, a positive research environment is required. For researchers, this implies duties of honest and thoughtful inquiry, rigorous analysis, commitment to the dissemination of research results, and adherence to the use of professional standards. This calls for a commitment to foster and maintain an environment that supports and promotes the responsible conduct of research.

2. Responsibility of Researchers

The *Tri-Agency Research Integrity Policy* <http://www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/> (the Policy) is a joint policy of the Canadian Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC) (the Agencies). The Policy's purpose is to support the Agencies in discharging their respective legislative mandates to promote and assist

research and in discharging their responsibility to foster a positive research environment.

2.1 Responsible Integrity

Researchers shall strive to follow the best research practices honestly, accountably, openly and fairly in the search for and in the dissemination of knowledge. In addition, researchers shall follow the requirements of applicable institutional policies and professional or disciplinary standards and shall comply with applicable laws and regulations. At a minimum, researchers are responsible for the following:

- a. Using a high level of rigour in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data and findings.
- b. Keeping complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agreement, institutional policies and/or laws, regulations, and professional or disciplinary standards in a manner that will allow verification or replication of the work by others.
- c. Referencing and, where applicable, obtaining permission for the use of all published and unpublished work, including data, source material, methodologies, findings, graphs and images.
- d. Including as authors, with their consent, all those and only those who have materially or conceptually contributed to, and share responsibility for, the contents of the publication or document, in a manner consistent with their respective contributions, and authorship policies of relevant publications.
- e. Acknowledging, in addition to authors, all contributors and contributions to research, including writers, funders and sponsors.
- f. Appropriately managing any real, potential or perceived conflict of interest, in accordance with the Nipissing's policy on Conflict of Interest in Research (Policy NU-RES-2012.19).

3. Applying for and Holding Agency Funding

Applicants and holders of Tri-Council grants and awards shall provide true, complete and accurate information in their funding applications and related documents and represent themselves, their research and their accomplishments in a manner consistent with the norms of the relevant field.

Applicants certify that they are not currently ineligible to apply for, and/or hold, funds from NSERC, SSHRC, CIHR or any other research or research funding organization world-wide for reasons of breach of responsible conduct of research policies such as ethics, integrity or financial management policies.

Principal funding applicants must ensure that others listed on the application have agreed to be included.

Researchers are responsible for using grant or award funds in accordance with the policies of the Agencies, including the *Tri-Agency Financial Administration Guide*; and for providing true, complete and accurate information on documentation for expenditures from grant or award accounts.

3.1 Agency Requirements for Certain Types of Research

Researchers must comply with all applicable Agency requirements and legislation for the conduct of research, including, but not limited to:

Licenses/permits for research in the field

[Canadian Council on Animal Care Policies and Guidelines](#)

[Ontario Ministry of Agriculture, Food and Rural Affairs](#)

[Panel on Research Ethics](#)

[Department of Justice](#)

[Laboratory Biosafety Guidelines](#)

[Controlled Goods Program](#)

[Canadian Nuclear Safety Program](#)

4. Breaches of the University's Policy on Responsible Conduct of Research Policy

4.1 Rectifying a Breach of Agency or University Policy

Researchers in breach of an Agency or University policy are expected to be proactive in rectifying a breach, for example, by correcting the research record, providing a letter of apology to those impacted by the breach, or repaying funds.

4.2 Breaches of Research Integrity

Conduct which will be considered a breach of research integrity, and therefore contrary to this Policy, includes, but is not limited to, the follows:

a. *Fabrication*: Making up data, source material, methodologies or findings, including graphs and images.

b. *Falsification*: Manipulating, changing, or omitting data, source material, methodologies or findings, including graphs and images, without acknowledgement and which results in inaccurate findings or conclusions.

c. *Destruction of research records*: 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.

d. *Plagiarism*: 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.

e. *Redundant publications*: The re-publication of one's own previously published work or part thereof, or data, in the same or another language, without adequate acknowledgment of the source, or justification.

f. *Invalid authorship*: 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.

g. *Inadequate acknowledgement*: Failure to appropriately recognize contributions of others in a manner consistent with their respective contributions and authorship policies of relevant publications.

h. *Mismanagement of Conflict of Interest*: Failure to appropriately manage any real, potential or perceived conflict of interest, in accordance with the Institution's policy on conflict of interest in research thereby preventing one or more of the objectives from being met.

i. *Mismanagement of Grants or Award Funds*: Using grant or award funds for purposes inconsistent with the policies of the Agencies; misappropriating grants and award funds; contravening Agency financial policies, namely the *Tri-Agency Financial Administration Guide*, Agency grants and awards guides; or providing incomplete, inaccurate or false information on documentation for expenditures from grant or award accounts.

j. *Breaches of Agency Policies or Requirements for Certain Types of Research*: Failing to meet Agency policy requirements or, to comply with relevant policies, laws or regulations, for the conduct of certain types of research activities; failing to obtain appropriate approvals, permits or certifications before conducting these activities.

4.3 Misrepresentation and/or mismanagement in an Agency Application or Related Document

Conduct which will be considered misrepresentation and/or mismanagement in an Agency application or related document, and therefore contrary to this Policy, includes but is not limited to:

- a. Providing incomplete, inaccurate or false information in a grant or award application or related document, such as a letter of support or a progress report.
- b. Applying for and/or holding an Agency award when deemed ineligible by NSERC, SSHRC, CIHR or any other research or research funding organization world-wide for reasons of breach of responsible conduct of research policies such as ethics, integrity or financial management policies.
- c. Listing of co-applicants, collaborators or partners without their agreement.
- d. Using grant or award funds for purposes inconsistent with the policies of the Agencies; misappropriating grants and award funds; contravening Agency financial policies, namely the [2011 Tri-Agency Financial Administration Guide](#), Agency grants and awards guides; or providing incomplete, inaccurate or false information on documentation for expenditures from grant or award accounts.

4.4 Addressing Allegations of Breaches

Researchers and others play important roles in the process for addressing allegations of policy breaches and in helping to ensure that allegations are addressed appropriately and in a timely manner.

Individuals are expected to report in good faith any information pertaining to possible breaches of Agency policies to the Institution where the researcher involved is currently employed, enrolled as a student or has a formal association.

The following are guidelines for those making or involved in an allegation:

- a. Responsible allegations, or information related to responsible allegations, should be sent, in writing, directly to the Office of the Vice-President, Academic and Research.

For the purposes of this Policy, a "responsible allegation" is a substantially novel allegation made in good faith, confidentially and without malice, that is based on facts that have not been the subject of a previous allegation and which falls within one or more of the categories of conduct prohibited by this Policy listed in Section 4.2 and 4.3 above.

b. Individuals involved in an inquiry or investigation must follow this Policy and process as a complainant, a respondent or a third party, as appropriate.

4.5 Procedures for Responding to Inquiries

While an inquiry into an alleged breach of this Policy is in progress, the privacy of all individuals involved in an inquiry will be protected as much as possible.

These procedures have been designed to encourage informal discussions and interventions in order to resolve problems efficiently, without confrontation or unwarranted penalty, and to maintain privacy of information as much as possible. However, when an inquiry is finished, if allegations of misconduct have been substantiated, appropriate officials or research funding sources will be notified. At that time, it may also be appropriate to publicize the findings.

Nipissing University will promote compliance with this Policy, and will ensure that impartial and informal advice on this Policy can be accessed easily. Nipissing University will also ensure that alleged violations of the Policy will be dealt with fairly and expeditiously.

Anyone who wishes to obtain information or advice on the interpretation or application of the Policy should direct their inquiries to the Office of the Vice-President, Academic and Research.

4.6 Informal Consultation

Instances of alleged misconduct in research may be resolvable through informal consultation; departments are encouraged to establish mechanisms for such informal resolution. It is acknowledged that there may be a power imbalance in the relationship between the parties (e.g., between graduate student and supervisor) that might prevent this. If the complaint is not carried beyond this stage, the University shall maintain no written record of the names of the parties or of the precise particulars of the allegation.

4.7 Anonymous Allegations

Anonymous allegations will not normally be considered; however, if compelling evidence of misconduct is received anonymously by the Vice President, Academic and Research, he or she may initiate the investigation process described below, on the basis of this evidence.

4.8 Review Procedures

The Vice-President, Academic and Research or designate(s) shall investigate the allegations promptly, fairly, judiciously and confidentially. The procedures to be followed are guided by the principle of fairness, applicable to all parties. The respondent (subject of the allegation) and complainant (individual submitting the allegation) will have adequate opportunity to know any evidence presented by any party and to respond to that evidence if he or she so chooses. If the investigation is conducted by designate(s), its purpose shall be fact-finding and formulation of a recommendation as to whether misconduct in research occurred.

4.9 Receipt of Allegation

Upon receipt of an allegation of misconduct in research, the Vice-President, Academic and Research or his/her designate, in order to determine whether a formal investigation is warranted, will promptly request in writing an informal meeting with the respondent. 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; it will include a brief summary of the allegation. This notice shall also inform the respondent of the right to be accompanied by a person of his or her choice in this and any future meetings, hearings or other sessions related to a formal investigation. If the respondent is a member of a Nipissing University employee association or union (e.g., OPSEU, NUFA) and if the respondent consents, that organization will also be promptly notified. Any statements made at this meeting will be without prejudice and no formal record will be kept of the proceedings of this meeting. If the Vice-President, Academic and Research is a party to the alleged misconduct, then the President will assume the role of the Vice-President, Academic and Research under this policy. If the President is a party to the alleged misconduct, then the Chair of the Board of Governors assisted by the Vice-President, Academic and Research will assume the role of the Vice-President, Academic and Research under this policy.

The Vice-President, Academic and Research will decide whether or not a formal investigation is warranted and so inform the respondent and the complainant in writing, normally within 15 working days of receipt of the allegation. If a Nipissing University employee association or union was notified as described under paragraph 4.10 below, then it will be informed of the decision at the same time. If the Vice President, Academic and Research finds that a formal investigation is not warranted, the allegation shall be dismissed. If the Vice President, Academic and Research finds that a formal investigation is warranted, the notice to the

respondent shall enclose a full copy of the signed allegation and an invitation to respond to it in writing.

4.10 Formal Allegation

A formal allegation of misconduct in research may be made by any member of the Nipissing University community, or by any other person. It should normally be made within six months of the alleged misconduct. Allegations of misconduct in research are to be directed in writing to the Vice-President, Academic and Research. They should include all relevant evidence, appropriately documented, and they must normally be signed and dated. If an allegation is incomplete or otherwise improperly documented, the Vice-President, Academic and Research may contact the complainant and inform him or her of the deficiency in the form of the allegation.

Normally within 35 working days of the commencement of the formal investigation, and after considering all the evidence gathered by him/her or the designate(s), the Vice-President, Academic and Research shall reach a decision and prepare a draft written report. The report shall include a copy of the signed allegation, the written response, if any, of the respondent and the findings of the Vice-President, Academic and Research as to whether the allegation has been upheld or not, with a statement of the reasons for the finding. The appropriate criterion for a decision is the presence of clear and convincing evidence. The report shall also describe actions, if any, to be taken, which may include, but are not limited to, those listed below:

1. sanctions against a respondent found to have engaged in misconduct,
2. actions to protect or restore the reputation of the respondent, if wrongfully accused,
3. actions to protect a complainant found to have made a responsible accusation,
4. sanctions against a complainant found to have made an irresponsible or malicious allegation.

Sanctions will depend on the severity of the offense and may include (but are not limited to): reprimand, suspension and dismissal (employees) or expulsion (students). In the case of faculty, disciplinary actions will be pursuant to the Nipissing University Faculty Association (NUFA) Collective Agreement, Article 40. If sanctions are to be imposed against either the respondent or complainant, the Vice-President, Academic and Research will meet with that person to discuss the case, the report of the designate(s) if the investigation was not carried out by the Vice President, Academic and Research, the draft report and the sanctions, prior to his/her final decision and finalization of the report. A copy of the finalized report will be sent to the complainant and the respondent.

If sanctions or actions are components of the final decision, the sanctions or actions will be imposed or taken by the Vice President, Academic and Research, unless another person is designated to do so by existing university policy, collective agreement, framework agreement or by legislation. In such cases, the report will be transmitted to that other person, as a recommendation for action.

If an affected person believes that the decision of the Vice- President, Academic and Research 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 15 working days of the receipt of the report, with the President.

When the case is concluded, a Final Report on the outcome will be written by the Vice-President, Academic and Research. The Final Report will contain a summary of the allegations, the decisions of the Vice- President, Academic and Research and the final outcome, including sanctions imposed and/or actions taken. The Final Report will be submitted to the President.

If the research involved projects funded in whole or in part by one of the national granting Councils or another funding agency and misconduct was found to have occurred, a copy of the Final Report will be transmitted to that Council or other funding agency by the Vice-President, Academic and Research. If an allegation is dismissed or otherwise determined to have been

unfounded, and the Council or other funding agency is known to be aware or is likely to be aware of the allegation, the Vice-President, Academic and Research will so inform the Council or other funding agency.

If the Vice-President, Academic and Research determines it to be in the best interests of the University, a report on the investigation of misconduct and its outcome will be disseminated to persons with a legitimate interest in knowing about them. 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. Any and all information and records relating to an action under this policy will be handled by the University in compliance with the Freedom of Information and Protection of Privacy Act.

5. Procedures for the Investigation of allegations of Misconduct in Research

The investigation of allegations of misconduct in research is undertaken by the Vice-President, Academic and Research or by one or more impartial designate(s), herein called 'the Investigators.' The number of Investigators will be determined by the Vice-President, Academic and Research dependent on the specifics of each case. Normally, the Investigators will be faculty members in departments other than those of the parties. They will have no prior involvement in the matter under investigation. If appropriate, one or more of the Investigators may be external to the university.

The investigation is confidential and is governed by the principle of fairness. Within this framework, the Investigators are free to develop procedures and practices, specific to the case under investigation, to collect written material and to conduct hearings, and are not constrained by strict rules of procedure and evidence.

The Investigators may consult expert witnesses and solicit reports from them on the matter under investigation. The Investigators may obtain written materials relevant to the investigation, such as laboratory notebooks, manuscripts, computer files and records of the proceedings of University committees such as the Research Ethics Board and the Animal Care Committee.

Subject only to the need to respect the privacy of third parties, copies of any information received by the Investigators will be provided to the parties for their reply. Copies of replies will be communicated to the other party, subject only to the same constraint. Further comments on any reply will be requested only where the reply raises a new matter.

5.1 Meetings/Hearings

In the following, 'representative' refers to a person chosen by the respondent or complainant, possibly a member or staff employee of an employee group to which the respondent or complainant belongs (i.e. NUFA, OPSEU etc.).

The investigation may include one or more meetings between the Investigators and the respondent or complainant. The respondent or complainant may have a representative present at such meetings/hearings.

It may be determined by the Investigators that for some investigations, there will not be a complainant or respondent per se, only someone who reported the possible misconduct. Therefore, it is not expected that either would be present at meetings/hearings.

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