

<b>POLICY NAME</b>	<b>REGULATIONS CONCERNING THE INVESTIGATION OF RESEARCH MISCONDUCT</b>
<b>Approving Body</b>	Senate Board of Governors
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<b>Executive Sponsor</b>	Vice-Principal (Research and Innovation)
<b>Related Documents</b>	N/A

## **PART I – PURPOSE AND SCOPE**

### **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 promotion of research integrity and 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 have been developed to comply with the requirements of the Tri-Council Agencies (CIHR, NSERC or SSHRC), the Fond de recherche du Quebec (FRQ), and other granting agencies,

provide a common procedure for the University. They apply to all allegations of research misconduct, regardless of the discipline involved. These Regulations establish a procedural framework that will:

- o ensure the promptness, impartiality, fairness and transparency of the University's response to allegations of research misconduct and
- o ensure the protection of the interests of:
  - those alleged to have engaged in research misconduct;
  - those making Good Faith Allegations of research misconduct;
  - those who, while not directly implicated in, are nevertheless directly affected by, allegations of misconduct;
  - Human Participants;
  - the University and its affiliated institutions;
  - the funding agencies and other sponsors of research; and
  - the public.

## **PART II – CONTENT**

### **1. DEFINITIONS**

For the purposes of these Regulations:

**1.1** "Advisor" means a Member of the University Community who has agreed to act gratuitously in an advisory capacity to a Respondent, Complainant or Witness. Such individuals act in accordance with these regulations and are deemed, in so doing, to perform part of their academic duties. 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, the Secretariat on Responsible Conduct of Research 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.

**1.4** "Committee" means the group assembled to investigate allegations of Research Misconduct.

**1.5** "Complainant" means a person who makes an allegation of Research Misconduct.

**1.6** "Data" 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, or Results obtained from the research in question.

**1.7** “Day” means working days.

**1.8** “Dean” 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.

**1.9** “Disciplinary Officer” means a member of the staff of the University having disciplinary power over a Respondent.

**1.10** “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.

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

**1.12** “Honest Error” means an accidental or inadvertent mistake made in good faith while using a normal degree of care and attention.

**1.13** “Human Participants” means individuals whose data, biological materials, or responses to interventions, stimuli or questions by the researcher, are relevant to answering the research question(s).

**1.14** “Member of the University Community” means the following: i) anyone holding office under the University Charter and Statutes; ii) an appointee or employee of the University; or iii) a student as defined in Section 1 of the Code of Student Conduct and Disciplinary Procedures.

**1.15** “Office of the RIO” means an office which consists of the appointed RIO as its head, Deputy Research Integrity Officers, and administrative staff, as the case may be.

**1.16** “Research Integrity Officer” means the member of the academic staff of the University appointed to the position of the Research Integrity Officer or, as required by the context, a Deputy Research Integrity Officer.

**1.17** “Research Misconduct” includes, but is not limited to a breach of any Agency’s policy and for example: fabrication, falsification, plagiarism, mismanagement of research funds, misappropriation of intellectual property rights of another, failure to correctly disclose and to manage a conflict of interest 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 Participants and animals used in research. Research Misconduct does not include:

- (i) 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) alleged plagiarism by students relating to unpublished research that is undertaken for academic credit, and not for publication, 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 reviewed as Research Misconduct. In a case of discrepancy between the appropriate Agency’s description of what constitutes research misconduct or, as the case

may be, breach of responsible conduct of research according to such agency's description and the University's definition, the Agency's description will apply.

**1.18** "Research Record" includes any Data or Results in any form.

**1.19** "Respondent" means,

- (i) a Member or Members of the University Community against whom an 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; or
- (ii) 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.

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

**1.21** "Witness" means a person who testifies before the Committee.

## **2. PROHIBITION OF RESEARCH MISCONDUCT**

**2.1** Members of the University Community shall:

- (i) not engage in Research Misconduct;
- (ii) make only Good Faith Allegations of Research Misconduct

## **3. RESEARCH INTEGRITY OFFICER AND OFFICE OF RESEARCH INTEGRITY OFFICER**

**3.1** The Principal, following consultation with the Provost and the Vice-Principal (Research and Innovation) (the "VP-RI"), shall appoint from the academic staff of the University a Research Integrity Officer ("RIO"), who shall be the head of the Office of the Research Integrity Officer (the "Office of the RIO") and Deputy Research Integrity Officers.

**3.2** The Office of the RIO is provided with appropriate staff and assistance, financial or otherwise, in order to discharge its duties under these Regulations.

**3.3** The Office of the RIO shall provide assistance to the Committee on Research Misconduct for conducting and completing the investigation, including maintaining confidentiality, conducting interviews, and analyzing Data or Results.

**3.4** The RIO shall make diligent efforts to ensure that:

- (i) the inquiry stage and the investigation of an allegation are conducted in a timely, objective, thorough, competent and fair manner in accordance with the principles of procedural equity and in accordance with these Regulations;
- (ii) the Committee on Research Misconduct is provided assistance and guidance by the Office of the RIO in its work;

- (iii) notifications are is provided to the Agency, if any, where required by the Agency's rules in accordance with the reporting requirements under section 14;
- (iv) interim administrative actions are taken, as appropriate, to protect Human Participants or animals used in research, 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 are carried out.
- (v) where required, the Office of the RIO takes all measures deemed necessary to protect the integrity of the Respondent's research facility, Research Records, Human Participants, research personnel including students, and research funds.

**3.5** A Deputy Research Integrity Officer shall serve as RIO at the request of the RIO or in the event that the latter is unable to serve or is disqualified in a particular case for conflict of interest.

**3.6** The Office of the RIO shall be the main point of contact with the Agencies concerning allegations of Research Misconduct.

#### **4. RESPONSIBILITY TO REPORT RESEARCH MISCONDUCT**

**4.1** 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, in writing:

- (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, guidance should be sought from the RIO.

**4.3** A person who makes a Good Faith Allegation of Research Misconduct shall be entitled to protection from reprisal.

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

#### **5. INQUIRY: ASSESSMENT OF ALLEGATION**

**5.1** Within five (5) Days of receiving an allegation of Research Misconduct, the RIO, in writing, shall:

- (i) notify the Respondent of the allegation and of the right to an Advisor at any stage in the process;
- (ii) ensure that the Respondent has access to these Regulations.

**5.2** Where an allegation of Research Misconduct relates to conduct that occurred at another institution, the RIO shall contact the other institution and determine which institution is best placed to conduct the inquiry and investigation, if warranted. The RIO shall communicate to the Complainant and Agency, pursuant to section 14, which of the University or the other institution will conduct the inquiry and investigation, if warranted.

**5.3** The RIO may also take interim measures and notify the Respondent of any such measures pursuant to section 3.4 of these Regulations.

**5.4** The RIO shall immediately notify the relevant Agency, if any, of any allegations related to activities that may involve significant financial, health and safety or other risks and that may require immediate intervention.

**5.5** Within thirty (30) Days of receiving an allegation of Research Misconduct, the RIO shall determine whether there is sufficient evidence of possible 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. Upon making such a determination, the RIO shall report the findings to the relevant Agency, in accordance with section 14.

Where exceptional circumstances are such that it is not reasonably possible to comply with the above delay, the RIO shall work as expeditiously as possible in order to comply with the reporting requirements pursuant to section 14.

**5.6** In making the determination, the RIO:

- (i) shall meet with the Respondent;
- (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 who are at arms-length from the alleged Research Misconduct; and
- (iv) where the allegation relates to research involving Human Participants or animals used in research, may consult with the chair of the committee charged with approval of the research.

**5.7** The RIO shall make reasonable efforts to protect the privacy of the Complainant and the Respondent.

**5.8** The RIO shall advise the Complainant and the Respondent of the need to maintain confidentiality in order to protect their respective privacy.

**5.9** Anonymous allegations of Research Misconduct supported by substantive evidence may be acted upon by the RIO.

**5.10** If the RIO determines that there is not sufficient evidence of possible Research Misconduct to warrant an investigation, the RIO shall, within 10 Days of making that determination, so notify the Respondent and the Complainant in writing, with reasons.

In the event the RIO's determination includes recommendations, the RIO shall provide a report, including such recommendations, to the VP-RI for implementation in accordance with section 11.

**5.11** If the RIO determines that there is sufficient evidence of possible Research Misconduct to warrant an investigation, the RIO:

- (i) shall initiate the investigation process, in accordance with the procedure set out at section 7, and so notify in writing: the Respondent, the Dean, and the Complainant, other appropriate University officials and, the Agency in accordance with reporting requirements as set out under section 14. 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 appoint the members of the Committee on Research Misconduct;
- (iii) shall invite the Respondent to meet with the RIO to review the investigation process;
- (iv) shall, where an allegation of Research Misconduct includes mismanagement of research funds, notify the Internal Audit Department and request that they investigate 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;
- (v) may, upon notice to the Respondent and the Dean, 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 pursuant to section 3.4; and
- (vi) may, upon notice to the Respondent and the Dean, take such measures the RIO deems necessary to protect the integrity of the Respondent's research facility, Research Records, Human Participants, research personnel including students, and research funds pursuant to section 3.4.

**5.12** In exceptional cases, the RIO may, after consulting with the Dean and the VP-RI exercise the powers conferred by section 5.11 (iv) to (vi) without prior notification to the Respondent.

**5.13** The RIO shall provide receipts for all Research Records secured. On written request from a researcher, such person, under supervision by a University official, shall be allowed:

- (i) access to their own original Research Records; and
- (ii) to copy their own Research Records.

**5.14** In the circumstance that certain Research Records are the property or in the possession of an Agency, the Respondent shall 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.

**5.15** Once the Office of the RIO has determined that there is sufficient evidence of possible Research Misconduct to warrant an investigation, the Complaint may not be retracted.

## **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.

The Committee shall consist of three (3) members, all appointed by the RIO:

- (i) two (2) members with relevant knowledge and expertise appointed from a panel of between ten (10) and twelve (12) established in accordance with the procedures set out in section 6.8.

- (ii) one (1) external member who has no current affiliation with the University. In the event that none of the members appointed pursuant to paragraph (i) have expertise specific to the relevant topic of research, the external member shall be an expert on such topic.

**6.2** In the event that a Complainant or Respondent is a graduate student or postdoctoral fellow, the Committee shall be comprised of four (4) members, with the Dean of Graduate and Postdoctoral Studies, or delegate, serving as a fourth (4th) member.

**6.3** In the event of the recusal of a member of the Committee, the vacancy shall be filled in accordance with the above provisions.

**6.4** The RIO shall select a chair from amongst the Committee members.

**6.5** The RIO, 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 RIO shall notify the Respondent and Complainant of the composition of the Committee.

**6.7** Within three (3) 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 the Complainant. The validity of a challenge shall be determined by the RIO, whose determination shall be final.

**6.8** There shall be a panel of between ten (10) and twelve (12) members of the academic staff of acknowledged standing and expertise, half of whom shall be bilingual (French/English), appointed to staggered terms of office of four (4) years commencing on September 1st, as follows:

- (i) Prior to March 1st of each year, the Secretary-General shall request from the President of the McGill Association of University Teachers (M.A.U.T.) and the 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 panel shall be composed of a diverse group of members reflective of the diversity of the University Community.

## **7. MANDATE OF THE COMMITTEE ON RESEARCH MISCONDUCT**

**7.1** The mandate of the Committee shall be to investigate the allegation and determine whether Research Misconduct occurred and, as the case may be: the circumstances under which Research Misconduct occurred; the extent and severity of Research Misconduct; the degree of intent of the part of the Respondent.



**7.2** The Committee shall report in writing, on its finding of facts and on its determination of whether Research Misconduct occurred as described above.

## **8. COMMITTEE PROCEDURES**

**8.1** The Committee shall conduct its investigation in accordance with the principles of procedural equity and in accordance with the procedures described below and in the guidelines on procedures as modified from time to time.

**8.2** The determination is made by a majority vote. In the event of a tie in voting, the chair of the Committee shall have a casting vote.

**8.3** The Committee shall determine the facts relevant to and the validity of the allegations brought to its attention by the RIO. To this end, the Committee shall hold a hearing. It 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;
- (iv) cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.

**8.4** The Respondent has the right to be heard as part of an investigation. The Complainant shall have an opportunity to be heard as part of an investigation unless the Committee concludes that the Complainant cannot provide factual information relevant to the investigation.

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

**8.6** The Committee shall notify the RIO and the Respondent of the names of any Experts appointed to assist it.

**8.7** The Committee may also notify the Complainant of the identity of such Experts for the purpose of whether bias or conflicts of interest may arise.

**8.8** Within 3 Days of such notification, the Respondent and the Complainant may challenge the appointment of any Expert for bias or conflict of interest.

**8.9** The validity of a challenge shall be determined by the chair of the Committee whose determination shall be final.

**8.10** The RIO shall attend the hearings of the Committee.

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

**8.12** 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.

**8.13** The Respondent and Witnesses, including the Complainant if called as a Witness, may be accompanied by an Advisor.

**8.14** The Respondent and the Committee may call Witnesses from within or outside the University.

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

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

**8.17** The Witnesses and Experts shall address the substance of the allegations before the Committee.

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

**8.19** The Respondent and the Respondent's Advisor shall be entitled to reasonable access to the record of the matter.

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

**8.21** If the Respondent or such other person fails to attend the hearing without reasonable explanation, the Committee may proceed with the hearing in their absence.

**8.22** The Committee, with the assistance of the Office of the RIO, 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 Committee's conclusions.

**8.23** Any finding of Research Misconduct by the Committee shall be based on a preponderance of the evidence.

**8.24** The Committee may request that the RIO exercise one of the duties or rights held by the RIO and Office of the RIO pursuant to section 5.11 (iv), (v), and (vi).

**8.25** Except during the hearing, all communications between the Committee and the Respondent, and as the case may be, the Complainant, shall be carried out through the RIO.

## **9. TIMELINE OF AN INVESTIGATION**

**9.1** The Committee shall conclude its investigation and submit its preliminary report within sixty (60) Days of the notification to the Respondent of the opening of an investigation provided for at section 5.11 (i).

**9.2** If the Committee, for good cause, is unable to comply with any specified delays, it shall provide written reasons for its inability to do so to the RIO and, if appropriate, the Agency, and request an extension.

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

- (i) the unique file identification number assigned to the allegation;
- (ii) the names of the members of the Committee and their area of expertise;
- (iii) the names of any Experts appointed by the Committee;
- (iv) the names of the persons invited to appear before the Committee;
- (v) the names of the Agencies supporting the research in question;
- (vi) the name of the Respondent;
- (vii) the name of the Complainant, if known;
- (viii) a statement of the allegation(s) of Research Misconduct;
- (ix) a summary of the relevant evidence;
- (x) a summary of the process and timelines followed for the investigation;
- (xi) the Committee's analysis of the facts and evidence;
- (xii) the Committee's conclusion as to whether or not there has been Research Misconduct;
- (xiii) an assessment of whether the Research Misconduct was the result of an Honest Error;
- (xiv) an assessment of the impact of the Research Misconduct, if applicable, making it possible to judge its seriousness;
- (xv) the Committee's recommendation as to the appropriate disposition of the case, sanctions and actions aimed at remedying any harm caused or correcting the scientific record;
- (xvi) the Committee's recommendations as to whether any agency, institution, professional society, journal or any other relevant party should be notified of the outcome of the investigation;
- (xvii) any other recommendations that the Committee feels are appropriate in the circumstances of the case including notifications pursuant to section 14;
- (xviii) a determination as to whether the allegation is a Good Faith Allegation.

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

**9.5** Within fifteen (15) Days of receiving the Respondent's comments, the final report of the Committee, together with the Respondent's comments, if any, shall be submitted by the RIO to the Secretary General, the VP-RI with a copy to the Respondent, and the Dean(s).

## **10. DECISION BY THE VP-RI**

**10.1** As soon as practicable but no later than ten (10) Days after receipt of the report the VP- RI shall decide whether to accept the Committee's findings or recommendations.

**10.2** The VP-RI shall not be required to meet with the Complainant, Respondent, RIO or any other person prior or subsequent to making a decision.

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

In the event that the allegation of Research Misconduct is not substantiated, but the RIO or the Committee has made recommendations, the VP-RI shall take appropriate action in accordance with the regulations, policies, codes or collective agreement to which the Respondent is subject.

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

- (i) the VP-RI shall refer the matter to the Disciplinary Officer so that appropriate action is taken 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 Disciplinary Officer.

**10.5** If the VP-RI does not accept the recommendations of the Committee, the VP-RI shall provide substantive written reasons to the RIO, the chair of the Committee, and the Respondent.

**10.6** The VP-RI shall communicate the decision, with reasons, in writing to the chair of the Committee, the RIO, the Respondent, and the Dean, and the Secretary General, and, where appropriate to:

- (i) other relevant University authorities;
- (ii) the Agency in accordance with the procedures as set out at section 14; and
- (iii) the Complainant, subject to the laws concerning privacy and protection of personal information, and after seeking advice of the RIO.

**10.7** The VP-RI shall determine on the basis of the recommendations of the Committee 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.

**10.8** The VP-RI and the Disciplinary Officer shall send a copy of their decisions and status reports if any, to the RIO.

## **11. SANCTIONS AND OTHER MEASURES**

**11.1** Where Research Misconduct is found, the VP-RI shall consider whether any action should be taken. If the VP-RI is of the view that disciplinary or administrative action is required, the VP-RI shall refer the matter to the Disciplinary Officer to take measures consistent with established University policy and proportional to the nature, impact and severity of the misconduct, the context in which the misconduct occurred and its repetitive nature.

**11.2** The Disciplinary Officer may implement administrative measures aimed at increasing relevant training for researchers, repairing harm caused or correcting the scientific record, where applicable and disciplinary measures, as appropriate. The Disciplinary Officer may choose measures aimed at minimizing the negative consequences of the Research Misconduct, where possible.

**11.3** Where it has been determined, in accordance with the procedures set in this Regulation, that a Complainant who is a Member of the University Community has filed a complaint that is not a Good Faith allegation, the matter will be referred by the VP-RI to the Complainant's Disciplinary Officer.

**11.4** In determining sanction and other measures to be implemented, the Disciplinary Officer shall take into account the assessment of the Committee or, as the case maybe, the RIO, concerning whether the Research Misconduct was the result of an Honest Error.

**11.5** The VP-RI, the Provost and the Disciplinary Officer shall ensure that the RIO receives a copy of their decisions and of any follow up reports concerning such decisions.

## **12. APPEALS**

**12.1** Within ten (10) Days after receiving the final report of the Committee and the VP-RI, the Respondent may make an appeal to the Provost by way of written notice of appeal.

**12.2** Grounds for such an appeal shall be limited to:

- (i) failure to follow proper procedures as provided in these Regulations;
- (ii) or evidence of bias on the part of the Committee;
- (iii) existence of new evidence that was not known or available to the Respondent, as the case may be at the time of hearing.

**12.3** The Appeal shall stay the implementation of the decision of the VP-RI.

**12.4** The notice of appeal shall succinctly set out the complete and substantive reasons for the appeal and state on which of the described in section 12.2 the appeal is based.

**12.5** 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. The Provost will, within thirty (30) Days of the notice of appeal, determine whether or not there are valid grounds for the appeal as described in section 12.2.

**12.6** Should the Provost determine that there are no valid grounds under these Regulations for an appeal, the appeal will be dismissed.

**12.7** Should the Provost find that there are valid grounds for an appeal, then the Provost determines on the basis of which grounds the appeal is granted and shall inform the Respondent, RIO, Complainant, and where required, the Agency in accordance with section 14, that a new hearing before a new Committee shall be initiated. The Provost shall be free to give to such Committee any guidance he deems appropriate concerning the process to be followed and the conduct of the hearing.

**12.8** There shall be no appeal of the decision of the Committee mentioned in section 12.7.

## **13. GENERAL PROVISIONS**

**13.1** Respondent's Admission

**13.1.1** If the Respondent admits to the Research Misconduct during an inquiry, the inquiry may be 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 the right to consult an Advisor. The RIO shall submit a report containing the assessments described in section 9.3 (xiii) and (xiv) and recommendations as to the appropriate disposition of the matter to the VP-RI, together with a statement from the Respondent if the Respondent

wishes to add such a statement to the record. For the purpose of making a decision, the VP-RI shall proceed in accordance with section 11.

**13.1.2** If the Respondent admits to the Research Misconduct during an investigation, the Committee shall invite the Respondent to sign the statement described at section 13.1.1. Together with the Respondent's statement of admission, the Committee shall submit a final report in accordance with the requirements set out at section 9.3 of these Regulations, together with the Respondent's statement of admission.

**13.1.3** A signed admission may be used as a basis for closing an inquiry or investigation in accordance with sections 13.1.1 and 13.1.2.

### **13.2 Termination of Respondent's Relationship with University**

**13.2.1** 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.

**13.2.2** If the Respondent refuses to participate in the Research Misconduct investigation process after the termination for any reason, including resignation, 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.

### **13.3 Protection of Parties**

**13.3.1** All parties involved in the investigation of a research misconduct allegation, including the RIO, the Committee on Research Misconduct and the VP-RI, 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 these Regulations.

**13.3.2** 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.

**13.3.3** All parties involved in the investigation of a research misconduct allegation, including the RIO, the Committee on Research Misconduct and the VP-RI, shall make diligent efforts, which, in their opinion, are necessary to protect the privacy and reputation of a Complainant who has made a Good Faith Allegation, taking into account their duties pursuant this Regulation.

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

The University shall take all reasonable measures to ensure that the academic standing and reputation of third parties such as students, postdoctoral fellows, technicians, research assistants, research associates or members of the academic staff is not prejudiced by any investigation, or by any administrative actions and/or disciplinary proceedings that may be instituted.

### **13.5 Extension of Delays by RIO**

If it is not reasonably possible to respect the delays as set out under these Regulations, the RIO shall be allowed to extend them within reason. In the event that the required extension falls outside of the appropriate Agency's delays, the RIO shall report such a delay to the Agency, in accordance with the reporting requirements under section 14 and request permission for an extension, where appropriate.

## **14. REPORTING REQUIREMENTS**

**14.1** Reporting to the Agency shall be the responsibility of the RIO. The RIO shall report in accordance with the requirements of the appropriate Agency.

**14.2** Any party requested to report to the Agency pursuant to these Regulations shall do so through the RIO.

**14.3** Annual Report to the Senate and Board of Governors

Once per academic year, the RIO shall make a non-nominative report to Senate, the Board of Governors, and to the Agency, where applicable, 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.

**14.4** 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 and the Committee.

**14.5** 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.

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

## **15. IMPLEMENTATION AND DISSEMINATION**

**15.1** The Office of the RIO shall oversee the implementation and dissemination of these Regulations in order to ensure that a culture of responsible conduct of research is fostered within the University.

**15.2** The Office of the RIO shall maintain a webpage on which it shall post annually information on confirmed findings of Research Misconduct, subject to applicable laws, including privacy laws.

## **PART III – AUTHORITY TO APPROVE PROCEDURES**

N/A

## **PART IV – REVIEW**

### **16. REVIEW OF REGULATIONS**

**16.1** After a further five years, these Regulations shall be reviewed by a working group comprised of the RIO; the Provost or delegate; the VP-RI 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 the Senate Nominating Committee.