

Senate met on December 2, 2015 and January 13, 2016. This report contains items which are presented to the Board of Governors for consideration.

**I. FOR ACTION BY THE BOARD OF GOVERNORS**

**1. 468<sup>th</sup> and 469<sup>th</sup> Report of the Academic Policy Committee (APC) [D15-23 & 28]**

**1.1 Transformation of the Faculty of Religious Studies into a School within the Faculty of Arts and recommended that it be approved by the Board of Governors.**

Senate reviewed the Academic Policy Committee's proposal for the transformation of the Faculty of Religious Studies into a School within the Faculty of Arts and recommended that it be approved by the Board of Governors.

The new School would exercise in continuity the prior rights, obligations, and functions of the former Faculty and it would be the primary academic unit for teaching and research in the field of religious studies, including religions and theology as fields of scholarly interest. The proposal was approved by the Faculty of Religious Studies on June 22, 2015 and by the Faculty of Arts on October 27, 2015. It was approved by Senate on December 2, 2015, and is now being recommended for approval by the Board. Background documents are provided in Appendix A.

*Be it resolved that the Board of Governors, on the recommendation of Senate, approve the transformation of the Faculty of Religious Studies into a School within the Faculty of Arts.*

**1.2 Proposals for the Creation of New Centres**

**1.2.1. Proposal for the Creation of the Institute for Human Development and Wellbeing (IHDW)**

Senate reviewed the Academic Policy Committee's proposal for the creation of the Institute for Human Development and Wellbeing (IHDW) and recommended that it be approved by the Board of Governors.

Located at the Faculty of Education, the IHDW intends to take on a transdisciplinary and multidisciplinary approach towards the cognitive, emotional, and social studies of human development and wellbeing. It aims to respond to the goals of McGill's 2013-2017 Strategic Plan under Research. It also aims to increase the visibility of the Faculty of Education within the Quebec and Canadian media as well as work toward establishing it as a leadership model for how faculties of education should orient themselves and their work.

*Be it resolved that the Board of Governors, on the recommendation of Senate, approve the creation of the Institute for Human Development and Wellbeing (IHDW)/Institut de recherche pour le développement et le bien-être humain à l'Université McGill.*

### **1.2.2. Proposal for the Creation the McGill University Research Centre on Complex Traits (MRCCT)**

On the recommendation of the Academic Policy Committee, Senate approved the creation of the proposed McGill University Research Centre on Complex Traits (MRCCT).

The proposed centre formalizes the activities of the Complex Traits Group. Members of the MRCCT are utilizing new genomic technologies to identify novel targets of diagnostic and therapeutic value for immune-related diseases. The proposed centre would be uniquely positioned to promote interdisciplinary research collaborations and ensure advances in both basic and translational research as well as training and scientific outreach to clinical and basic research scientists.

*Be it resolved that the Board of Governors, on the recommendation of Senate, approve the creation of the McGill University Research Centre on Complex Traits (MRCCT), An Initiative to Cure Infectious and Chronic Inflammatory Diseases/Le Centre de recherche de l'Université McGill sur les maladies infectieuses et inflammatoires chroniques.*

### **1.3 Proposed Revisions to the Regulations Concerning the Investigation of Research Misconduct**

On the recommendation of the Academic Policy Committee, Senate approved the proposed revisions to the *Regulations Concerning the Investigation of Research Misconduct*.

The Regulations were last amended and approved in May 2010, and describe the procedures to be followed in the case of an allegation of research misconduct at McGill. The review and revisions followed the regular triennial process for the revisions as determined by Senate. These proposed revisions are guided by and comply with both the *Tri-Agency Framework: Responsible Conduct of Research (2011)* and the Fonds de recherche du Québec (FRQ) *Policy for the Responsible Conduct of Research (2015)*.

*Be it resolved that the Board of Governors, on the recommendation of Senate, approve the proposed revisions to the Regulations Concerning the Investigation of Research Misconduct, as presented in Appendix A.*

**2. Report of the Senate Nominating Committee:** [D15-24]  
**Appointment to the Committee on Staff Grievances and Disciplinary Procedures**

Senate approved recommendations to University Committees and revisions to the membership of the Academic Policy Committee, as recommended by the Senate Nominating Committee. Senate's recommendations concerning an appointment to the Committee on Staff Grievances and Disciplinary Procedures is submitted for approval to the Board of Governors in accordance with university regulations.

*Be it resolved that the Board of Governors, on the recommendation of Senate, approve the appointment of Professor Wes Folkerth (English, ARTS) as a member of the Committee on Staff Grievances and Disciplinary Procedures, for a three-year term beginning immediately and ending August 31, 2018.*

**II. FOR THE INFORMATION OF THE BOARD OF GOVERNORS**

**1. Open Discussion – “Research Funding and Support”** [D15-22]

Senators discussed what McGill can do internally to deal with the existing realities of research funding, particularly in addressing the impact of the flattening of investigator-driven research funding, and adequate support for core research infrastructure.

**2. 468<sup>th</sup> Report of the Academic Policy Committee (APC)** [D15-23]

The report informed Senate of new courses and teaching programs, as well as proposed revisions to the Subcommittee on Teaching and Learning's Terms of Reference, which APC approved in the name of Senate.

**3. Appointment of Harassment Assessors** [D15-25]

Senate approved the appointments of Mr. Eamon Duffy and Mr. Romesh Vadivel, for three-year terms beginning January 1, 2016 and ending December 31, 2018, as assessors under the *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law*.

**4. Annual Report of the Committee on Libraries (2014-2015)** [D15-26]

Senate received this annual report for information, in accordance with the Committee's terms of reference. The report contained an overview of the Committee's activities undertaken in 2014-2015, as well as plans and priorities for the current academic year.

**5. Report of the Honorary Degrees and Convocations Committee** [D15-27]

Senate received the report of the Honorary Degrees and Convocations Committee in confidential session.

**6. 469<sup>th</sup> Report of the Academic Policy Committee (APC)** [D15-28]

On the recommendations of the Academic Policy Committee, Senate approved the creation of a Graduate Artist Diploma, a Certificate in Computers and Information Technology, and a Certificate in Indigenous Business Management.

The report also informed Senate of new courses and teaching programs, as well as revised nomination guidelines for the Lifetime Achievement Award for Leadership in Learning, which APC approved in the name of Senate.

**7. Report of the Senate Nominating Committee** [D15-29]

Senate approved the appointment of Mr. Devin Mills to the Committee on Student Grievances.

**8. Annual Report on Research Performance and Innovation (2014-2015)** [D15-30]

Senate received this annual report, which presented key indicators of McGill's research funding performance and innovation, for information. The report will be presented to the Board of Governors on February 11, 2016.

**9. Annual Report on Student Life and Learning (2014-2015)** [D15-31]

Senate received this report, which provided an overview of Student Life and Learning's activities and goals, for information. The report will be presented to the Board of Governors on February 11, 2016.

**10. Report from the Board of Governors to Senate** [D15-32]

Senate received this report, which provided a summary of matters reviewed at the October 30, 2015 Executive Committee meeting and the November 26, 2015 Board of Governors meeting, for information.

**END**

**February 2015**

**McGILL UNIVERISTY**

**Memorandum**

FACUTLY OF ARTS  
OFFICE OF THE DEAN

Room 207, Dawson Hall  
Tel:(514)398-4212; Fax: (514)398-3573

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TO: Professor Angela Campbell, Associate Provost, Policies, Procedures & Equity  
Office of the Provost

cc: Professor Daniel Cere, Interim Dean, Faculty of Religious Studies

FROM: Professor Hudson Meadwell, Interim Dean, Faculty of Arts

DATE: November 10, 2015

SUBJECT: Faculty of Religious Studies move to the Faculty of Arts

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This memo serves as official notice that the Faculty of Arts' Faculty Council voted in favour of the move/transfer of the Faculty of Religious Studies to the Faculty of Arts at the October 27, 2015 meeting.

The motion that was unanimously passed read as follows: *To support the integration of the Faculty of Religious Studies into the Faculty of Arts as the School of Religious Studies as per the agreement reached between the Provost and the Faculty of Religious Studies on June 22, 2015.*

Signed by:



Hudson Meadwell,  
Professor and Interim Dean of the Faculty of Arts

**To:** Faculty Council

**A-15-4 Revised**

**From:** Hudson Meadwell, Interim Dean, Faculty of Arts

**Subject:** Motion regarding the transformation of the Faculty of Religious Studies into a School of Religious Studies within the Faculty of Arts

**Meeting Date:** October 27 2015

**Background and Rationale:**

In June 2015, the Provost presented a Proposal for the creation of a School of Religious Studies within the Faculty of Arts. On June 22, the Faculty Council of Religious Studies voted in favour of this Proposal and the Provost confirmed that the change of status of the Faculty of Religious Studies would be brought to the attention of the appropriate governing bodies of the University, beginning with the Faculty Council of the Faculty of Arts. The goal is to implement this Proposal by the start of the fiscal year, 2016-2017, May 1 2016.

The Faculty of Religious Studies is a multi-disciplinary unit devoted to teaching and research across the world's religious traditions, in historical and contemporary contexts. The Faculty has 13.5 tenured and tenure-track faculty and one full-time assistant professor (CAS, non-tenured track), who engage in teaching and research in four major areas: Asian Religions, Biblical Studies, Christian Thought and History, and Religion and Culture. The Faculty is responsible for the BA program in Religious Studies, the Bachelor of Theology (which also serves as an accredited academic component for the MDiv offered by the Montreal School of Theology); the STM (Masters of Sacred Theology); MA and Phd. The Faculty is accredited by the Association of Theological Schools of the United States and Canada.

In addition to these traditional fields, the Faculty has recently expanded successfully in the areas of globalization and inter-faith dialogue. It is also home to an interfaculty research center, the Centre for Research on Religion (CREOR) the Keenan Chair on Interfaith Studies, and the Birks Forum on World Religions and Public Policy.

The relationship between the Faculty of Religious Studies [FRS] and the Faculty of Arts has been the focus of several reviews and reports, dating back to the 'Trigger Report' of 1999 and the more recent Special Review Committee which reported on April 8, 2015.

The Proposal follows the recommendation of the Special Review Committee, and was presented by the Provost as an expression of the University's commitment to the field of religious studies, and to consolidate its future at McGill by establishing the School of Religious Studies as an academic unit in the Faculty of Arts. The Proposal removes the administrative obligations that the FRS currently finds it difficult to meet because of its small size; regulates the budget and increases the faculty complement, and continues to fulfill the ongoing commitments of the University to deliver professional programs in partnership with accredited religious institutions.

The transition from Faculty to School has the following elements that affect the Faculty of Arts:

- The faculty complement associated with the FRS will become part of the faculty complement of the Faculty of Arts. The faculty complement of the School of Religious Studies will grow from 13.5 to 16.5 but these new hires will not be taken from the Faculty of Arts complement. Moreover, two of these new appointments will be joint appointments with primary appointment in SRS. These positions open up the possibility of joint appointments with other units in Arts.
- On the date of implementation, tenure-track, tenured and contract academic appointments in the FRS shall become appointments in the Faculty of Arts.
- As part of the Proposal, SRS will start life in the Faculty of Arts with no deficit. As a unit in the Faculty of Arts, it will be subject to standard Faculty-wide financial management and oversight.
- Funding for graduate students and programs currently going to the FRS from the Faculty of Graduate and Postdoctoral Studies will go to the Faculty of Arts once the School is formally a unit in the Arts Faculty and that money will be distributed to the SRS according to Faculty of Arts guidelines and procedures.

- The administrative and support staff that are a part of the FRS at the moment that the Faculty becomes the SRS will become part of the administrative and support staff complement and salary mass of the Faculty of Arts, and will be managed and supervised according to Faculty-wide practices and procedures.
- The School will be housed at the Birks Building and that space will be considered Faculty of Arts space for those space audits that have implications for budget, such as the allocation of monies to Faculties for capital alterations budgets. The functions and needs of the School continue to be given priority in the allocation of space within the Birks Building, as well as oversight of the Birks Heritage Chapel.
- The School will be administered by a Director.
- After the date of implementation, all processes related to the reappointment, tenure and promotion of ranked academic staff in the School of Religious Studies shall be conducted in accordance with the relevant procedures of the Faculty of Arts.
- The transformation of FRS into a School of Religious Studies in the Faculty of Arts will respect the integrity and autonomy of the Department of Jewish Studies and the Institute of Islamic Studies.

The Faculty of Arts is a multi-disciplinary intellectual environment in which various disciplines interact and in which multiple groups and institutes have been created to study the human condition from different perspectives. Integration of the School of Religious Studies into the Faculty of Arts will facilitate the cross-fertilization of teaching and research around shared interests in the cultural, social and political implications of religious faith and practice.

The Faculty of Arts currently includes two Schools: the School of Social Work and the School of Information Studies. It has institutional experience with programs with specialized degrees such as the Master of Information Studies or the Bachelor of Social Work. Further, both of these Schools are subject to regular accreditation. The Faculty thus has an organizational structure that fits well with distinctive features of the SRS, such as its BTh and STM degrees and its accreditation process.



The integration of FRS in Arts as the School of Religious Studies will provide a new intellectual environment for the School, should stimulate new research and teaching initiatives in the Faculty, and will locate the School in a suitable organizational structure.

**Motion for Approval: To support the integration of the Faculty of Religious Studies into the Faculty of Arts as the School of Religious Studies as per the agreement reached between the Provost and the Faculty of Religious Studies on June 22, 2015.**

**UNANIMOUSLY APPROVED AT  
FACULTY OF ARTS COUNCIL MEETING  
HELD ON OCTOBER 27, 2015.**



## MEMORANDUM

**Office of the Dean  
Faculty of Religious Studies  
William and Henry Birks Building  
Tel.: 514-398-4121 Fax: 514-398-6665**

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To: Professor Christopher Manfredi  
Provost and Vice-Principal Academic (PVPA) & Chair of APC

From: Professor Daniel Cere, Interim Dean, Faculty of Religious Studies

Date: November 11, 2015

Re: **Approval Process**

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The approval process leading up to the signing of the MOU to transform the Faculty of Religious Studies into a School of Religious Studies as part of the Faculty of Arts is as follows:

March 2013	Cyclical Unit Review: specifically recommended against any forced merger of FRS into Arts. ("APC noted that, in their report, the external members of the review committee made comments that went beyond the scope of the review (relating to the status of the Faculty)" - APC report to Senate.
November 27, 2013	Letter from Provost Masi mandating Dean Ellen Aitken to form a 6-person committee to advise on the integration of the Faculty of Religious Studies into the Faculty of Arts as the School of Religious Studies and mandating Dean Aitken to prepare, together with the Dean of Arts, a first draft of a recommended plan for the integration into Arts
Jan - April 2014	Formation and meetings of working group
April 2014-June 2104	Dean Ellen Aitken's health takes a critical turn (passed away on June 13, 2014)
August 18, 2014	Interim Dean Henderson briefed FRS faculty on proposal to move the RS into Arts and of his intention to prepare a draft plan
September 11, 2014	Interim Dean Henderson briefed the Board of the Montreal School of Theology on proposal to move the RS into Arts and of his intention to prepare a draft plan and invited consultation
September 2014	Three FRS Meetings were scheduled to discuss the move and advise on plan/proposal

October 2, 2014	Provost Masi met FRS and MST to announce a Special Unit Review to be conducted by CURO, to focus on issues surrounding relocation of RS into Arts
November 2014	At the Faculty Council Meeting Interim Dean Henderson distributed the schedule of external visit (March 19, 2015); approved membership of Review Committee; and the terms of reference for the special unit review
February 10, 2015	First draft plan/proposal written by Interim Dean Henderson was sent to all FRS members and MST representatives
February 2015	Special Unit Review Report submitted to CURO by Interim Dean Henderson
March 19, 2015	Special Unit Review site visit. Review Committee chaired by Professor Bernard Robaire, Department of Pharmacology
April 2015	Special Review Committee Report submitted to CURO by Professor Bernard Robaire
April 23, 2015	Second draft Proposal prepared by the Provost for review and feedback was sent by Interim Dean Henderson to FRS faculty members for input (sent separately to MST for discussion between McGill and MST legal counsel)
May 14, 2015	FRS Council mandates the Dean to conduct, under the supervision of the Secretary-General, an electronic referendum on a proposal from the Provost's Office 'for the transposition of the Faculty of Religious Studies into "the School of Religious Studies" in the Faculty of Arts.'
June 2015	A letter from the Provost was sent introducing the "Proposal for the creation of a School of Religious Studies within the Faculty of Arts".
June 8, 2015	Third and final draft of the proposal was sent by the Provost with information on the upcoming voting
June 16, 2015	Interim Dean Henderson informed FRS Council of arrangements with the Secretary-General to initiate and oversee a referendum of the FC
June 12-22, 2015	Voting period
June 22, 2015	Results of the vote communicated to FRS Council; Agreement was signed by Interim Dean Henderson and Provost Masi

### Agreement concerning the Faculty of Religious Studies

Considering the Proposal concerning the transformation of the Faculty of Religious Studies into a School of Religious Studies as part of the Faculty of Arts, attached herewith as Appendix "A";

Considering the results of the vote of members of the Faculty Council conducted by the Secretary General;

1. The Interim Dean of the Faculty of Religious Studies, Professor Ian Henderson, hereby informs the Provost of McGill University that the Faculty Council voted in favour of the Proposal, and invites him to, in due course, take steps leading to the approval of this change by the appropriate governing bodies of the University, as well as the amendment of University Statutes if required.
2. The Provost takes note of the above and confirms that the matter will be brought to the attention of the appropriate governing bodies of the University, in due course;

Signed in Montreal, on Monday, June 22, 2015



Professor Ian Henderson  
Interim Dean, Faculty of Religious Studies



Professor Anthony C. Masi  
Provost

**APPENDIX A**

**Proposal for the creation of a School of Religious Studies  
within the Faculty of Arts**

Prof. Anthony C. Masi, Provost

McGill University | June 2015



## **Introduction**

This proposal is presented as an expression of the University's commitment to the field of religious studies and to consolidate its future at McGill through financial and academic re-investments that will help the future School of Religious Studies achieve its aspirations. The commitments contained herein are meant serve as the basis for a new understanding, one that will of necessity evolve over time on the basis of collegial deliberations, and that in the first instance envisions a 10-year horizon.

The current proposal is a revised version of the one originally shared with the Faculty of Religious Studies; it has been improved and clarified through conversations and suggestions from faculty members and in discussions (yet to be concluded) with MST and the three theological colleges.

The University wishes to arrive at a McGill-MST agreement substantially on the basis of the terms contained in this proposal. Some matters under discussion with MST and the Colleges are not included in this proposal. For instance, the term of such an arrangement, the conditions for its renewal, dispute resolution mechanism, renegotiation of the "1948 Agreement" and amendments in order to harmonize it with contemporary academic realities, are matters under discussion, but are not reflected here.

If the current proposal is acceptable to the Faculty of Religious Studies, then the University will recommend that a new agreement with the MST and the theological schools including all necessary governance approvals, be obtained no later than 18 December 2015. Implementation would then begin as soon as possible to ensure that the School of Religious Studies in the Faculty of Arts would be in place no later than 1 May 2016, the start of fiscal year 2016-2017.

All elements of this proposal, especially the commitments underlying it in section 9 (below), are made to facilitate the establishment the School of Religious Studies as an academic unit within the Faculty of Arts, in the time frames herein described, and therefore are not applicable to the Faculty of Religious Studies in its current status.

## **The School of Religious Studies**

1. The Faculty of Religious Studies (the "FRS") shall become the School of Religious Studies in the Faculty of Arts (the "School"). The School shall be the successor unit of the Faculty of Divinity as established in 1948 and shall exercise in continuity the prior rights, obligations and functions of the Faculty of Religious Studies. It shall be the primary academic unit for teaching and research in the field of religious studies, including religions and theology as fields of scholarly interest.

2. The School of Religious Studies in the Faculty of Arts shall continue the functions of the Faculty of Religious Studies as the University's primary academic instrument for maintaining and fulfilling its on-going relations with the Montreal Diocesan Theological College, the Presbyterian College, the United Theological College and Montreal School of Theology (the "MST"). Those relations continue to be defined in the "1948 Agreement" as modified and supplemented from time to time by mutual agreement, notably, but not exclusively, the "Trigger Report" (approved, Board of Governors, 14 June 1999 [ED98-121]) (the "Agreements").

#### **The B.Th. Programme and Masters Programmes**

3. The University shall make reasonable efforts to maintain and enhance teaching and research in the field of religious studies. MST and the University shall work together on the B.Th. programme, which shall continue to be granted under that name, so that:
  - (a) It can reflect changes in contemporary theological education in a pluralistic society;
  - (b) It can provide and enhance theological education in the global context for the Colleges; and
  - (c) Options could be developed within the B.Th. programme to support ministerial education, as well as cooperative programmes with other University disciplines, such as management and leadership, pastoral care in health services, education, law, and social work.
4. The University and MST would also work collegially on the development of the B.Th. program, and in particular promoting it, so as to build its appeal to a broader community of students, without materially adding to their respective financial commitments.
5. The Bachelor of Theology (B.Th.) programme, including admissions decisions, shall be administered and governed by the School, under the guidance of the B.Th. Committee.
6. Subject to section 7, courses that are required for MST's degree programmes would not be discontinued only as a result of a small number of enrolled students. There shall be a sufficient number of required and complementary courses to allow students to complete the requirements of the M. Div. years 1 and 2 through the 60 credits B.Th. Programme, normally within two years, in a logical sequence.
7. Essential biblical languages courses (Koine Greek and Hebrew) will be offered with sufficient frequency to permit degree completion in the normally allotted time.

- Given the low enrolment in the language courses currently offered by the FRS, such language courses may have to be taken in other departments.
  - At the end of the transition period described below, students may have to take those language courses in other universities in Montreal, provided that such courses can be credited towards the B.Th. degree.
8. The School shall continue to offer the S.T.M. degree under that name so that students taking the B.Th. as a first degree will have access to a suitable accredited graduate degree.

#### **Commitments underlying the Proposal**

9. The current proposal is based on the following financial and academic commitments:
- the current accumulated deficit of the FRS will be absorbed by the University, but no further operating deficits will be permitted;
  - any endowment currently held on behalf of the FRS will be held for the School;
  - subject to section 10, the School will have access to approximately \$500,000 that could, at the discretion of the Director of the School, be endowed, spent down, or both;
  - the complement number of academic, tenured/tenure track positions in the School shall be raised to 16.5, inclusive of the Director of the School if such individual is a new hire and the incumbent of the CRC mentioned below, and inclusive also of
    - a replacement position in the field of Japanese Religions;
    - two (2) junior joint appointments with primary appointment in the SRS;
  - the University will support an application for a Tier 1 Canada Research Chair to be held in the School;
  - on the date of implementation, there shall be no change as a result of the transition to any of the teaching programs or in the way in which they are managed;
  - over time, and subject to section 22, their approval will be harmonized with the practices of the Faculty of Arts (approval of curriculum committee and council of the Faculty of Arts, APC and Senate, etc.), except as otherwise provided in this proposal.

#### **Transition**

10. There will be transition period of approximately three (3) years, during which the School will engage in a collegial process to decide the best use of the additional funding



and on the two junior appointments mentioned above, to prepare the CRC nomination and recruit an appropriate scholar, and to recruit for position in Japanese religions.

- The early transition period will also serve to appoint a Director to the School, in accordance with Section 12.
- After the transition period and having achieved the goal of 16.5 tenure-track positions, the School will be subject to the then existing rules and procedures regarding tenure-track complements as a unit within the Faculty of Arts.

#### **Administration and Governance**

11. The School shall be administered by a Director, who will also be advised as appropriate by the School Council.

- The Director shall be generally responsible to the Dean of the Faculty of Arts.
- Under the direction and supervision of the Dean, the Director shall prepare and manage the budget for the School.
- Within the terms of that budget, the Director shall determine course offerings, class sizes, teaching loads and teaching support in relation to RELG and CATH courses.

12. The Dean of the Faculty of Arts shall, after consultation with a committee broadly representative of the membership of the School, including representation from and the written recommendation of the MST (to be made within 10 days of request by the Dean of Arts, at the latest), and including, if desired, representatives from outside of the School, make recommendations to the Provost for the appointment or reappointment of a Director of the School.

- Prior to recommending the re-appointment of a Director who has served in that office for five years, the Dean shall again consult with a committee broadly representative of the membership of the School, including representation from the MST, and including, if desired, representatives from outside of the School.

13. McGill recognises that while the entity will become a School of the Faculty of Arts, its status within the Faculty of Arts will of necessity be a special one, as and in the measure described in this proposal, in particular in relation to:

- its unique programmes (B.Th. and S.T.M.);
- the common interest of the University, M.S.T. and the Colleges have in these programmes;
- accreditation;

- MST's representation on the School Council and the B.Th. Committee;
  - the existence of an external advisory board, as described in section 17.
14. The School shall be housed at the Birks Building which, along with the Birks Heritage Chapel was designed and built and later (under the "1948 Agreement") transferred to the University in order to further the objects of theological and interfaith education and research and to house the principal activities of the predecessor of the School.
- The Director of the School shall therefore, like the Deans of the FRS were, be ex-officio Building Director of the Birks Building.
  - The functions and needs of the School shall continue to be given priority in the allocation of space within the Birks Building. In particular, the Birks Heritage Chapel, its uses and booking of times, shall remain under the strict oversight of the School Council.
  - It is understood that, except in respect of the Birks Heritage Chapel which shall remain under the rule mentioned above, Birks Building space may be allocated to other purposes of the University as long as the School's purposes are given priority.
15. The library located in the Birks building will continue to be a reading room.
16. Subject to the provisions of section 30, a School of Religious Studies Council shall replace the FRS Faculty Council and be composed and governed by the "Faculty Council Regulations" of the FRS (approved by Senate, May 3, 2006, document D05-72) as amended from time to time, as a result of a collegial process. The School Council shall meet at least four times per year.
17. The current Faculty Advisory Board to the FRS, composed of individuals who are not in the employment of the University, the MST or the Colleges shall become an external advisory board of the School (exact designation to be determined). Its mandate and composition may evolve over time as a result of a collegial process including members of such board,
18. Members of the FRS serving as such on University bodies (especially the elected Senate representative) shall complete their terms as initially appointed unless they decline to do so.
19. Members of the School shall have the same rights as other members of the Faculty of Arts to serve on various Faculty and University bodies, boards and committees.

20. On the date of the implementation, tenure-track, tenured, and contract academic appointments in the FRS shall become appointments in the Faculty of Arts with continuity of benefits, years of service (e.g., for pension rights, reappointment, tenure, promotion, and/or sabbatical consideration), as from the date of appointment to the FRS.
21. For the 2015-2016 academic year, the Departmental Tenure Committee (DTC) shall be as established by the FRS and the University Tenure Committee (UTC) as established by the FRS, the Provost and by the Secretariat.
- From the date of implementation of the move, the Departmental Tenure Committee (DTC) shall continue as the DTC for the School of Religious Studies within the Faculty of Arts.
  - The University Tenure Committee (UTC) shall continue as a UTC within the Faculty of Arts.
  - In subsequent years, all processes related to the reappointment, tenure and promotion of ranked academic staff in the School of Religious Studies shall be governed by the relevant University regulations and conducted in accordance with the relevant procedures of the Faculty of Arts.
22. As long as the Agreements are in force, search committees making recommendations to the Dean of Arts for new appointments in the fields of New Testament, Old Testament, History of the Christian Church, and Theology shall continue to consist of members nominated according to current practices in the FRS.
23. At the date of implementation, all BA Major and Minor Concentrations and Honours and Joint Honours programmes currently administered in conjunction between the FRS and the Faculty of Arts shall become departmental programmes of the School within the Faculty of Arts.
24. The BA programmes in Catholic Studies shall become departmental programmes of the School within the Faculty of Arts, while maintaining and potentially reinforcing their interdisciplinary character.
25. Endowments held by the University in support of functions of the FRS shall be held for the functions of the School.

- All endowment funds administered by the Dean of FRS shall be administered by the Director of the School.
  - All endowed funds shall be administered in full respect of the conditions of the donations.
26. The School shall have the right, continuous with the right of the FRS and in cooperation with University Advancement and the Dean of the Faculty of Arts, to seek and accept new endowments and gifts in support of its functions and priorities.
27. The Director of the School will present a stewardship report annually to the MST on the endowed portion of the 1948 Funds.
28. On the date of implementation, the governance and bylaws of The Centre for Research on Religion (CREOR) shall remain in force, except that the lead Faculty shall be the Faculty of Arts, the Dean of Arts or delegate shall be the Chair of the Advisory or Management Board, and the Director of the SRS shall be ex-officio a member of the Advisory body.
29. The current practice of MST faculty being invited to teach in the FRS at the discretion of the Dean shall be continued in the School, at the discretion of the Director.
30. As long as the 1948 Agreement is in force, the mechanisms now in place for representation of MST and FRS on each other's governance bodies shall be continued between MST and the School.
- The three Principals of the Colleges shall each have voice and vote on the School Council (replacing the FRS Faculty Council) and on the B.Th. Programme Committee and B.Th. Admissions and Awards Committee, each in the same proportion as currently, and shall continue to have Advisors' access to student records and admission records relating to the B.Th. and STM programmes.
31. Students jointly registered in the Colleges in all forms of ministry and at the University will continue to have the privilege of University tuition fee waivers.
32. The University shall undertake to retain accreditation with the Association of Theological Schools.

33. The University will endeavour to meet at least once a year with the Principals of the Colleges and representatives of MST to discuss matters of common interest.
- For the purpose of such meetings, McGill University shall be represented by the Dean of Arts accompanied as appropriate by the Director of the School.
  - The Provost shall also be available to meet with MST and the Principals of the Colleges, once a year, at their request.
34. The changes described in the present proposal as aspects of the transformation of the FRS into the School, shall take place at the date of implementation, it being acknowledged that some measures regarding the teaching complement will require a longer period of implementation, but shall be put in place in an ordered manner over time and that the University will use its best efforts to that they will be completed on or before the end of the transition period (end date to be determined on the basis of the implementation date).



## Regulations Concerning the Investigation of Research Misconduct

### Current

#### PREAMBLE

Research is central to the mission of the University, to the advancement of knowledge, and to the social well-being, health and the economic development of society. The University, funding agencies and other public and private sponsors of research and related activities recognize that research can best flourish in a climate of academic freedom, a climate premised on trust in, and the integrity of, members of the University research communities and their compliance with the policies, practices and ethical norms governing research. Thus, the University is committed to the ongoing education of the members of its community in matters of research integrity.

However, it must also be recognized that in research, as in any human endeavour, there are some who are alleged to have failed to adhere to accepted norms. Allegations of research misconduct may arise from sources within or outside the University – and allegations may or may not be well-founded. Whatever their source, motivation or accuracy, such allegations have the potential to cause great harm to the persons accused and their associates, to the accuser, to the University, and to research and scholarship in general. Thus, it is in the interests of the public, funding agencies and other sponsors of research, and the University, that the University has in place an appropriate procedure for assessing allegations of research misconduct and, where warranted, investigating such allegations and reporting the results of investigations to relevant University authorities and agencies. Moreover, funding agencies hold institutions responsible for investigating allegations of misconduct involving members of their research communities and generally require that they have in place appropriate policies and procedures.

These Regulations, which apply to all allegations of research misconduct, regardless of the discipline involved, establish a procedural framework that will:

### Proposed

#### PREAMBLE

Research is central to the mission of the University, to the advancement of knowledge, and to the social well-being, health and the economic development of society. The University, funding agencies and other public and private sponsors of research and related activities recognize that research can best flourish in a climate of academic freedom, a climate premised on trust in, and the integrity of, members of the University research communities and their compliance with the policies, practices and ethical norms governing research. Thus, the University is committed to the ongoing education of the members of its community in matters of research integrity.

However, it must also be recognized that in research, as in any human endeavour, there are some who are alleged to have failed to adhere to accepted norms. Allegations of research misconduct may arise from sources within or outside the University – and allegations may or may not be well-founded. Whatever their source, motivation or accuracy, such allegations have the potential to cause great harm to the persons accused and their associates, to the accuser, to the University, and to research and scholarship in general. Thus, it is in the interests of the public, funding agencies and other sponsors of research, and the University, that the University has in place an appropriate procedure for assessing allegations of research misconduct and, where warranted, investigating such allegations and reporting the results of investigations to relevant University authorities and agencies. Moreover, funding agencies hold institutions responsible for investigating allegations of misconduct involving members of their research communities and generally require that they have in place appropriate policies and procedures.

These Regulations, which apply to all allegations of research misconduct, regardless of the discipline involved, establish a procedural framework that will:

- ◆ ensure prompt and appropriate response whenever an allegation of research misconduct is made; and
- ◆ ensure the protection of the interests of:
  - those alleged to have engaged in misconduct;
  - those making allegations of research misconduct;
  - those who, while not directly implicated in, are nevertheless directly affected by, allegations of misconduct;
  - the University and its affiliated institutions;
  - the funding agencies and other sponsors of research; and
  - the public.

## 1. DEFINITIONS

1.1 “Advisor” means a member of the University community who has agreed to act gratuitously in an advisory capacity to a member of the academic staff. Such individuals, in so doing, are deemed to perform part of their academic duties and shall be accorded full respect by the University’s administrative officers.

1.2 “Agency” means the funding agency, foundation, organization, sponsor or other entity, public or private, international, national, provincial or foreign, which supports the research in whole or in part, or which has oversight of any research activities, in respect of which the Research Misconduct is alleged to have occurred.

1.3 “Chair” includes the chairs and directors of all centres, departments, institutes or schools to which the Respondent is appointed or with which the Respondent is registered or affiliated and, where there is more than one Respondent, the chairs and directors of all such units to which the Respondents are appointed or with which they are registered or affiliated.

- ◆ ensure a prompt and appropriate response whenever an allegation of research misconduct is made; and
- ◆ ensure the protection of the interests of:
  - those alleged to have engaged in misconduct;
  - those making allegations of research misconduct;
  - those who, while not directly implicated in, are nevertheless directly affected by, allegations of misconduct;
  - the University and its affiliated institutions;
  - the funding agencies and other sponsors of research; and
  - the public.

## 1. DEFINITIONS

For the purposes of this policy:

1.1 “Advisor” means a ~~member~~Member of the University ~~e~~Community who has agreed to act ~~gratuitously~~ in an advisory capacity to a ~~member of the academic staff~~ Respondent, Complainant or Witness. Such individuals act in accordance with these regulations and are deemed, in so doing, ~~are deemed~~ to perform part of their academic duties. ~~and They do so without receiving additional remuneration.~~ An Advisor shall be accorded full respect by the University’s administrative officers.

1.2 “Agency” means the funding agency, foundation, organization, sponsor or other entity, public or private, international, national, provincial or foreign, which supports the research in whole or in part, or which has oversight of any research activities, in respect of which the Research Misconduct is alleged to have occurred.

1.3 “Chair” means the chair(s) or director(s) of the department(s), institute(s), school(s) or centre(s) of the Respondent’s appointment, registration or affiliation. Where there is more than one Respondent, “Chair” means the chair(s) or director(s), of each Respondent’s respective department(s), school(s), institute(s) or centre(s) of appointment, registration or affiliation ~~“Chair” includes the chairs and directors of all centres, departments, institutes or schools to which the Respondent is registered or affiliated and, where Respondent is appointed or with which the~~

~~there is more than one Respondent, the chairs and directors of all such units to which the Respondents are appointed or with which they are registered or affiliated.~~

1.4 “Committee” means the group assembled to investigate allegations of Research Misconduct

1.4 “Complainant” means a person who makes an allegation of Research Misconduct.

1.5 “Complainant” means a person who makes an allegation of Research Misconduct.

1.5 “Data or Results” include all information or records of any sort related to the application for, performance of, data obtained from, conclusions and outcomes reached in the research in question including but not limited to formulae, discoveries, inventions, ideas, data, raw numbers, algorithms, concepts, products, compositions, processes, protocols, methods, tests, pattern research interpretations and analyses, and manuscripts, publications and reports.

1.6 “Data or Results” include” means the recorded factual information and material, both physical and electronic, commonly accepted in the relevant scholarly community as necessary to validate research findings including, but not limited to, research proposals, laboratory records, progress reports, internal reports, and presentations. Data includes all information or records of any sort related to the application for, performance of, data or Results obtained -from, conclusions and outcomes reached in the the research in question including but not limited to formulae, discoveries, inventions, ideas, data, raw numbers, algorithms, concepts, products, compositions, processes, protocols, methods, tests, pattern research interpretations and analyses, and manuscripts, publications and reports..

1.6 “Dean” includes the deans of all faculties to which the Respondent is appointed or with which the Respondent is registered or affiliated and, where there is more than one Respondent, the deans of all faculties to which the Respondents are appointed or with which they are registered or affiliated.

1.7 “Dean” includes means the deans of all faculties to which the Respondent is appointed or with which the Respondent is registered or affiliated and, where there is more than one Respondent, the deans of all faculties to which the Respondents are appointed or with which they are registered or affiliated.

1.7 “Good Faith Allegation” means an allegation that is not malicious or frivolous made by a Complainant who has reasonable grounds to believe that he or she has knowledge that Research Misconduct may have occurred.

1.8 “Expert” means a person who has requisite skill or knowledge relating to a particular subject as determined by the Research Integrity Officer (RIO) or the Committee, as the case may be.

1.9 “Good Faith Allegation” means an allegation that is not malicious or frivolous made by a Complainant who has reasonable grounds to believe that he or she has knowledge that Research Misconduct may have occurred.

1.8 “Member of the University Community” includes but is not limited to any person paid by, under the control of, or contributing in any manner to a research project in the University or an affiliated institution, and includes members of the academic, administrative and support staff of the University and its affiliated institutions, and students, fellows, technicians,

1.10 “Member of the University Community” includes means a member of the academic, administrative and support staff of the University and its affiliated institutions, as well as students, fellows, technicians, health care workers, programmers, analysts, guests and visiting researchers including, but is not limited to, any person paid by, under the control of, or contributing in any manner to a



health care workers, programmers, analysts and guests and visiting researchers.

1.9 "Plagiarism" means the representation of another's work, published or unpublished, as one's own or assisting another in representing another's work, published or unpublished, as his or her own.

1.10 "Research Misconduct" includes, but is not limited to the definitions of the funding agencies for such misconduct, for example: fabrication, falsification, plagiarism, misappropriation of intellectual property rights of another, or any other conduct that constitutes a significant departure from the ethical and other standards that are commonly accepted within the relevant research community for proposing, performing, reporting or reviewing research or treating human and animal research subjects, but does not include:

- (i) honest errors or differences of interpretation or judgment relating to Data or Results that are reasonable in light of the circumstances in which they are made or reached; or
- (ii) for the purposes of these Regulations, alleged plagiarism by students, other than postdoctoral fellows, relating to research that is undertaken for academic credit provided the allegation implicates only students.

1.11 "Research Record" includes any Data or Results in any medium.

1.12 "Respondent" means a Member or Members of the University Community against whom an

research project in the University or an affiliated institution, ~~and includes members of the academic, administrative and support staff of the University and its affiliated institutions, and students, fellows, technicians, health care workers, programmers, analysts and guests and visiting researchers.~~

1.11 "Plagiarism"<sup>1</sup> means the representation of another's work, 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 or assisting another in representing another's work, published or unpublished, as his or her own, without appropriate referencing and, if required, without permission.

1.12 "Research Misconduct" includes, but is not limited to the definitions of the funding agencies for such misconduct, for example: fabrication, falsification, ~~plagiarism~~Plagiarism, mismanagement of research funds, misappropriation of intellectual property rights of another, or any other conduct that constitutes a significant departure from the ethical and other standards that are commonly accepted within the relevant research community for proposing, performing, reporting or reviewing research or treating human and animal research subjects. ~~but~~ Research Misconduct does not include:

- (i) honest errors or differences of interpretation or judgment relating to Data or Results that are reasonable in light of the circumstances in which they are made or reached; or
- (ii) ~~for the purposes of these Regulations, alleged plagiarism~~Plagiarism by students, ~~other than postdoctoral fellows,~~ relating to unpublished research that is undertaken for academic credit, provided that the allegation implicates only students. Such allegations shall be dealt with in accordance with the Code of Student Conduct and Disciplinary Procedures. However, if the alleged Plagiarism is in a graduate thesis, it is assessed as Research Misconduct.

1.13 "Research Record" includes any Data or Results in any medium.

1.14 "Respondent" means a Member or Members of the University Community against whom an

<sup>1</sup>Tri-Agency Framework: Responsible Conduct of Research, Section 3.1 Breaches of Agency Policies, p.5

allegation of Research Misconduct is directed, or who may be implicated in an allegation of Research Misconduct (as, for example, co-authors or co-investigators or other members of a research team), or who becomes the subject of an investigation. Respondent also includes a past Member of the University Community against whom an allegation of Research Misconduct is directed with respect to research activities conducted while a Member of the University Community.

allegation of Research Misconduct is directed, or who may be implicated in an allegation of Research Misconduct (as, for example, co-authors or co-investigators or other members of a research team), or who becomes the subject of an investigation. Respondent also includes a past Member of the University Community against whom an allegation of Research Misconduct is directed with respect to research activities conducted while a Member of the University Community.

1.15 "Results" means the project 's findings, including conclusions and outcomes, reached in the research in question.

1.16 "Witness" means a person who testifies before the Committee.

## 2. PROHIBITION OF RESEARCH MISCONDUCT

2.1 No Member of the University Community shall:

- (i) engage in Research Misconduct; or
- (ii) make an allegation of Research Misconduct that is not a Good Faith Allegation.

## 3. RESEARCH INTEGRITY OFFICER

3.1 The Principal, following consultation with the Provost and the Vice-Principal (Research and International Relations), shall appoint from the academic staff of the University a Research Integrity Officer ("RIO") and a Deputy Research Integrity Officer.

3.1.1 The Deputy Research Integrity Officer shall serve as RIO only in the event that the latter is unable so to serve or is disqualified in a particular case for cause or conflict of interest.

3.2 The RIO shall make diligent efforts to ensure that:

- (i) the assessment or investigation of an allegation is conducted in a timely, objective, thorough, competent and fair manner and in accordance with these procedures and to this end shall assist the Committee on Research Misconduct in its work;

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~~3.1.1 The Deputy Research Integrity Officer shall serve as RIO only in the event that the latter is unable so to serve or is disqualified in a particular case for cause or conflict of interest.~~

3.2 The RIO shall make diligent efforts to ensure that:

- i. the assessment or investigation of an allegation is conducted in a timely, objective, thorough, competent and fair manner and in accordance with procedures and Regulations. To this end, the RIO shall assist the Committee on Research Misconduct in its work;

- (ii) notification is provided to the Agency, if any, where required by the Agency's rules;
- (iii) interim administrative actions are taken, as appropriate, to protect human or animal research subjects, research funds, research collaborators, Members of the University Community and the public, and to ensure that the purposes of the funding provided by an Agency, if any, are carried out.

- ii. notification is provided to the Agency, if any, where required by the Agency's rules;
- iii interim administrative actions are taken, as appropriate, to protect human or animal research subjects, research funds, research collaborators, Members of the University Community and the public, and to ensure that the purposes of the funding provided by an Agency, if any, are carried out.

3.3 The RIO shall take all measures deemed necessary to protect the integrity of the Respondent's research facility, Research Records, research personnel including students, and research funds.

3.4 The Deputy Research Integrity Officer shall serve as RIO only in the event that the latter is unable to serve or is disqualified in a particular case for conflict of interest.

#### 4. RESPONSIBILITY TO REPORT RESEARCH MISCONDUCT

4.1 A person who has reasonable grounds to believe that Research Misconduct is occurring or has occurred in the University or an affiliated institution shall immediately report the matter:

- (i) to the RIO; or
- (ii) in accordance with provisions of the *Policy on Safe Disclosure*.

4.2 Where a person is unsure whether a suspected incident constitutes Research Misconduct he or she should seek guidance from the RIO.

4.3 A person who makes a Good Faith Allegation of Research Misconduct shall be entitled to the protections afforded by, and to be treated in accordance with, the *Policy on Safe Disclosure*.

4.4 All Members of the University Community, including Complainants and Respondents, shall cooperate with the RIO and, if one is constituted, the Committee on Research Misconduct.

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4.1 ~~A~~Every person who has reasonable grounds to believe that Research Misconduct is occurring or has occurred in the University or an affiliated institution shall immediately report the matter:

- (i) to the RIO; or
- (ii) in accordance with provisions of the *Policy on Safe Disclosure*.

4.2 Where a person is unsure whether a suspected incident constitutes Research Misconduct ~~he or she should seek~~, guidance should be sought from the RIO.

4.3 A person who makes a Good Faith Allegation of Research Misconduct shall be entitled to ~~the protections afforded by, and to be treated in accordance with, the Policy on Safe Disclosure~~protection from retaliation.

4.4 All Members of the University Community, including Complainants and Respondents, shall cooperate with the RIO and, if one is constituted, the Committee on Research Misconduct.

## 5. ALLEGATION ASSESSMENT

5.1 Within seven (7) calendar days of receiving an allegation of Research Misconduct, the RIO in writing shall:

- (i) notify the Respondent of the allegation and of his or her right to an Advisor and provide the Respondent with a copy of these Regulations; and
- (ii) advise the Respondent's Chair and Dean of the allegation and request them to provide any information they may have concerning the matter.

5.2 Within thirty (30) calendar days of receiving an allegation of Research Misconduct, the RIO shall determine whether there is sufficient evidence of possible misconduct to warrant an investigation, whether Agency funds or applications for funding may be involved, and whether the allegation may fall under the applicable Agency's definition, if any, of Research Misconduct.

5.2.1 In making the determination called for by section 5.2 the RIO:

- (i) shall meet with the Respondent, accompanied by an Advisor if the Respondent so wishes;
- (ii) may meet with the Complainant;
- (iii) where necessary, may consult in strictest confidence one or more members of the University community, or one or more external experts in the field who are at arms-length from the alleged Research Misconduct; and
- (iv) where the allegation relates to research involving human or animal subjects, may consult with the chair of the committee charged with approval of the research.

5.2.2 Where feasible the RIO shall not disclose any nominative information relating to the Complainant or the Respondent when meeting with members of the University community or the experts pursuant to section 5.2.1(iii).

5.3 Anonymous allegations of Research

## 5. ~~ASSESSMENT OF ALLEGATION~~ ~~ASSESSMENT~~

5.1 Within seven (7) calendar days of receiving an allegation of Research Misconduct, the RIO, in writing, shall:

- (i) notify the Respondent of the allegation and of ~~his or her~~the right to an Advisor ~~and provide at any stage in the process;~~
- (ii) ~~ensure that~~ the Respondent ~~with a copy of~~ has access to these Regulations; ~~and.~~
- (iii) ~~advise the Respondent's Chair and Dean of the allegation and request them to provide any information they may have concerning the matter.~~

5.2 Within thirty (30) calendar days of receiving an allegation of Research Misconduct, the RIO shall determine whether there is sufficient evidence of possible ~~misconduct~~ Research Misconduct to warrant an investigation, whether Agency funds or applications for funding may be involved, and whether the allegation may fall under the applicable Agency's definition, if any, of Research Misconduct.

5.3 In making the determination ~~called for by section 5.2,~~ the RIO:

- (i) shall meet with the Respondent; ~~accompanied by an Advisor if the Respondent so wishes;~~
- (ii) may meet with the Complainant;
- (iii) where necessary, may consult in strictest confidence one or more ~~members~~Members of the University ~~community~~Community, or one or more external ~~experts in the field~~Experts who are at arms-length from the alleged Research Misconduct; and
- (iv) where the allegation relates to research involving human or animal subjects, may consult with the chair of the committee charged with approval of the research.

5.4 Where feasible, the RIO shall not disclose any nominative information relating to the Complainant or the Respondent when meeting with ~~members~~Members of the University ~~community~~Community or the ~~experts pursuant to section 5.2.1(iii).~~external Experts.

5.5 Anonymous allegations of Research

Misconduct supported by substantive evidence may be acted upon by the RIO.

**5.4.1** If the RIO determines that there is no reasonable basis for the allegation sufficient to warrant an investigation, he or she shall so notify the Complainant and the Respondent in writing with reasons.

**5.4.2** If the RIO determines that the allegation provides sufficient information to warrant an investigation, the RIO:

- (i) shall initiate the investigation process and so notify in writing the Respondent, the Chair and Dean, the Complainant, other appropriate University officials and, if the allegation originated from an Agency, the Agency;
- (ii) shall request the Dean, the Vice-Principal (Research and International Relations) and the Secretary-General to advise the RIO of the names of their appointees to the Committee on Research Misconduct;
- (iii) shall invite the Respondent, together with an Advisor if the Respondent so wishes, to meet with the RIO to discuss the investigation process;

Misconduct supported by substantive evidence may be acted upon by the RIO.

**5.6** If the RIO determines that there is ~~no~~ reasonable basis for the allegation not sufficient evidence of possible Research Misconduct to warrant an investigation, ~~he or she~~ the RIO shall, within 10 days of making that determination, so notify the Complainant, provided that the RIO determines the Complainant has a legitimate and direct personal interest in the matter or needs to be aware that no investigation will occur, and the Respondent in writing with reasons.

**5.7** If the RIO determines that ~~the allegation provides~~ there is sufficient ~~information~~ evidence of possible Research Misconduct to warrant an investigation, the RIO:

- (i) shall initiate the investigation process and so notify in writing: the Respondent,; the Chair and Dean, ~~the Complainant,~~; the Complainant, provided that the RIO determines the Complainant has a legitimate and direct personal interest in the matter or needs to be aware of the investigation; other appropriate University officials; and, if applicable, ~~the allegation originated from an~~ Agency, the Agency;. Where a graduate student or postdoctoral fellow is implicated in the allegations, the notification shall also be sent to the Dean of Graduate and Postdoctoral Studies.
- (ii) shall request ~~the Dean,~~ the Vice-Principal (Research and International Relations), ~~and~~ the Secretary-General and the Dean of Graduate Studies, where appropriate, to advise the RIO of the names of their appointees to the Committee on Research Misconduct;
- (iii) shall invite the Respondent, together with an Advisor, ~~if the Respondent so wishes,~~ to meet with the RIO to discuss the investigation process;
- (iv) where an allegation of Research Misconduct includes mismanagement of research funds, shall notify the Internal Audit Department and request that they review the matter and prepare a

report relating to the allegation of mismanagement of research funds, a copy of which shall be provided to the Committee on Research Misconduct;

- (iv) may locate, collect, inventory and secure all the relevant original Research Records, or copies if the originals are unavailable, to prevent the loss, alteration, or fraudulent creation of records; and
- (v) may place under trusteeship the Respondent's research facility, Research Records, research personnel including students, and research funds.

- (v) may sequester, locate, collect, inventory, and secure all the relevant original Research Records, or copies if the originals are unavailable, to prevent the loss, alteration, or fraudulent creation of records; and
- (vi) may place under trusteeship take such measures the RIO deems necessary to protect the integrity of the Respondent's research facility, Research Records, research personnel including students, and research funds.

**5.4.2.1** Where a graduate student or postdoctoral fellow is implicated in the allegations the notification under section 5.4.2(i) shall also be sent to the Dean of Graduate and Postdoctoral Studies.

~~**5.4.2.1** Where a graduate student or postdoctoral fellow is implicated in the allegations the notification under pursuant to section 5.4.2(i) shall also be sent to the Dean of Graduate and Postdoctoral Studies.~~

**5.5.1** In exceptional cases, and notwithstanding section 5.4.2(i), the RIO may, after consulting with the Provost and the Vice-Principal (Research and International Relations), exercise the powers conferred by section 5.4.2(iv) and (v) without prior notification to the Respondent.

~~**5.8** In exceptional cases, and notwithstanding section 5.4.2(i), the RIO may, after consulting with the Provost and the Vice-Principal (Research and International Relations), exercise the powers conferred by section 5.4.27 (iv) and (vi) without prior notification to the Respondent.~~

**5.5.2** The RIO shall sequester any additional Research Records and documents requested by the Committee on Research Misconduct.

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**5.5.3** The RIO shall provide receipts for all Research Records sequestered under sections 5.4.2(iv) and (v) and 5.5.2 and on written request from the person from whom Research Records are collected, shall allow such person under supervision by a University official:

~~**5.9** The RIO shall provide receipts for all Research Records sequestered under sections 5.4.2(iv) and (v) and 5.5.2 and on secured. On written request from the person from whom Research Records are collected, shall allow a researcher, such person, under supervision by a University official, shall be allowed:~~

- (i) access to his or her own original Research Records; and
- (ii) to copy the Research Records.

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- (ii) to copy the their own Research Records.

**5.6** In the circumstance that certain Research Records are the property of, or belong to, an Agency, the Agency and Respondent shall

~~**5.10** In the circumstance that certain Research Records are the property of, or belong to, in the possession of an Agency, the ~~Agency and Respondent shall~~ provide full access to the~~

provide full access to the Research Records to all who have a legitimate right to access in order to facilitate the complete and thorough investigation of an allegation of Research Misconduct in accordance with these regulations.

## 6. COMMITTEE ON RESEARCH MISCONDUCT

6.1 There shall be a Committee on Research Misconduct (“the Committee”) for the investigation of allegations of Research Misconduct referred to it by the RIO.

6.2 Subject to section 6.2.1, the Committee shall consist of four (4) members of which:

(i) one (1) member shall be appointed by the Dean;

(ii) one (1) member shall be appointed by the Vice-Principal (Research and International Relations); and

(iii) two (2) members with relevant knowledge and expertise shall be appointed by the Secretary-General from the panel established in accordance with section 6.8.

6.2.1 In the event that a Respondent is a graduate student or postdoctoral fellow the Committee shall be comprised of five (5) members with the Dean of Graduate and Postdoctoral Studies, or his or her appointee, serving as a fifth (5th) member.

6.3.1 In the event that the Respondent holds appointment in, or is affiliated with, two or more faculties the Deans of the relevant faculties shall consult and decide who shall serve as their appointee pursuant to section 6.2(i).

~~Research Records to all who have a legitimate right to access cooperate and perform necessary actions to assist the University in obtaining the relevant information~~ in order to facilitate the complete and thorough investigation of an allegation of Research Misconduct ~~in accordance with these regulations.~~

## 6. COMPOSITION OF THE COMMITTEE ON RESEARCH MISCONDUCT

6.1 There shall be a Committee on Research Misconduct (“the “Committee”) for the investigation of allegations of Research Misconduct referred to it by the RIO.

6.2 ~~Subject to section 6.2.1, the~~ The Committee shall consist of four (4) members ~~of which:~~

(i) one (1) member ~~shall be of the University community with relevant knowledge and expertise~~ appointed by ~~the Vice-Principal (Research and International Relations) in consultation with the~~ Dean;

(ii) one (1) ~~external~~ member ~~shall be who has no current affiliation with the University~~ appointed by the Vice-Principal (Research and International Relations); and

(iii) two (2) members with relevant knowledge and expertise shall be appointed by the Secretary-General from ~~the~~ panel ~~of ten (10)~~ established in accordance with the procedures set out in section 6.89.

6.2.1 In the event that a Respondent is a graduate student or postdoctoral fellow the Committee shall be comprised of five (5) members with the Dean of Graduate and Postdoctoral Studies, or ~~his or her appointee~~ ~~delegate~~, serving as a fifth (5<sup>th</sup>) member.

~~6.3.1~~ 6.3 In the event that the Respondent ~~holds or Respondents hold~~ appointment in, or ~~is are~~ ~~registered or~~ affiliated with, two or more faculties, the ~~Vice-Principal (Research and International Relations), in consultation with the~~ Deans of the relevant faculties ~~shall consult and decide who shall serve as their appointee pursuant to section 6.2(i).~~

**6.3.2** In the event that there are two or more Respondents who hold appointments in or are affiliated with two or more faculties the Deans of the relevant faculties shall consult and decide who shall serve as their appointee pursuant to section 6.2(i).

**6.4** The Committee when constituted shall select a chair from amongst its members. The chair shall not have a casting vote.

**6.5** The RIO, promptly on receipt of the names of the members appointed to the Committee pursuant to section 6.2, shall take reasonable steps to ensure that the members of the Committee have no bias or conflict of interest with the Respondent, the Complainant, or the case in question.

**6.6** The appointment of any member of the Committee may be challenged for bias or conflict of interest by the Respondent or, where the Complainant has a legitimate and direct personal interest in the outcome of the investigation, the Complainant. The validity of a challenge shall be determined by the RIO whose determination shall be final.

**6.7** In the event of the recusal of a member of the Committee the vacancy shall be filled in accordance with the provisions of sections 6.2 through 6.3.2 relevant to that member.

**6.8** The members of the panel referred to in section 6.2(iii) shall be established by the Principal, or designate, and the President of MAUT, or designate, jointly submitting to the Senate Nominating Committee a slate of twelve (12) names of members of the academic staff, of acknowledged standing and expertise, who are representative of different disciplines. The Senate Nominating Committee shall reduce the slate to nine (9) names and present it to Senate for approval.

~~**6.3.2** In the event that there are two or more Respondents who hold appointments in or are affiliated with two or more faculties the Deans of the relevant faculties, shall consult and decide who shall serve as their appointee pursuant to section 6.2(i).~~

~~**6.4** In the event of the recusal of a member of the Committee pursuant to section 6.8, the vacancy shall be filled in accordance with the above provisions.~~

~~**6.5** The Committee when constituted shall select a chair from amongst its members. The chair shall not have a casting vote if there is a tie in voting.~~

~~**6.6** The RIO, promptly on receipt of the names of the members appointed to the Committee pursuant to section 6.2, shall take reasonable steps to ensure that the members of the Committee have no bias or conflict of interest with the Respondent, the Complainant, or the case in question.~~

~~**6.7** The RIO shall determine if the Complainant has a legitimate and direct personal interest in the outcome of the investigation and, if so, will notify the Complainant of the membership of the Committee.~~

~~**6.8** Within three (3) working days of notification of the composition of the Committee, the appointment of any member of the Committee may be challenged for bias or conflict of interest by the Respondent or, where the Complainant has a legitimate and direct personal interest in the outcome of the investigation, the Complainant. The validity of a challenge shall be determined by the RIO, whose determination shall be final.~~

(Now Section 6.4)

~~**6.9** There shall be a panel of ten (10) members of the academic staff of acknowledged standing and expertise, appointed to staggered terms of office of three (3) years commencing on September 1<sup>st</sup>, as follows:~~

- ~~(i) Prior to the March 1<sup>st</sup> of each year, the Secretary-General shall request from the President of the McGill Association of University Teachers (M.A.U.T.) and the~~



**6.8.1** Vacancies on the panel shall be filled by the Principal, or designate, and the President of MAUT, or designate, jointly submitting to the Senate Nominating Committee a slate of names equal to at least one and one-half (1.5) the number of vacancies on the panel.

The Senate Nominating Committee shall reduce the slate to the number of vacancies on the panel and present it to Senate for approval.

**6.8.2** The members of the panel referred to in section 6.2(iii) shall serve for a term of three years but, when first constituted, the panel shall consist of:

- (i) three (3) members appointed for a term of three (3) years,
- (ii) three (3) members appointed for a term of two (2) years, and
- (iii) three (3) members appointed for a term of one (1) year.

## 7. COMMITTEE PROCEDURES

**7.1** The Committee shall determine the facts

Principal a slate of names, consisting of at least twice the number of vacancies on the panel to be filled that year.

(ii) The slate of recommended names shall be submitted by the President of M.A.U.T. and the Principal to the Secretary-General for consideration by the Senate Nominating Committee. From this slate, the Senate Nominating Committee shall select the persons to recommend to Senate to fill the vacancies. Reasonable efforts shall be made to give due consideration to representation from different disciplines.

~~The members of the panel referred to in section 6.2(iii) shall be established by the Principal, or designate, and the President of MAUT, or designate, jointly submitting to the Senate Nominating Committee a slate of twelve (12) names of members of the academic staff, of acknowledged standing and expertise, who are representative of different disciplines.~~

~~The Senate Nominating Committee shall reduce the slate to nine (9) names and present it to Senate for approval.~~

~~6.8.1 Vacancies on the panel shall be filled by the Principal, or designate, and the President of MAUT, or designate, jointly submitting to the Senate Nominating Committee a slate of names equal to at least one and one-half (1.5) the number of vacancies on the panel.~~

~~The Senate Nominating Committee shall reduce the slate to the number of vacancies on the panel and present it to Senate for approval.~~

~~6.8.2 The members of the panel referred to in section 6.2(iii) shall serve for a term of three years but, when first constituted, the panel shall consist of:  
three (3) members appointed for a term of three (3) years,  
three (3) members appointed for a term of two (2) years, and  
three (3) members appointed for a term of one (1) year.~~

## 7. COMMITTEE PROCEDURES

7.1 The Committee shall conduct its investigation in accordance with the procedures established below.

7.2 The Committee shall determine the facts

relevant to and the validity of the allegations brought to its attention by the RIO and to this end may:

- (i) request the production of data, documents and other information deemed relevant to its investigation;
- (ii) call witnesses including the Complainant; and
- (iii) when the Committee deems it appropriate, appoint one or more internal or external experts to assist it in the analysis of Research Records and other specific evidence.

**7.1.1** The Committee shall determine whether a Complainant is a person with a legitimate and direct personal interest in the outcome of the investigation for the purposes of these Regulations and the Committee's determination shall be final.

**7.2.1** The Committee shall take reasonable steps to ensure that any expert appointed under section 7.1 shall be free of bias or conflict of interest with the Respondent, the Complainant, or the case in question.

**7.2.2** The Committee shall notify the RIO and, the Respondent of the names of any experts appointed under section 7.1(iii).

**7.2.3** The Respondent may challenge the appointment of any expert for bias or conflict of interest. The validity of a challenge shall be determined by the RIO whose determination shall be final.

**7.3** All hearings of the Committee shall be *in camera*.

**7.4** All hearings and deliberations of the Committee are strictly confidential and the Committee shall instruct all persons appearing before it to treat all evidence and proceedings as confidential.

**7.5** The Respondent and witnesses, including the

relevant to and the validity of the allegations brought to its attention by the RIO ~~and to-~~ To this end, the Committee may:

- (i) request the production of ~~data~~Data, documents and other information deemed relevant to its investigation;
- (ii) call ~~witnesses~~Witnesses including the Complainant; and
- (iii) when the Committee deems it appropriate, appoint one or more internal or external ~~experts~~Experts to assist it in the analysis of Research Records and other specific evidence.

~~**7.1.1** The Committee shall determine whether a Complainant is a person with a legitimate and direct personal interest in the outcome of the investigation for the purposes of these Regulations and the Committee's determination shall be final.~~

**7.3** The Respondent has the right to be heard as part of an investigation. The Complainant may request an opportunity to be heard as part of an investigation, and the Committee may grant this request where it believes the Complainant can provide information relevant to the investigation.

~~**7.4** The Committee shall take reasonable steps to ensure that any expertExpert appointed ~~under section 7.1~~ shall be free of bias or conflict of interest with the Respondent, the Complainant, or the case in question.~~

~~**7.5** The Committee shall notify the RIO and, the Respondent of the names of any expertsExperts appointed ~~under section 7.1(iii)~~ to assist it.~~

**7.6** The Respondent may challenge the appointment of any expertExpert for bias or conflict of interest. The validity of a challenge shall be determined by the RIO whose determination shall be final.

~~**7.7** All hearings of the Committee shall be *in camera*.~~

~~**7.8** All hearings and deliberations of the Committee are strictly confidential and the Committee shall instruct all persons appearing before it to treat all evidence and proceedings as confidential.~~

**7.9** The Respondent and witnessesWitnesses,

Complainant if called as a witness, may be accompanied by an Advisor.

**7.6.1** The Respondent and the RIO may call witnesses from within or without the University to present evidence.

**7.6.2** The Respondent and Advisor and the RIO may put questions to any person who appears before the Committee.

**7.6.3** The Committee may put questions to any person appearing before it.

**7.6.4** The witnesses and experts shall address the substance of the allegations before the Committee.

**7.6.5** The Respondent, the RIO and their Advisors shall be entitled to reasonable access to the record of the matter.

**7.7.1** The Committee shall give the Respondent, the RIO and any other person invited to appear before it ten (10) calendar days written notice of the date on which they are to appear.

**7.7.2** If the Respondent, the RIO or other person fails to attend the Committee may proceed with the investigation in his or her absence.

**7.8.1** The Committee shall obtain and review all relevant documentation and perform or cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.

**7.8.2** The Committee shall maintain an index of all the relevant evidence secured or examined in conducting the investigation, including any evidence that may support or contradict the report's conclusions.

**7.9** Any finding of Research Misconduct by the Committee shall be based on a preponderance of the evidence, that is, evidence that shows that it is more likely than not that the Respondent committed Research Misconduct.

**7.10** The Office of the Vice-Principal

including the Complainant if called as a ~~witness~~Witness, may be accompanied by an Advisor.

**7.10** The Respondent and the RIO may call ~~witnesses~~Witnesses from within or ~~without~~outside the University ~~to present~~evidence.

**7.11** The Respondent ~~and, the Respondent's~~ Advisor, and the RIO, may put questions to any person who appears before the Committee.

**7.12** The Committee may put questions to any person appearing before it.

**7.13** The ~~witnesses~~Witnesses and ~~experts~~Experts shall address the substance of the allegations before the Committee.

**7.14** An Advisor may not appear as a Witness.

**7.15** The Respondent, ~~the RIO and their~~ Advisors ~~the Respondent's~~ Advisor shall be entitled to reasonable access to the record of the matter.

**7.16** The Committee shall give the Respondent, ~~the RIO~~ and any other person invited to appear before it ten (10) calendar days written notice of the date on which they are to appear.

**7.17** If the Respondent, ~~the RIO~~ or such other person fails to attend, the Committee may proceed with the investigation in ~~his or her~~their absence.

**7.18** The Committee shall obtain and review all relevant documentation and perform or cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.

**7.19** The Committee shall maintain an index of all the relevant evidence secured or examined in conducting the investigation, including any evidence that may support or contradict the ~~report's~~Committee's conclusions.

**7.20** Any finding of Research Misconduct by the Committee shall be based on a preponderance of the evidence. ~~, that is, evidence that shows that it is more likely than not that the Respondent committed Research Misconduct.~~

**7.21** The Office of the Vice-Principal (Research

(Research and International Relations) shall provide staff and other assistance to the Committee for conducting and completing the investigation, including maintaining confidentiality, conducting interviews and analyzing Data or Results.

## 8. INVESTIGATION BY COMMITTEE

- 8.1 Within ten (10) working days of the appointment of the Committee, the RIO shall notify the Respondent in writing of:
- (i) the name of the research project in question;
  - (ii) the name of the Complainant, if known;
  - (iii) the specific allegations of Research Misconduct;
  - (iv) the name of the Agency involved, if any;
  - (v) the names of the members of the Committee;
  - (vi) a copy of these Regulations.

8.2.1 Subject to section 8.2.2, the Committee shall conclude its investigation and submit its preliminary report pursuant to section 8.4, within ninety (90) calendar days of the notification to the Respondent of the opening of an investigation as provided for in section 8.1.

8.2.2 If the Committee, for good cause, is unable to comply with the delay specified in section 8.2.1, or such shorter delay as may be imposed by an Agency, it shall provide written reasons for its inability to do so to the RIO and, if appropriate, the Agency, and request an extension.

8.3 The Committee shall conduct its investigation in accordance with the procedures established in section 7.

8.4 On the completion of the investigation the Committee shall prepare a preliminary written report containing:

- (i) the names of the members of the Committee;
- (ii) the names of any experts appointed by the Committee;
- (iii) the names of the persons invited to appear before the Committee;

and International Relations) shall provide staff and other assistance to the Committee for conducting and completing the investigation, including maintaining confidentiality, conducting interviews, and analyzing Data or Results.

## ~~8. INVESTIGATION BY COMMITTEE~~ **8. TIMING**

- 8.1 Within ten (10) working days of the appointment of the Committee, the RIO shall notify the Respondent in writing of:
- (i) the name of the research project in question;
  - (ii) the name of the Complainant, if known;
  - (iii) the specific allegations of Research Misconduct;
  - (iv) the name of the Agency involved, if any;
  - (v) the names of the members of the Committee;
  - ~~(vi) a copy of these Regulations.~~

~~8.2 Subject to section 8.2.2, the~~The Committee shall conclude its investigation and submit its preliminary report ~~pursuant to section 8.4,~~ within ~~ninety (90)~~ one hundred and twenty (120) calendar days of the notification to the Respondent of the opening of an investigation ~~as provided for in section 8.1.~~

~~8.3~~ If the Committee, for good cause, is unable to comply with ~~the delay~~ specified ~~in section 8.2.1, or such shorter delay as may be imposed by an Agency~~ delays, it shall provide written reasons for its inability to do so to the RIO and, if appropriate, the Agency, and request an extension.

~~8.3 The Committee shall conduct its investigation in accordance with the procedures established in section 7.~~

8.4 On the completion of the investigation the Committee shall prepare a preliminary written report containing:

- (i) the names of the members of the Committee;
- (ii) the names of any ~~experts~~ Experts appointed by the Committee;
- (iii) the names of the persons invited to appear before the Committee;

- (iv) the names of the Agencies supporting the research in question;
- (v) the name of the Complainant, if known;
- (vi) a statement of the allegations of Research Misconduct;
- (vii) a summary of the relevant evidence;
- (viii) the Committee's analysis of the evidence;
- (ix) the Committee's findings with respect to the allegations with supporting reasons;
- (x) the Committee's recommendation as to the appropriate disposition of the case; and
- (xi) any other recommendations that the Committee feels are appropriate in the circumstances of the case.

**8.5** The preliminary report of the Committee shall be transmitted to the Respondent who shall have fifteen (15) working days in which to comment on the Committee's findings and recommendations.

**8.6** Within a further fifteen (15) days the final report of the Committee, together with the Respondent's comments, if any, received by the Committee, shall be submitted to the Secretary-General who shall promptly transmit a copy to the Provost, the RIO, the Respondent and, subject to the laws concerning privacy and protection of personal information, the Complainant if the Complainant has a legitimate and direct personal interest in the matter and needs to have access to the report.

- (iv) the names of the Agencies supporting the research in question;
- (v) the name of the Complainant, if known;
- (vi) a statement of the ~~allegations~~allegation(s) of Research Misconduct;
- (vii) a summary of the relevant evidence;
- (viii) a summary of the process followed for the investigation;
- (ix) the Committee's analysis of the evidence;
- ~~(x) the Committee's findings with respect to the allegations with supporting reasons conclusion as to whether or not there has been Research Misconduct and if so, the norms and rules from which there has been a departure;~~
- (xi) the Committee's recommendation as to the appropriate disposition of the case; and
- (xii) any other recommendations that the Committee feels are appropriate in the circumstances of the case.

**8.5** The preliminary report of the Committee shall be transmitted to the Respondent who shall have fifteen (15) working days in which to comment on the Committee's findings and recommendations.

**8.6** Within a further fifteen (15) days, the final report of the Committee, together with the Respondent's comments, if any, ~~received by the Committee,~~ shall be submitted by the RIO to the Secretary-General, who shall promptly transmit a copy, the Provost, and the Respondent. and, subject to the laws concerning privacy and protection of personal information, the Complainant if the Complainant has a legitimate and direct personal interest in the matter and needs to have access to the report.

## **9. APPEALS**

**9.1** Within ten (10) working days after receiving the final report of the Committee, the Respondent may make an appeal to the Provost by way of written notice of appeal.

**9.2** Grounds for such an appeal shall be limited to failure to follow due process as provided in these regulations, or evidence of bias on the part of the Committee.

**9.3** The notice of appeal shall succinctly set out the complete and substantive reasons for the appeal and state on which grounds the appeal is based.

9.4 Upon receipt of a notice of appeal, the Provost [or his or her designate] will review the written report of the Committee and the written statement of appeal and may, but is not required to, meet with any of the Respondent, Complainant, RIO or members of the Committee. Provost will, within thirty (30) days of the submission of the notice of appeal, determine whether or not there are valid grounds for the appeal.

9.5 Should the Provost determine that there are no valid grounds under these Regulations for an appeal then the appeal will be dismissed and the Provost shall determine as set out in Section 10 whether to accept the Committee's recommendations pursuant to sections 8.4(x), (xi), and (xii).

9.6 Should the Provost find that there are valid grounds for an appeal, then the Provost shall inform the Respondent, RIO, Complainant if appropriate, and where required, the Agency, that a new hearing before a new Committee shall be initiated.

## **9. DECISION BY THE PROVOST**

**9.1** As soon as practicable but no later than fifteen (15) working days after receipt of the report the Provost shall decide whether to accept the Committee recommendations called for by sections 8.4(x) and (xi).

**9.2** The Provost shall not be required to meet with the Complainant, Respondent, RIO or any other person prior or subsequent to making his or her decision.

## **10. DECISION BY THE PROVOST**

**10.1** As soon as practicable but no later than fifteen (15) working days after receipt of the report the Provost shall decide whether to accept the ~~Committee~~ Committee's findings or recommendations. ~~called for by sections 8.4(x) and (xi).~~

**10.2** The Provost shall not be required to meet with the Complainant, Respondent, RIO or any other person prior or subsequent to making ~~his or her~~ her decision.

**10.3** If the Committee's finding is that the allegation of Research Misconduct is not substantiated, the Provost shall dismiss the allegations and the Provost shall so notify the Respondent.

**10.4**If the Committee's finding is that the allegation of Research Misconduct is founded:

**(i)** the Provost shall take appropriate action in accordance with the regulations, policies, codes or collective agreement to which the Respondent is subject;

**(ii)** (the Committee's report can be used as evidence in any disciplinary proceedings instituted by the Provost.

**9.3** If the Provost's decision changes the recommendations of the Committee, the Provost shall provide substantive written reasons.

**9.4** The Provost shall communicate his or her decision in writing to the chair of the Committee, the RIO, the Respondent, The Respondent's Chair and Dean and, where appropriate to:

- (i) other relevant University authorities;
- (ii) the Agency, if any; and
- (iii) subject to the laws concerning privacy and protection of personal information, the Complainant if the Complainant has a legitimate and direct personal interest in the matter and needs to have access to the determination.

**9.5.1** If the Committee's finding is that the allegation of Research Misconduct is not substantiated the Provost shall dismiss the allegations and ensure that the rights and protections extended the Respondent by section 10.4.1 are afforded him or her.

**9.5.2** If the Committee's finding is that the allegation of Research Misconduct is founded:

- (i) the Provost shall take appropriate administrative action and/or institute disciplinary proceedings in accordance with the regulations, policies, code or collective agreement to which the Respondent is subject;
- (ii) the Committee's report can be used as evidence in any disciplinary proceedings instituted by the Provost pursuant to section 9.5.2(i).

**9.6** Subject to section 9.4, the Provost shall determine whether any government agencies, professional societies, professional licensing boards, editors of journals or other publications,

~~**10.5** If the Provost's decision changes If the Provost does not accept~~ the recommendations of the Committee, the Provost shall provide substantive written reasons to the RIO, the Chair, and the Respondent.

**10.6** The Provost shall communicate his or her decision in writing to the chair of the Committee, the RIO, the Respondent, ~~The~~the Respondent's Chair and Dean, the Vice Principal (Research and International Relations), the Secretary General, and, where appropriate to:

- (i) other relevant University authorities;
- (ii) the Agency that funded the research, if any; and
- (iii) subject to the laws concerning privacy and protection of personal information, the Complainant if the Provost determines, upon consultation with the RIO, that the Complainant has a legitimate and direct personal interest in the matter and needs to have access to the ~~determination~~decision.

~~**9.5.1** If the Committee's finding is that the allegation of Research Misconduct is not substantiated the Provost shall dismiss the allegations and ensure that the rights and protections extended the Respondent by section 10.4.1 are afforded him or her.~~

~~**9.5.2** If the Committee's finding is that the allegation of Research Misconduct is founded:~~

- ~~(i) the Provost shall take appropriate administrative action and/or institute disciplinary proceedings in accordance with the regulations, policies, code or collective agreement to which the Respondent is subject;~~
- ~~(ii) the Committee's report can be used as evidence in any disciplinary proceedings instituted by the Provost pursuant to section 9.5.2(i).~~

~~**10.7** Subject to section 9.4,~~The Provost shall determine whether any government agencies, professional societies, professional licensing boards, editors of journals or other publications,

collaborators of the Respondent, or other relevant parties should be notified of the outcome of the investigation.

**9.7** After completion of the investigation and all ensuing related actions, the RIO shall prepare a complete file, including the records of the investigation and copies of all documents and other materials furnished to the RIO or the Committee.

**9.8** The University Secretariat shall be the official office of record and shall keep the file of the case for at least five years after its completion to permit later reassessment of the case where required by an Agency.

**9.8.1** The Agency, and other authorized personnel who have a legitimate need to know, shall be given access to the file upon written request.

## **10. GENERAL PROVISIONS**

### **10.1 Respondent's Admission**

**10.1.2** If the Respondent admits to the Research Misconduct, he or she should be asked to sign a statement attesting to the occurrence and extent of the Misconduct, acknowledging that the statement was voluntary and stating that the Respondent was advised of his or her right to consult an Advisor.

**10.1.3** A signed admission may only be used as a basis for closing an assessment or investigation if the RIO obtains the written concurrence of the Agency, if any, to its closure.

### **10.2 Resignation of Respondent**

**10.2.1** The termination of the Respondent's employment or other relationship with the University or an affiliated institution for any reason, including resignation, before or after an allegation of Research Misconduct has been reported, shall not preclude or terminate an investigation under these Regulations.

collaborators of the Respondent, or other relevant parties should be notified of the outcome of the investigation.

**10.8** After completion of the investigation and all ensuing related actions, the RIO shall prepare a complete file, including the records of the investigation and copies of all documents and other materials furnished to the RIO ~~or~~ and the Committee.

**10.9** The University Secretariat shall be the official office of record and shall keep the file of the case for at least five years after its completion to permit later reassessment of the case where required by an Agency.

**10.10** The Agency, and other authorized personnel who have a legitimate need to know, shall be given access to the file upon written request.

## **11. GENERAL PROVISIONS**

### **11.1 Respondent's Admission**

**11.1.1** If the Respondent admits to the Research Misconduct, ~~he prior to or she should during a hearing of the Committee on Research Misconduct, any investigation or hearing shall be asked discontinued.~~ The RIO shall ask the Respondent to sign a statement attesting to the occurrence and extent of the Research Misconduct, acknowledging that the statement was voluntary and stating that the Respondent was advised of his or her the right to consult an Advisor. The RIO shall submit a report to the Provost, together with the Respondent's statement. The Provost shall proceed in accordance with 10.4 and 10.6.

**11.1.2** A signed admission may ~~only~~ be used as a basis for closing an assessment or investigation ~~if the RIO obtains with~~ the written concurrence of the Agency, if ~~any required~~, to its closure.

### ~~10.2 Resignation of Respondent~~

### ~~11.2 Termination of Respondent's Relationship with University~~

**11.2.1** The termination of the Respondent's employment or other relationship with the University or an affiliated institution for any reason, including resignation, before or after an allegation of Research Misconduct has been reported, shall not preclude or terminate an investigation under these Regulations.



**10.2.2** If the Respondent refuses to participate in the Research Misconduct process after resignation, the RIO and the Committee shall use reasonable efforts to reach a conclusion concerning the allegations, noting in the report the Respondent's failure to cooperate and its effect on the review of all the evidence.

### **10.3 Requirements for Reporting to the Appropriate Agency**

**10.3.1** The University's decision to initiate an investigation shall be reported in writing by the RIO to the Agency, if any, in accordance with the requirements of the Agency.

**10.3.2** If the University plans to terminate an investigation for any reason without completing all relevant requirements of the appropriate Agency's regulation or policies, the RIO shall submit a report of the planned termination to the Agency, including a description of the reasons for termination.

### **10.4 Protection of Innocent Respondents**

**10.4.1** An innocent Respondent shall be entitled to the rights and protections afforded Respondents by the Policy on Safe Disclosure.

### **10.5 Protection of Other Members of the Academic Community**

**10.5.1** The University shall take all reasonable measures to ensure that the academic standing and reputation of an innocent student,

**11.2.2** If the Respondent refuses to participate in the Research Misconduct investigation process after the termination for any reason, including resignation, the of the Respondent's employment or other relationship with the University or with an affiliated institution, the RIO and the Committee shall use reasonable efforts to reach a conclusion concerning the allegations, noting in the report the Respondent's failure to cooperate and its effect on the review of all the evidence.

### **11.3 Requirements for Reporting to the Appropriate Agency**

**11.3.1** The University's decision to initiate an investigation shall be reported in writing by the RIO to the Agency, if any, in accordance with the requirements of the Agency.

**11.3.2** If the University plans to terminate an investigation for any reason without completing all relevant requirements of the appropriate Agency's regulation or policies, the RIO shall submit a report of the planned termination to the Agency, including a description of the reasons for the termination.

### **11.4 Protection of ~~Innocent~~ Respondents**

~~**10.4.1** An innocent Respondent shall be entitled to the rights and protections afforded Respondents by the Policy on Safe Disclosure.~~

**11.4.1** All parties involved in the investigation of a research misconduct allegation, including the RIO, the Committee on Research Misconduct and the Provost, shall make diligent efforts, which, in their opinion, are necessary to protect the privacy and reputation of a Respondent, taking into account their duties pursuant this policy.

**11.4.2** The University shall make diligent efforts, which, in its opinion, are deemed necessary to protect the privacy and reputation of a Respondent found not to have committed Research Misconduct.

### **11.5 Protection of Other Members of the Academic Community**

The University shall take all reasonable measures to ensure that the academic standing and reputation of ~~an innocent student~~third parties such

postdoctoral fellow, technician, research assistant, research associate or member of the academic staff is not prejudiced by any investigation of, or any administrative actions and/or disciplinary proceedings that may be instituted.

## 10.6 Annual Report

**10.6.1** Once per academic year, the RIO shall make a report to Senate and the Board of Governors, which report shall include:

- (i) the number of Research Misconduct allegations received;
- (ii) the number of Research Misconduct allegations investigated;
- (iii) a summary of the findings of the investigations conducted;
- (iv) a summary of any actions taken pursuant to the investigations.

## 10.7 Review of Regulations

These Regulations shall be reviewed at the end of the third year of their operation by a working group comprised of the RIO; the Provost or delegate; the Vice-Principal (Research and International Relations) or delegate; the Dean of Graduate and Postdoctoral Studies or delegate; and six persons (namely, one member of the academic staff representing each of the sectors whose research activities are primarily funded by CIHR, NSERC and SSHRCC; one member of the graduate student body; one postdoctoral fellow; and one member representing all other research related academic classifications) approved by Senate Nominating Committee.

~~as students, postdoctoral fellow, technicianfellows, technicians, research assistantassistants, research associateassociates or member-members~~ of the academic staff is not prejudiced by any investigation ~~of~~, or ~~by~~ any administrative actions and/or disciplinary proceedings that may be instituted.

## 11.6 Annual Report

Once per academic year, the RIO shall make a non-nominative report to Senate and the Board of Governors, which report shall include:

- (i) the number of Research Misconduct allegations received;
- (ii) the number of Research Misconduct allegations investigated;
- (iii) a summary of the findings of the investigations conducted;
- (iv) a summary of any actions taken pursuant to the investigations.

## 11.7 Review of Regulations

~~These~~—After a further three years, these Regulations shall be reviewed ~~at the end of the third year of their operation~~ by a working group comprised of the RIO; the Provost or delegate; the Vice-Principal (Research and International Relations) or delegate; the Dean of Graduate and Postdoctoral Studies or delegate; a representative of the McGill Association of University Teachers; and six persons (namely, one member of the academic staff representing each of the sectors whose research activities are primarily funded by CIHR, NSERC and SSHRCC; one member of the graduate student body; one postdoctoral fellow; and one member representing all other research related academic classifications) approved by Senate Nominating Committee.