

Procedures for Addressing Allegations of Misconduct in Scholarly Activity at UPEI

1. Application

These procedures apply to all allegations of misconduct in scholarly activity.

2. Confidentiality

Every effort will be made throughout the process to ensure the confidentiality of the proceedings, as a means to protect both those who make an allegation or complaint and those who are so accused.

3. Allegations

3.1 Allegations may be received from within or outside the University.

3.2 The allegation of misconduct must be formulated in writing and shall include evidence in sufficient detail to make clear the nature of the research activity which is regarded as being the subject of misconduct, together with a brief description of the facts, names of the complainant(s) and respondent(s), events and circumstances which describe the allegations.

3.3 Allegations shall be forwarded to the Vice-President, Research and Graduate Studies.

3.3.1 Where a respondent is the Vice-President, Research and Graduate Studies, allegations shall be forwarded to the President or Designate. The President or his/her Designate shall then be responsible for ensuring that these Procedures are followed with such variations as are necessary.

3.3.2 Where a respondent is a graduate student, the Vice-President, Research and Graduate Studies will confidentially inform the appropriate Graduate Coordinator. In cases where a graduate student is a complainant or where a graduate student's program may be affected by an allegation of misconduct, the Graduate Coordinator shall be informed by confidential memoranda of all assessments and investigations and the outcome thereof.

4. Responsibilities of the Vice-President, Research and Graduate Studies

4.1 Upon receipt of an allegation of misconduct, the Vice-President, Research and Graduate Studies shall initiate an inquiry to establish whether a reasonable basis exists to proceed to an investigation.

- 4.2 The Vice-President, Research and Graduate Studies shall confidentially inform the Dean (or equivalent) of the Faculty or School of record of the respondent and involve the Dean, as appropriate, in the inquiry.
- 4.3 The Vice-President, Research and Graduate Studies shall be responsible for ensuring that the Procedures in this document are followed.

5. Investigation

- 5.1 If a reasonable basis exists to proceed to an investigation, then within 10 days of receipt of an allegation of possible misconduct, the Vice-President, Research and Graduate Studies shall:
 - 5.1.1 Send a copy of the allegation to the respondent and to the Dean (or equivalent) of the Faculty or School of record of the respondent; and
 - 5.1.2 Appoint an *Investigative Committee* to conduct an investigation.
- 5.2 The *Investigative Committee* shall consist of three individuals from the academic staff of the University with sufficient expertise to address the issues involved and without any apprehension of bias. At least one individual shall have expertise in the respondent's discipline. A Chair will be selected by a vote of the *Investigative Committee* members. The Vice-President, Research and Graduate Studies is not a member of the *Investigative Committee*. If, in the judgment of the Vice-President, Research and Graduate Studies, academic staff with the necessary expertise cannot be found within the University, then academic staff external to the University may be asked to participate.
- 5.3 The Vice-President, Research and Graduate Studies shall immediately advise both the respondent and complainant of the composition of the *Investigative Committee*.
- 5.4 Any objection to the composition of the *Investigative Committee* on the part of the respondent or complainant shall be made to the Vice-President, Research and Graduate Studies within six (6) days. The Vice-President, Research and Graduate Studies' disposition of any such objection shall be final.
- 5.5 The *Investigative Committee* shall invite the respondent, accompanied by an advisor if the respondent so desires, to address it prior to its seeking or obtaining any other information or submissions. Thereafter, the respondent may attend other meetings of the *Committee* only by invitation of the Chair until the *Committee* has received all the information or submissions it deems appropriate.
- 5.6 The respondent has the right to choose an advisor who may be a colleague, friend, legal counsel, or a person recommended by the appropriate union or association.
- 5.7 Prior to meeting to consider its decision, the *Investigative Committee* shall advise the respondent of the evidence being considered by the *Investigative Committee*, and shall

invite the respondent, accompanied by an advisor if the respondent so desires, to meet with it and to respond fully to that evidence.

- 5.8 Prior to receiving evidence from any person not already identified in the complaint or identified to the respondent during the assessment, the *Investigative Committee* shall advise that person that it is necessary in the interest of justice to reveal that person's identity to the respondent.
- 5.9 Within thirty (30) days of being appointed, the *Investigative Committee* shall complete its investigation, and shall submit an *Investigation Report* to the Vice-President, Research and Graduate Studies. Under exceptional circumstances, the 30-day period may be exceeded, in which case the *Investigative Committee* shall immediately inform the Vice-President, Research and Graduate Studies as to the reason(s) for the delay.
- 5.10 The *Investigation Report* shall include:
 - 5.10.1 details of the allegation;
 - 5.10.2 a summary of the individuals interviewed and evidence obtained;
 - 5.10.3 reason(s) for any delay in the Procedures; and
 - 5.10.4 the Committee's reasoned decision regarding the investigation:
 - 5.10.4.1 that the respondent is not guilty of any misconduct and the matter is dismissed; or
 - 5.10.4.2 that the allegation is substantiated in whole or in part.
- 5.11 The Vice-President, Research and Graduate Studies shall forward the *Investigation Report* to the respondent, and the Dean (or equivalent) of the Faculty or School of record of the respondent.
- 5.12 The Vice-President, Research and Graduate Studies shall, upon receiving the *Investigation Report*, make a recommendation to the President or Designate as to whether formal disciplinary action is recommended in accordance with the applicable collective agreement, where one exists, and taking into consideration contractual and other obligations to external organizations. If the Vice-President, Research and Graduate Studies accepts the advice of the *Investigative Committee* to dismiss the allegation, the Vice-President, Research and Graduate Studies shall so advise any person identified in the allegation, the respondent and the President. Otherwise the notification requirements of the applicable collective agreement, where one exists, shall be followed.

6. Appeal

- 6.1 Within ten (10) days of receiving the *Investigation Report*, the respondent may make a final appeal in writing to the President.
- 6.2 Grounds for appeal shall be limited to purported violations of procedural fairness by the *Investigative Committee*.

- 6.3 The President or Designate will review the *Investigation Report* and written statement of appeal, and determine whether or not grounds for appeal are valid. The President or Designate will rule on the appeal within fifteen (15) days of its submission.
- 6.4 Should the President or Designate determine there are no valid grounds for the appeal, then it is dismissed.
- 6.5 Should the President or Designate determine there are valid grounds for the appeal, the President or Designate shall inform the complainant(s) and respondent(s) that an *Ad Hoc Appeals Committee* shall be constituted in the same fashion as the *Investigative Committee* (see Section 5.2 above), except that the members shall not have been members of the *Investigative Committee*.
- 6.6 The *Ad Hoc Appeals Committee* shall conduct its task in compliance with Sections 5.5 - 5.10 (above), except that the decision shall be made in writing to the President or his/her Designate.
- 6.7 The President or Designate shall, upon receipt of the report of the *Ad Hoc Appeals Committee*, decide whether or not the formal disciplinary action recommended by the Vice- President, Research and Graduate Studies is to be overturned, upheld or otherwise modified. If the President or Designate accepts the advice of the *Ad Hoc Appeals Committee* to overturn or modify the sanctions, the President or Designate shall so advise any person identified in the complaint, the respondent and the Vice-President, Research and Graduate Studies.

7. Retention of Documentation

- 7.1 The process and its outcomes shall be fully documented and those records must be retained as a confidential file in the Office of the Vice-President, Research and Graduate Studies for a 10-year period.
- 7.2 Until an allegation is substantiated, all proceedings take place in the strictest confidentiality.

8. Notification of Funding Agencies and Research Collaborators

- 8.1 The Vice-President, Research and Graduate Studies shall advise the relevant Tri-Council Agency if the allegation is substantiated, and is related to activities funded by a Tri-Council Agency that may involve significant financial, health and safety, or other risks. The notification will include the name of the respondent and the nature of the misconduct.

9. Review

These Procedures shall be reviewed by the Research Advisory Committee every three (3) years. The Vice-President, Research and Graduate Studies shall be responsible for seeing the review is undertaken.

Acknowledgement:

This document is adapted from the policy of the University of Saskatchewan and McMaster University.