



**503rd REPORT OF THE ACADEMIC POLICY COMMITTEE TO SENATE
on the APC meeting held on February 18th, 2021**

I. TO BE APPROVED BY SENATE

(A) NEW TEACHING PROGRAMS REQUIRING SENATE APPROVAL - none

(B) ACADEMIC PERFORMANCE ISSUES / POLICIES / GOVERNANCE/AWARDS

**Office of the Vice-Principal (Research and Innovation)
Regulations Concerning the Investigation of Research Misconduct – *appendix A***

At a meeting on February 18th, 2021, APC reviewed and approved the proposed revisions to the Regulations Concerning the Investigation of Research Misconduct, submitted after an extensive consultation process within the University. The purpose of the proposed amendments is to clarify and streamline, where possible, the overall process and to reduce the delays from complaint to final decision and therefore comply with the agencies' rules. They include changes to the reporting mechanisms and the number of people sitting on the committees and a clarification of the role of the Research Integrity Officer and of the appeal process, amongst others.

Be it resolved that Senate approve and recommend to the Board of Governors for approval the proposed revisions to the Regulations Concerning the Investigation of Research Misconduct.

**Graduate and Postdoctoral Studies Office
Regulations on Graduate Student Supervision – *appendix B***

At a meeting on February 18th, 2021, APC reviewed and approved the proposed revisions to the Regulations on Graduate Student Supervision. Upon approval, it will be mandatory for doctoral students and their supervisors to sign a Letter of Understanding. Letters of Understanding will also be recommended for Master's students, but not mandatory.

Be it resolved that Senate approve the proposed revisions to the Regulations on Graduate Student Supervision.

(C) CREATION OF NEW UNITS / NAME CHANGES / REPORTING CHANGES - none

(D) CHANGES IN DEGREE DESIGNATION – none

(E) INTER-UNIVERSITY PARTNERSHIPS – none

(F) OTHER - none

II. TO BE ENDORSED BY SENATE / PRESENTED TO SENATE FOR DISCUSSION – none

III. APPROVED BY APC IN THE NAME OF SENATE

(A) **DEFINITIONS** – *none*

(B) **STUDENT EXCHANGE PARTNERSHIPS / CONTRACTS / INTERUNIVERSITY PARTNERSHIPS** - *none*

(C) **OTHER** – *none*

IV. **FOR THE INFORMATION OF SENATE**

A) **ACADEMIC UNIT REVIEWS** - *none*

B) **APPROVAL OF COURSES AND TEACHING PROGRAMS**

1. **Programs**

a) APC Approvals (new options/concentrations and major revisions to existing programs)

i. New Programs - *none*

ii. Major Revisions of Existing Programs - *none*

b) APC Subcommittee on Courses and Teaching Programs (SCTP) Approvals
(Summary Reports: <http://www.mcgill.ca/sctp/documents/>)

i. Moderate and Minor Program Revisions

Approved by SCTP on December 3rd, 2020 and reported to APC on February 18th, 2021

Faculty of Arts

B.A.; Honours in East Asian Studies (60 cr.)

B.A.; Joint Honours – East Asian Studies Component (36 cr.)

Graduate and Postdoctoral Studies

Faculty of Arts

M.A. in English (45 cr.)

Faculty of Education

M.A. in Education and Society; Non-Thesis (45 cr.)

Faculty of Medicine and Health Sciences

B.Sc. (Nursing) (103 cr.)

Schulich School of Music

B.Mus.; Major in Performance Jazz (126 cr.)

Approved by SCTP on January 7th, 2021 and reported to APC on February 18th, 2021

Faculty of Arts

B.S.W. (90 cr.)

School of Continuing Studies

Certificate in Proficiency in English Language and Culture (160 CEUs)

Professional Development Certificate in Business Analysis (33.5- 35 CEUs)

Faculty of Engineering

B.Eng.; Minor in Aerospace Engineering (24 cr.)

B.Eng. in Computer Engineering (133 -137 cr.)

B.Eng. in Electrical Engineering (134-138 cr.)

B.Eng.; Honours in Electrical Engineering (138-142 cr.)
B.Eng. Co-op in Software Engineering (141-144 cr.)
B.S.E. (136-140 cr.)
B.Eng.; Minor in Applied Artificial Intelligence (22-25 cr.)

Graduate and Postdoctoral Studies

Faculty of Arts

M.A.in Economics (45 cr.)
M.A. in German (45 cr.)
M.A. in Hispanic Studies (45 cr.)

Faculty of Medicine and Health Sciences

M.Sc.(A.) in Communication Sciences and Disorders; Non-Thesis – Speech Pathology (82 cr.)
M.Sc.(A.) in Nurse Practitioner; Non-Thesis – Mental Health (45 cr.)
Graduate Certificate in Mental Health Nurse Practitioner (21 cr.)
Graduate Diploma in Oncology (30 cr.)

Faculty of Science

B.Sc.; Major in Computer Science; Computer Games (62-65 cr.)
B.Sc.; Honours in Atmospheric Science (72-74 cr.)
B.Sc.; Major in Atmospheric Science (60-62 cr.)
B.Sc.; Major in Atmospheric Science and Physics (69 cr.)
B.Sc.; Honours in Mathematics and Computer Science (72-78 cr.)
B.Sc.; Major in Statistics (54-57 cr.)

Approved by SCTP on January 28th, 2021 and reported to APC on February 18th, 2021

Faculty of Science

B.Sc.(Kinesiology); Major in Kinesiology (90 cr.)

ii. **Program Retirements**

Approved by SCTP on December 3rd, 2020 and reported to APC on February 18th, 2021

School of Continuing Studies

Certificate in Translation; English to Spanish (30 cr.)
Certificate in Translation; French to English (30 cr.)
Certificate in Translation; French/English to Spanish (30 cr.)
Certificate in Translation; Spanish to English (30 cr.)
Certificate in Translation; Spanish to French (30 cr.)

Graduate and Postdoctoral Studies

Faculty of Engineering

M.Arch. (Professional); Non-Thesis- Design Studio (45 cr.)

Schulich School of Music

B.Mus.; Major in Performance Jazz (Saxophone, Trumpet, Trombone, Drums, Piano, Guitar, Bass, Voice) (126 r.)

Approved by SCTP on January 7th, 2021 and reported to APC on February 18th, 2021

School of Continuing Studies

Certificate in Proficiency in English Language and Culture (Intensive) (160 CEUs)

Faculty of Engineering

B.Eng. in Mechanical Engineering; Aeronautical Engineering (15 cr.)
B.Eng.; Honours in Mechanical Engineering; Aeronautical Engineering (15 cr.)

Graduate and Postdoctoral Studies

Faculty of Engineering

M.Eng. in Mechanical Engineering (45 cr.)

Faculty of Medicine and Health Sciences

Graduate Certificate in Theory in Mental Health (15 cr.)

Faculty of Science

M.Sc. in Mathematics and Statistics; Bioinformatics (48 cr.)

Ph.D. in Mathematics and Statistics; Bioinformatics (0 cr.)

2. Courses

a) New Courses

Reported as having been approved by SCTP on December 3rd, 2020:3

Faculty of Agricultural and Environmental Sciences: 1

Faculty of Arts: 1

Faculty of Engineering: 1

Reported as having been approved by SCTP on January 7th, 2021:19

Faculty of Arts: 3

School of Continuing Studies: 1

Faculty of Engineering: 2

Desautels Faculty of Management: 2

Faculty of Medicine and Health Sciences: 10

Faculty of Science: 1

b) Course Revisions

Reported as having been approved by SCTP on December 3rd, 2020:28

Faculty of Arts: 14

School of Continuing Studies: 7

Faculty of Engineering: 3

Schulich School of Music: 4

Reported as having been approved by SCTP on January 7th, 2021:53

Faculty of Agricultural and Environmental Sciences: 2

Faculty of Arts: 12

School of Continuing Studies: 10

Faculty of Engineering: 1

Faculty of Law: 3

Faculty of Medicine and Health Sciences: 21

Schulich School of Music: 4

Reported as having been approved by SCTP on January 28th, 2021:14

School of Continuing Studies: 1

Faculty of Education: 3

Faculty of Medicine and Health Sciences: 10

c) Course Retirements

Reported as having been approved by SCTP on December 3rd, 2020:1

Faculty of Arts: 1

Reported as having been approved by SCTP on January 7th, 2021:9

Faculty of Agricultural and Environmental Sciences: 1

Faculty of Arts: 4

Faculty of Medicine and Health Sciences: 4

Reported as having been approved by SCTP on January 28th, 2021:3

Faculty of Education: 3



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Memorandum Note de service

Office of the Provost and Vice-Principal (Academic)

Date: February 18, 2021

To/Destinataire(s): Christopher Manfredi, Provost and Vice-Principal (Academic), Chair of APC

From/De la part de: Martha Crago, Vice-Principal (Research and Innovation)

c.c. Julie Degans, Academic Program Officer

Subject/Object: Proposed Revisions to the *Regulations Concerning the Investigation of Research Misconduct*

For: Decision

Purpose:

The *Regulations Concerning the Investigation of Research Misconduct* were last reviewed in February 2016. The current *Regulations* call for a review after every three years, along with the formation of a Working Group approved by Senate Nominating to review any proposed changes. Consultation and approval from APC is now requested regarding the proposed changes.

Background:

The Senate Nominating Working Group membership was composed of:

Martha Crago, Vice-Principal (Research and Innovation); Angela Campbell, Associate Provost (Equity and Academic Policies); Josephine Nalbantoglu, Dean, Graduate and Postdoctoral Studies; David Ragsdale, Deputy Research Integrity Officer; Petra Rohrbach, Faculty of Agricultural and Environmental Sciences/Parasitology (MAUT); Shari Baum, Faculty of Medicine/Communication Sciences & Disorders (CIHR-funded); John Stix, Faculty of Science/Earth & Planetary Sciences (NSERC-funded); Tabitha Sparks, Faculty of Arts/English (SSHRC-funded); Ljubomir Raicevic, Faculty of Arts/Philosophy (Graduate Student); Ghyslaine McClure, Faculty of Engineering/Civil Engineering (All Other Academic Classifications); N/A (Post-Doctoral).

Christina Wolfson, Research Integrity Officer and Line Thibault, General Counsel, Legal Services as Advisory.

The following revisions are proposed (see *Document 02* and *Document 03*):

1. Alignment of the reporting mechanism with the mechanisms of FRQ and Tri-Agency
2. Recommendation that the Research Integrity Officer (RIO) be responsible for all reporting, instead of leaving it to the RIO, VP (RI) and PVPA depending on what is being reported
3. Review of the delays generated by the overall process, from receipt of a complaint to final decision, as the current process is not in line with the agencies' rules
4. Streamlining the appointment process for Committee members and updates to the number of Committee members
5. Clarification of the role of RIO as a guide to the Committee
6. Recommendation of more robust administrative support and the creation of an Office of the RIO
7. Clarification of expectations concerning the content of the Committee report, in line with the agencies' rules, which are very specific in that respect
8. Clarification and improvement of the appeal process

9. Addition of provisions meant to ensure that the Complainant is sufficiently informed of the process and the outcome, while the privacy of the Respondent is sufficiently protected, as a matter of transparency and respect, without making the Complainant a party to the proceedings

Benchmarking with U15 policies to ensure alignment has been conducted and is available upon request.

Prior consultations/approvals:

- October 2019 – May 2020: Internal discussions between the Office of the Vice-Principal (Research and Innovation) and Legal Services
- June 4 and September 8, 2020: McGill Association of University Teachers (MAUT)
- November 13 and 27, 2020: Senate Nominating Working Group as stipulated in the Regulations
- December 7, 2020: Electronic consultation with Faculty Deans
- December 17, 2020: Senior administration (P7)
- January 19, 2021: Research Advisory Council (RAC)

Next steps:

- February 24, 2021: Submit to Senate
- March 25, 2021: Submit to the Executive Committee of the Board for final approval

Attachments:

01. Memo
02. Summary of Proposed Changes
03. Side by Side Table of Regulations

Regulations Concerning the Investigation of Research Misconduct

Summary of Amendments by Legal Services

		Sections Referenced in Amended Regulations
1.	Alignment of the reporting mechanism with the mechanisms of FRQ and Tri-Agency. Recommendation that the RIO be responsible for all reporting, instead of leaving it to the RIO, VP (RI) and PVPA depending on what is being reported, as provided in the current Regulations. This will be greatly appreciated by the granting agencies, which appreciate having a single point of contact;	See section 14
2.	Review of the delays generated by the overall process, from receipt of a complaint to final decision, as the current process is not in line with the agencies' rules;	See sections 5.1, 5.5, 8.8, 9.1, 10.1.
3.	In order to increase efficiency and reduce delays, recommendation of: <ol style="list-style-type: none"> a. a new streamlined process for appointment of Committee members, which would be done by the RIO, instead of the SG and VPs/Deans. This also facilitates the process of checking for conflicts of interests. b. a smaller number of members to sit on the Committee, with 2 chosen from the list established by Senate and one external (as required by the Agencies) who has no current affiliation with the University; 	See sections 5.11(ii), 6, and, in particular, sections 6.1 and 6.2.
4.	Clarification of the role of RIO (decision maker at the time of inquiry i.e.: first level of review), as guide to the Committee if one is struck, but not "prosecutor" as some members of the community appear to consider it;	See sections 3.1, 3.3, 3.4, 3.6, 5.5, 5.6, 5.10 and 5.11.
5.	Creation of an office of the RIO, which may include more than one Deputy (in order to deal with volume from time to time, but also cases where the RIO is in a conflict of interest). Recommendation of more robust administrative support, which would enhance the University's ability to deliver and be perceived as a good partner by the granting agencies;	See section 3. See, in particular, section 3.2.
6.	Clarification of expectations concerning the content of the Committee report, in line with the agencies' rules, which are very specific in that respect;	See section 9.4.

7.	<p>Clarification and improvement of the appeal process in the current regulations (which is required per agencies policies).</p> <p>Recommendation that:</p> <ol style="list-style-type: none"> a. the decision of a Committee be sent to the VP (RI) for implementation (instead of the PVPA as it is now). We clarify what steps VP (RI) will take then and to whom VP (RI) will send the matter if disciplinary or administrative measures should be taken in consideration of the Committee report; b. if the Respondent wants to appeal the decision of the Committee the Respondent can file an appeal with the PVPA which then suspends VP (RI)'s decision until the PVPA has decided on the appeal; c. the appeal is limited to 3 grounds: bias; failure to follow procedural equity at the Committee level, and existence of new evidence that was not known or available to the Respondent at the time of the hearing of the Committee; If the Provost allows the appeal, then the case goes back to another Committee. Meanwhile the VP (RI) decision would be suspended until a new decision is made; 	<p>See section 12. See, in particular, sections 12.1, 12.2, 12.3 and 12.7.</p> <p>See also section 9.5.</p>
8.	<p>Addition of provisions meant to ensure that the Complainant is sufficiently informed of the process and the outcome, while the privacy of the Respondent is sufficiently protected, as a matter of transparency and respect, without making the Complainant a party to the proceedings. This is particularly important when complainants are human participants of research and graduate students complaining of research misconduct by their supervisors.</p>	<p>See sections 5.7, 5.8, 5.10, 5.11, 6.6, 6.7, 8.7, 8.8, 10.6(iii) and 13.3.3.</p>

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
PREAMBLE		PREAMBLE		
Par.1	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.	Par.1	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 <u>promotion of research integrity and the</u> ongoing education of the members of its community in matters of research integrity.	
Par.2	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.	Par.2	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.	<p>Note: All agencies require that there be a procedure in place. Agency requirements for institutions to have policies and procedures in place:</p> <ul style="list-style-type: none"> • TAF: see ss. 4.2(a), 4.5(a) • FRQ: see s.5.2.2 • ORI: “Research institutes bear the primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation and adjudication of research misconduct...”

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<p>Par.3 These Regulations, which apply to all allegations of research misconduct, regardless of the discipline involved, establish a procedural framework that will:</p> <ul style="list-style-type: none"> o ensure a prompt and appropriate response whenever an allegation of research misconduct is made; and o ensure the protection of the interests of: <ul style="list-style-type: none"> • 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. 	<p>Par.3 These Regulations, which <u>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</u> apply to all allegations of research misconduct, regardless of the discipline involved. <u>These Regulations</u> establish a procedural framework that will:</p> <ul style="list-style-type: none"> o <u>ensure the promptness, impartiality, fairness and transparency of the University’s response to allegations of research misconduct a prompt and appropriate response whenever an allegation of research misconduct is made; and</u> o ensure the protection of the interests of: <ul style="list-style-type: none"> • <u>those alleged to have engaged in research misconduct;</u> • <u>those making allegations of research misconduct;</u> • <u>those making Good Faith Allegations of research misconduct;</u> • those who, while not directly implicated in, are nevertheless directly affected by, allegations of misconduct; • <u>Human Participants;</u> • the University and its affiliated institutions; • the funding agencies and other sponsors of research; and • the public. 	<p>FRQ: “Institutions should manage allegations of breach of responsible conduct of research involving their researchers, students or research personnel as prescribed by their institutional policy and in accordance with known principles of procedural fairness and natural justice.” (5.2.4 of FRQ)</p> <p>ORI Section 4 of the <i>ORI</i> provides guidelines for a fair and timely procedure</p>

<i>Regulations Concerning the Investigation of Research Misconduct</i>	Proposed Changes	Comments / Recommendations
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1. DEFINITIONS		1. DEFINITIONS		
	For the purposes of this policy:		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.	1.1	“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 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.	1.2	“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.	1.3	“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.	1.4	“Committee” means the group assembled to investigate allegations of Research Misconduct.	
1.5	“Complainant” means a person who makes an allegation of Research Misconduct.	1.5	“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.	1.6	“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.	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
		1.7	<u>“Day” means working days.</u>	
1.7	“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.	1.8	“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	<u>“Disciplinary Officer” means a member of the staff of the University having disciplinary power over a Respondent.</u>	
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.	1.10	“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.	
1.9	“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.	1.11	“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	<u>“Honest Error” means an accidental or inadvertent mistake made in good faith while using a normal degree of care and attention.</u>	
		1.13	<u>“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).</u>	Comment: Addition of the definition of human participants as a means of clarifying its use throughout the Regulations. This definition aligns with the one used in the <i>Tri-Council Policy Statement TCPS (2)</i> .

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes	Comments / Recommendations
1.10	“Member of the University Community” 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 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.	1.14 “Member of the University Community” 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 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. <u>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.</u>	Comment: This is the definition of “Member of the University Community” provided for in other University policies. We are proposing this definition in order to keep a consistency between all of the policies. However, a consideration might be that this proposed definition does not cover staff of the institutes over whom the University has no jurisdiction, except if there is an agreement to this effect. This also excludes staff of affiliated institutions who are not staff of the University itself.
1.11	“Plagiarism” ¹ means presenting and using another's published or unpublished work, including theories, concepts, data, source material, methodologies or findings, including graphs and images, as one's own, without appropriate referencing and, if required, without permission. ¹ <i>Tri-Agency Framework: Responsible Conduct of Research, Section 3.1 Breaches of Agency Policies, p 5</i>	“Plagiarism”¹ means presenting and using another's published or unpublished work, including theories, concepts, data, source material, methodologies or findings, including graphs and images, as one's own, without appropriate referencing and, if required, without permission. ¹ <i>Tri-Agency Framework: Responsible Conduct of Research, Section 3.1 Breaches of Agency Policies, p 5.</i>	Comment: This definition is an anomaly. No other element of Research Misconduct is defined.
		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.	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<p>1.12 “Research Misconduct” includes, but is not limited to the definitions of the funding agencies for such misconduct, for example: fabrication, falsification, 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. Research Misconduct does not include:</p> <ul style="list-style-type: none"> (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) alleged Plagiarism by students 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 reviewed as Research Misconduct. 	<p>1.17 “Research Misconduct” includes, but is not limited to the definitions of the funding agencies for such misconduct – 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 <u>Human Participants and animals used in research</u>. Research Misconduct does not include:</p> <ul style="list-style-type: none"> (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) 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. <p><u>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.</u></p>	<p>Comments: The choice to continue to use the term “Research Misconduct”, rather than using the term “breach”, was made in order to align with what many peer comparable Universities do. Note that the last paragraph of this section clarifies what happens in the event of a discrepancy.</p> <p>Breach vs Research Misconduct. Both the TAF and the FRQ use the term “Breach”, however, the ORI uses “Misconduct”.</p> <ul style="list-style-type: none"> • TAF uses “allegation of a breach of Agency policy”, “breach of Agency policy” or “breach of responsible conduct of research policies” • FRQ uses “breach of responsible conduct of research allegations”, “breach of responsible conduct” • ORI uses “Research Misconduct” <p><u>“Breach” is used by:</u> U of Sherbrooke <u>“Research Misconduct” is used by:</u> U of T, UBC “Scholarly Misconduct” and UAB</p>
<p>1.13 “Research Record” includes any Data or Results in any medium.</p>	<p>1.18 “Research Record” includes any Data or Results in any <u>form</u>.</p>	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
1.14	“Respondent” means 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. 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.	1.19	“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 Respondent also includes (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.	
1.15	“Results” means the project’s findings, including conclusions and outcomes, reached in the research in question.	1.20	“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.	1.21	“Witness” means a person who testifies before the Committee.	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
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2. PROHIBITION OF RESEARCH MISCONDUCT		2. PROHIBITION OF RESEARCH MISCONDUCT		
2.1	<p>No Member of the University Community shall:</p> <ul style="list-style-type: none"> (i) engage in Research Misconduct; or (ii) make an allegation of Research Misconduct that is not a Good Faith Allegation. 	2.1	<p>No Members of the University Community shall:</p> <ul style="list-style-type: none"> (i) <u>not</u> engage in Research Misconduct; or (ii) make <u>only Good Faith Allegations</u> of Research Misconduct that is not a Good Faith Allegation. 	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
3. RESEARCH INTEGRITY OFFICER		3. RESEARCH INTEGRITY OFFICER <u>AND OFFICE OF RESEARCH INTEGRITY OFFICER</u>		Substantive Changes: Creation of an office of the RIO, which may include more than one Deputy (in order to deal with volume from time to time, but also cases where the RIO is in a conflict of interest). Recommendation of more robust administrative support, which would enhance the University's ability to deliver and be perceived as a good partner by the granting agencies; See Section 3 and, in particular, s. 3.2.
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	The Principal, following consultation with the Provost and the Vice-Principal (Research and <u>Innovation</u>) Relations- (the "VP-RI") , shall appoint from the academic staff of the University a Research Integrity Officer ("RIO"), <u>who shall be the head of the Office of the Research Integrity Officer (the "Office of the RIO")</u> and <u>a Deputy Research Integrity Officers.</u>	Substantive Changes: Clarification of the role of RIO (decision maker at the time of inquiry i.e.: first level of review), as guide to the Committee if one is struck, but not "prosecutor" as some members of the community appear to consider it. See ss. 3.1, 3.3, 3.4, 3.6, 5.5, 5.6, 5.10 and 5.11.
		3.2	<u>The Office of the RIO is provided with appropriate staff and assistance, financial or otherwise, in order to discharge its duties under these Regulations.</u>	
		3.3	<u>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.</u>	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<p>3.2 The RIO shall make diligent efforts to ensure that:</p> <ul style="list-style-type: none"> (i) the assessment or investigation of an allegation is conducted in a timely, objective, thorough, competent and fair manner and in accordance with these 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. 	<p>3.4 The RIO shall make diligent efforts to ensure that:</p> <ul style="list-style-type: none"> (i) <u>the inquiry stage and the assessment</u> investigation of an allegation <u>are is</u> conducted in a timely, objective, thorough, competent and fair manner <u>and</u> in accordance with <u>the principles of procedural equity and in accordance with</u> these Regulations; (ii) the <u>To this end, the RIO shall assist the</u> Committee on Research Misconduct <u>is provided assistance and guidance by the Office of the RIO</u> in its work; (iii) notifications <u>are is</u> provided to the Agency, if any, where required by the Agency's rules <u>in accordance with the reporting requirements under section 14.;</u> (iv) interim administrative actions are taken, as appropriate, to protect <u>Human Participants or animals used in research</u>, 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, <u>if any</u>, are carried out. (v) <u>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.</u> 	<p>Comment: We propose that all notices to the Agencies come from the RIO as a matter of consistency. It is in line with what the Agencies expect.</p>
<p>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.</p>	<p>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.</p>	<p>Moved to 3.4 (v)</p>
<p>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.</p>	<p>3.5 The A Deputy Research Integrity Officer shall serve as RIO <u>at the request of the RIO or only</u> in the event that the latter is unable to serve or is disqualified in a particular case for conflict of interest.</p>	<p>NOTE/Recommendation: Section (7.2.2(a)) of the FRQ provides that the RIO may appoint a person to assist in the assessment of the allegation at the inquiry stage. No such position exists at McGill. Further, there has been discussion that the RIO should have an office and small staff and training resources in Secretariat.</p>

<i>Regulations Concerning the Investigation of Research Misconduct</i>	Proposed Changes	Comments / Recommendations
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		3.6 <u>The Office of the RIO shall be the main point of contact with the Agencies concerning allegations of Research Misconduct.</u>	
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Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
4. RESPONSIBILITY TO REPORT 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: (i) to the RIO; or (ii) in accordance with provisions of the Policy on Safe Disclosure.	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, <u>in writing</u> : (i) to the RIO; or (ii) in accordance with provisions of the <i>Policy on Safe Disclosure</i> .	
4.2	Where a person is unsure whether a suspected incident constitutes Research Misconduct, guidance should be sought from the RIO.	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 retaliation.	4.3	A person who makes a Good Faith Allegation of Research Misconduct shall be entitled to protection from reprisal. retaliation.	Comment: Section 4.3.3(c) of the TAF requires there be a statement of this kind but uses the language of “reprisal” rather than retaliation. For reasons of consistency it would be better to use the Agency’s language.
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.	4.4	All Members of the University Community, including Complainants and Respondents, shall cooperate with the RIO, <u>the Deputy RIO</u> , and, if one is constituted, the Committee on Research Misconduct.	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<p>5. ASSESSMENT OF ALLEGATION</p>	<p>5. <u>INQUIRY</u>: ASSESSMENT OF ALLEGATION</p>	
<p>5.1 Within seven (7) calendar days of receiving an allegation of Research Misconduct, the RIO, in writing, shall:</p> <ul style="list-style-type: none"> (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 	<p>5.1 Within <u>five (5) Days</u> seven (7) calendar days of receiving an allegation of Research Misconduct, the RIO, in writing, shall:</p> <ul style="list-style-type: none"> (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. 	<p>Substantive Changes: Review of the delays generated by the overall process, from receipt of a complaint to final decision, as the current process is not in line with the agencies' rules. See changes also at ss. 5.1, 5.5, 8.8, 9.1 and 10.1.</p> <p style="text-align: center;">-----TAF-----</p> <p>Immediate Reporting Requirements: "Institution shall immediately report to the Agency or SRS any allegations related to activities funded by the Agency that may involve significant financial, health and safety, or other risks." (4.4(a))</p> <p>Timeliness Standard "Reasonable timelines for completing an inquiry, completing an investigation, reporting the findings, making a decision on what action should be taken, and communicating with the parties involved. The timelines must be within the reporting timeframes outlined in s.4.4." (4.3.4(d))</p> <p>Reporting Timeframe (4.4(d))</p> <ol style="list-style-type: none"> 1. Institution should submit inquiry letters or inquiry reports to the SRCR within <u>two months of receipt of an allegation</u>. 2. If an investigation is warranted, the institution has <u>an additional five months following the end of the inquiry</u> to conduct an investigation and submit its report to the SRCR. The institution therefore has <u>a total of seven months</u> from the date of receipt of an allegation that results in an investigation to report to the SRCR.

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
				<p style="text-align: center;">-----FRQ-----</p> <p>“The RCRO shall render a decision concerning the admissibility of a complaint.” (7.2.2(b))</p> <p>“The RCRO shall transmit a letter indicating the decision made regarding the allegation’s admissibility to the Director of Ethical and Legal Affairs at the FRQ, <u>within two months of receiving the complaint</u>. This letter must be devoid of personal information allowing identifying the concerned parties.” (7.2.2(c))</p>
		5.2	<u>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.</u>	Comment: This statement is a requirement under TAF s.4.3.3(e).
		5.3	<u>The RIO may also take interim measures and notify the Respondent of any such measures pursuant to section 3.4 of this Regulation.</u>	
		5.4	<u>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.</u>	
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 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.	5.5	<p>Within thirty (30) calendar d 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.</p> <p><u>Upon making such a determination, the RIO shall report the findings to the relevant Agency, in accordance with section 14.</u></p> <p><u>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.</u></p>	Comment re 5.5 para. 2: This is not meant to bring the investigation outside of the reporting requirements of the agencies. Rather, it is needed to vary the delays internally while complying to the agencies’ reporting deadlines. This provision is rarely necessary, but we need to provide for it so that inquiries or investigations are not set asunder because of unexpected delays that are generally caused by the parties being unable to respond quickly enough. Additionally, this provision enhances procedural fairness for the respondent.
5.3	In making the determination, the RIO:	5.6	In making the determination, the RIO:	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<ul style="list-style-type: none"> (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 or animal subjects, may consult with the chair of the committee charged with approval of the research. 	<ul style="list-style-type: none"> (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 <u>Human Participants or animals used in research</u>, may consult with the chair of the committee charged with approval of the research. 	
<p>5.4 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 external Experts.</p>	<p>5.7 Where feasible, the RIO shall <u>make reasonable efforts to protect the privacy of not disclose any nominative information relating to</u> the Complainant and -or the Respondent -when meeting with Members of the University Community or external Experts.</p>	<p>Substantive Changes: Addition of provisions meant to ensure that the Complainant is sufficiently informed of the process and the outcome, while the privacy of the Respondent is sufficiently protected, as a matter of transparency and respect, without making the Complainant a party to the proceedings. This is particularly important when complainants are humans that are subjects of research and graduate students complaining of research misconduct by their supervisors. See ss. 5.7, 5.8, 5.10, 5.11, 6.6, 6.7, 8.7, 8.8, 10.6(iii) and 13.3.3.</p> <p>TAF Requirement: “Confidentiality statement aimed at protecting the privacy of the complainant(s) and respondent(s).” (4.3.2)</p>
	<p>5.8 <u>The RIO shall advise the Complainant and the Respondent of the need to maintain confidentiality in order to protect their respective privacy.</u></p>	<p>Comment: This provision is not meant to prevent the Complainant or Respondent from consulting with their advisors and share information with them.</p>
<p>5.5 Anonymous allegations of Research Misconduct supported by substantive evidence may be acted upon by the RIO.</p>	<p>5.9 Anonymous allegations of Research Misconduct supported by substantive evidence may be acted upon by the RIO.</p>	<p>Agency Requirements: Required statement by FRQ (s. 7.2.1) and TAF (s.4.3.3(c)).</p>

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
				Comment: This provision does not oblige the RIO to proceed and it clarifies that the RIO can proceed only if there is substantive evidence.
5.6	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 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.	5.10	If the RIO determines that there is not sufficient evidence of possible Research Misconduct to warrant an investigation, the RIO shall, within 10 d Days of making that determination, so notify the Respondent and the Complainant in writing, with reasons. and 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. <u>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.</u>	
5.7	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 and so notify in writing: the Respondent; the Chair and Dean; 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 funding 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), 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 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	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, <u>in accordance with the procedure set out at section 7,</u> and so notify in writing: the Respondent, Chair and the Dean, and 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, <u>the funding Agency in accordance with reporting requirements as set out under section 14.</u> 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 <u>appoint the members of the request the Dean, the Vice-Principal (Research and International Relations), the Secretary-General and the Dean of Graduate Studies, where appropriate, to advise the RIO of the names of their appointees to the</u> Committee on Research Misconduct; (iii) shall invite the Respondent to meet with the RIO to <u>review discuss</u> the investigation process; (iv) <u>shall,</u> where an allegation of Research Misconduct includes mismanagement of research funds, notify the Internal Audit Department	Substantive Changes: In order to increase efficiency and reduce delays, recommendation of a new streamlined process for the appointment of Committee members, which would be done by the RIO, instead of the SG and VPs/Deans. This also facilitates the process of checking for conflicts of interests. See s.5.11 (ii) Recommendation: Most policies (those of UofT, U of Sherbrooke, UBC, UAB, and UofM) have separate sections outlining the processes for the inquiry and the investigation. Given that the aim and process of each of these stages are different it might be clearer to the reader to have them in separate sections, or even in separate sub-sections as done in track changes in the headers of sections 5 and 7?

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<p>report relating to the allegation of mismanagement of research funds, a copy of which shall be provided to the Committee on Research Misconduct;</p> <p>(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</p> <p>(vi) may 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 pursuant to section 3.3.</p>	<p>and request that they investigate <u>review</u> 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;</p> <p>(v) may, <u>upon notice to the Respondent and the Dean</u>, 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 <u>pursuant to section 3.4</u>; and</p> <p>(vi) may, <u>upon notice to the Respondent and the Dean</u>, take such measures the RIO deems necessary to protect the integrity of the Respondent’s research facility, Research Records, <u>Human Participants</u>, research personnel including students, and research funds pursuant to section <u>3.4.3</u></p>	
<p>5.8 In exceptional cases, the RIO may, after consulting with the Provost and the Vice-Principal (Research and International Relations), exercise the powers conferred by section 5.7 (iv) and (v) without prior notification to the Respondent.</p>	<p>5.12 In exceptional cases, the RIO may, after consulting with <u>the Dean</u> and the Provost the VP-RI Vice-Principal (Research and International Relations), exercise the powers conferred by section 5.11<u>7</u> (iv) to (vi) without prior notification to the Respondent.</p>	<p>Recommendation: Removing the Provost from the Inquiry and Investigation stages in order to maintain the Appeal as an impartial procedure.</p> <p>Agency Requirements:</p> <ul style="list-style-type: none"> - TAF requires that the institution be able to independently take immediate action to protect the administration of Agency funds in exceptional circumstances (see TAF s. 4.3.3(d)). - FRQ requires the same but adds that the Institution should notify the agency so that they may determine if their immediate intervention is also necessary (see FRQ s. 7.2.2(d)). <p>Comment: The power conferred by this provision onto the RIO has never been exercised in the 12 years that these Regulations have existed. However, the following are some examples of cases where it would be justifiable to invoke this section:</p> <ol style="list-style-type: none"> 1. Allegation of fabrication of data in the context health sciences research. The Respondent who

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				<p>had had to retract a paper for a similar problem in the past. The Complainant, a former PhD student of the Respondent, indicates that the evidence is in the lab books he left behind when he graduated. The Complainant says that the Respondent got very angry when he raised the matter and indicated that “by the time the journal starts to look into it no one will find the lab books anyway”. In such a case, the RIO, after consulting as provided in 5.12, may act to prevent the disappearance of the books and sequester the books without prior notice, since advance notice could be used for the spoliation of evidence.</p> <ol style="list-style-type: none"> 2. Allegation that animals used for research are in the process of being transferred to an undisclosed facility in order to hide the state they are in and avoid sanctions pursuant to the rules of the Canadian Council for Animal Care. 3. Allegation of financial misconduct where evidence may disappear or an incorrect narrative may be constructed if the Respondent has prior knowledge of an investigation.
5.9	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: <ol style="list-style-type: none"> (i) access to their own original Research Records; and (ii) to copy their own Research Records. 	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: <ol style="list-style-type: none"> (iii) access to their own original Research Records; and (iv) to copy their own Research Records. 	Comment: Standard operating procedure to be developed by the Office of the RIO. Agencies and other university policies offer no guidance on what such a procedure might be.
5.10	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.	5.14	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.	

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		5.15	<p><u>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.</u></p>	<p>Suggestion: This statement is a requirement under FRQ s.7.2.3. Note, however, that the TAF is silent on the matter.</p>

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes	Comments / Recommendations
6. COMPOSITION OF THE COMMITTEE ON RESEARCH MISCONDUCT		6. COMPOSITION OF THE COMMITTEE ON RESEARCH MISCONDUCT	
6.1	<p>There shall be a Committee on Research Misconduct (the “Committee”) for the investigation of allegations of Research Misconduct referred to it by the RIO.</p> <p>The Committee shall consist of four (4) members:</p> <ul style="list-style-type: none"> (i) one (1) member 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 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 appointed by the Secretary-General from a panel of ten (10) established in accordance with the procedures set out at section 6.9. 	<p>6.1</p> <p>There shall be a Committee on Research Misconduct (the “Committee”) for the investigation of allegations of Research Misconduct referred to it by the RIO.</p> <p>The Committee shall consist of <u>three (3) four (4)</u> members, <u>all appointed by the RIO:</u></p> <ul style="list-style-type: none"> (i) two (2) members with relevant knowledge and expertise appointed <u>by the Secretary-General</u> from a panel of <u>between ten (10) and twelve (12)</u> established in accordance with the procedures set out at section <u>6.8.9</u> (ii) <u>one (1) member of the University community with relevant knowledge and expertise appointed by the Vice-Principal (Research and International Relations) in consultation with the Dean;</u> (iii) <u>one (1) external</u> member who has no current affiliation with the University <u>appointed by the Vice-Principal (Research and International Relations);- 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.</u> 	<p>Substantive Changes:</p> <p>In order to increase efficiency and reduce delays, recommendation of a smaller number of members to sit on the Committee, with 2 chosen from the list established by Senate and one external (as required by the Agencies) who has no current affiliation with the University. See ss. 6.1 and 6.2</p> <p>Recommendation:</p> <p>We recommended the Committee be reduced from 4 to 3 members with 2 internals (from the slate) and 1 external having the necessary expertise (or from 5 to 4, in the event that a Respondent be a graduate student (per 6.2)).</p> <p>By doing so, we make striking the Committees easier and it allows for the proper expertise. Further, we will remain in compliance with both the TAF and FRQ requirements. Note that UAB (12.a of the <i>RSIEP</i>) and UBC (5.1 <i>PSI Procedure</i>) call for Committees of no more than 3 members and UofT’s policy states that “the Dean will appoint an Investigation Committee of two or more members...” (8.4 of the <i>FAARM</i>).</p> <p>We further recommend that it is the RIO/Office of the RIO that strikes the Committee and selects the Committee members because the RIO is the person who understands what expertise is needed and who is able to check for conflicts of interest before making the appointments, instead of after (as it is done now).</p> <p>.....</p> <p>TAF Requirements re Composition of Committee</p> <p>“The investigation committee shall include members who have the necessary expertise and who are without conflict of interest, whether real or apparent, and at</p>

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations	
6.2	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 delegate, serving as a fifth (5th) member.	6.2	In the event that a <u>Complainant or</u> Respondent is a graduate student or postdoctoral fellow, the Committee shall be comprised of five (5) <u>four (4)</u> members, with the Dean of Graduate and Postdoctoral Studies, or delegate, serving as a fifth (5th) <u>fourth (4th)</u> member.		<p>least one external member who has no current affiliation with the institution.” (4.3.4(c))</p> <p>FRQ Requirements re Composition of Committee Review Committee ((7.2.3(b))</p> <p>The review committee shall be comprised of:</p> <ul style="list-style-type: none"> • One member from outside the institution. This number may be higher when justified by the size of the committee, in view of maintaining appropriate proportionality. External members must be free of any conflict of interest while examining a complaint. • An expert from the research discipline of the respondent, or of comparable professional competence, thereby considered to be a peer. This person must have sufficient technical or methodological expertise to properly assess the case or that is pertinent to the nature of the allegation. In cases where the respondent is a student, the expert member may be another student.
6.3	In the event that the Respondent or Respondents hold appointment in, or 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.	6.3	In the event that the Respondent or Respondents hold appointment in, or 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.		
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.	6.3	In the event of the recusal of a member of the Committee <u>pursuant to section 6.8</u> , the vacancy shall be filled in accordance with the above provisions.		

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6.5	The Committee when constituted shall select a chair from amongst its members. The chair shall have a casting vote if there is a tie in voting.	6.4	The RIO shall select a chair from amongst the Committee members. The Committee when constituted shall select a chair from amongst its members. The chair shall have a casting vote if there is a tie in voting.	<p>Recommendation: Voting procedure moved to section 8.2 (investigation).</p> <p>Recommendation: We recommend that the RIO appoint the chair instead of the chair being appointed by the members. Allows for faster onboarding of Chair.</p>
6.6	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.	6.5	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.	
6.7	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.	6.6	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. The RIO shall notify the Respondent and Complainant of the composition of the Committee.	Moved to 9.4
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.	6.7	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.	<p>RIO Comment: It would be very helpful if the Senate slate members provide a short bio to the RIO so that it would be easier to filter out who might be the best candidate for the particular committee. Also, need to know if they can comfortably read materials in French.</p>

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<p>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 1st, as follows:</p> <ul style="list-style-type: none"> (i) Prior to the 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. 	<p>6.8 There shall be a panel of <u>between ten (10) and twelve (12)</u> members of the academic staff of acknowledged standing and expertise, <u>half of whom shall be bilingual (French/English)</u>, appointed to staggered terms of office of <u>four (4)</u> three (3) years commencing on September 1st, as follows:</p> <ul style="list-style-type: none"> (i) Prior to the 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. <p><u>The panel shall be composed of a diverse group of members reflective of the diversity of the University Community.</u></p>	

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		<u>7. MANDATE OF THE COMMITTEE ON RESEARCH MISCONDUCT</u>		
		7.1	<p><u>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.</u></p>	
		7.2	<p><u>The Committee shall report in writing, on its finding of facts and on its determination of whether Research Misconduct occurred as described above.</u></p>	

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7. COMMITTEE PROCEDURES		8. COMMITTEE PROCEDURES		
7.1	The Committee shall conduct its investigation in accordance with the procedures established below.	8.1	The Committee shall conduct its investigation in accordance with the procedures established below , <u>principles of procedural equity and in accordance with the procedures described below and in the guidelines on procedures as modified from time to time.</u>	
		8.2	<u>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.</u>	
7.2	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 may: <ul style="list-style-type: none"> (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. 	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: <ul style="list-style-type: none"> (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) <u>cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.</u> 	Comment: Separate Appendix to be provided.
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.	8.4	The Respondent has the right to be heard as part of an investigation. <u>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.</u> 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 Expert appointed shall be free of bias or conflict of interest with the Respondent, the Complainant, or the case in question.	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.	
7.5	The Committee shall notify the RIO and the Respondent of the names of any Experts appointed to assist it.	8.6	The Committee shall notify the RIO and the Respondent of the names of any Experts appointed to assist it.	

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		8.7	<u>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.</u>	
7.6	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.	8.8	<u>Within 3 Days of such notification, the Respondent and the Complainant 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.</u>	
		8.9	<u>The validity of a challenge shall be determined by the chair of the Committee whose determination shall be final.</u>	
		8.10	<u>The RIO shall attend the hearings of the Committee.</u>	
7.7	All hearings of the Committee shall be <i>in camera</i> .	8.11	All hearings of the Committee shall be <i>in camera</i> .	
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.	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.	
7.9	The Respondent and Witnesses, including the Complainant if called as a Witness, may be accompanied by an Advisor.	8.13	The Respondent and Witnesses, including the Complainant if called as a Witness, may be accompanied by an Advisor.	
7.10	The Respondent and the RIO may call Witnesses from within or outside the University.	8.14	The Respondent and the <u>RIO-Committee</u> may call Witnesses from within or outside the University.	
7.11	The Respondent, the Respondent's Advisor, and the RIO, may put questions to any person who appears before the Committee.	8.15	The Respondent, 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.	8.16	The Committee may put questions to any person appearing before it.	
7.13	The Witnesses and Experts shall address the substance of the allegations before the Committee.	8.17	The Witnesses and Experts shall address the substance of the allegations before the Committee.	
7.14	An Advisor may not appear as a Witness.	8.18	An Advisor may not appear as a Witness.	

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7.15	The Respondent and the Respondent’s Advisor shall be entitled to reasonable access to the record of the matter.	8.19	The Respondent and the Respondent’s Advisor shall be entitled to reasonable access to the record of the matter.	
7.16	The Committee shall give the Respondent, and any other person invited to appear before it ten (10) calendar days written notice of the date on which they are to appear.	8.20	The Committee shall give the Respondent, and any other person invited to appear before it ten (10) calendar d Days written notice of the date on which they are to appear.	
7.17	If the Respondent or such other person fails to attend, the Committee may proceed with the investigation in their absence.	8.21	If the Respondent or such other person fails to attend the hearing without reasonable explanation , the Committee may proceed with the investigation hearing in 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.		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	Recommendation: provision moved up to under s.8.2.
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 Committee's conclusions.	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.	
7.20	Any finding of Research Misconduct by the Committee shall be based on a preponderance of the evidence.	8.23	Any finding of Research Misconduct by the Committee shall be based on a preponderance of the evidence.	
7.21	The Office of the Vice-Principal (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.		The Office of the Vice-Principal (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.	Recommendation: the creation of the Office of the RIO will attenuate these concerns and provide much needed assistance and financial support to the RIO.
		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).	Recommendation: This is meant as a catch-all provision for instances where the Committee is concerned about the protection of or access to evidence, or the wellbeing of third parties, including potential witnesses.
		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.	

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8. TIMING		9. TIMING TIMELINE OF AN INVESTIGATION		
8.1	<p>Within ten (10) working days of the appointment of the Committee, the RIO shall notify the Respondent in writing of:</p> <ul style="list-style-type: none"> (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. 	9.1	<p>Within ten (10) working days of the appointment of the Committee, the RIO shall notify the Respondent in writing of:</p> <ul style="list-style-type: none"> (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. 	<p>Comment: This will be included in the general duties of the RIO concerning reporting and requirements vary from one Agency to the other.</p> <p>See Document 04. Research Misconduct - Agencies Reporting Requirements - Quebec-Federal-US_v2 in the document package for more information on agency requirements.</p>
8.2	<p>The Committee shall conclude its investigation and submit its preliminary report within one-hundred and twenty (120) calendar days of the notification to the Respondent of the opening of an investigation.</p>	9.2	<p>The Committee shall conclude its investigation and submit its preliminary report within one hundred and twenty (120) calendar <u>sixty (60) Days</u> of the notification to the Respondent of the opening of an investigation <u>provided for at section 5.11 (i).</u></p>	<p>Comment Under the TAF, from the time an allegation is filed, the institution has a total of 7 months to produce a final report to the Agency. (s.4.4(d) of the TAF). Under the FRQ, the institution has 5 months to complete a complaint's examination from the time the complaint was assessed as being admissible (s.7.2.3 of the FRQ). However, McGill's Policy provides for:</p> <ul style="list-style-type: none"> • 120 days to produce the prelim report • 15 days for respondent to provide comments • 15 days for the final report to be submitted to the Provost • 45 days max for Provost to make a decision = 195 days (max) = <u>6.5 months.</u>
8.3	<p>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.</p>	9.3	<p>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.</p>	

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<p>8.4 On the completion of the investigation the Committee shall prepare a preliminary written report containing:</p> <ul style="list-style-type: none"> (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; (iv) the names of the Agencies supporting the research in question; (v) the name of the Complainant, if known; (vi) a statement of the 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 conclusion as to whether or not there has been Research Misconduct; (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. 	<p>9.4 On the completion of the investigation the Committee shall prepare a preliminary written report containing:</p> <ul style="list-style-type: none"> (i) <u>the unique file identification number assigned to the allegation;</u> (ii) the names of the members of the Committee <u>and their area of expertise;</u> (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) <u>the name of the Respondent;</u> (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 <u>facts and</u> evidence; (xii) the Committee’s conclusion as to whether or not there has been Research Misconduct; (xiii) <u>an assessment of whether the Research Misconduct was the result of an Honest Error;</u> (xiv) <u>an assessment of the impact of the Research Misconduct, if applicable, making it possible to judge its seriousness;</u> (xv) the Committee’s recommendation as to the appropriate disposition of the case, <u>and sanctions and actions aimed at remedying any harm caused or correcting the scientific record;</u> (xvi) <u>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;</u> (xvii) any other recommendations that the Committee feels are appropriate in the circumstances of the case <u>including notifications pursuant to section 14;</u> (xviii) <u>a determination as to whether the allegation is a Good Faith Allegation.</u> 	<p>Substantive Changes: Clarification of expectations concerning the content of the Committee report, in line with the agencies’ rules, which are very specific in that respect. See s.9.4</p> <p>FRQ Reporting Requirements <u>Final Report following the complaint’s review in the case of substantiated allegations (8.3)</u> The institution shall transmit a full copy of the committee’s report to the Director of Ethical and Legal Affairs at the FRQ and inform the FRQ-funded researcher, awardee, research personnel or fund manager of this communication. The FRQ shall be apprised of the identity of the respondents involved in the matter. A full and complete report shall be relayed to the FRQ specifying:</p> <ul style="list-style-type: none"> • the unique file identification number (8.1.a). (8.3(a)) • The name of the respondent. (8.3(b)) • The names of the committee members and their area of expertise, justifying their appointment and allowing validation of the adequacy of the committee (expertise, function or status) . (8.3(c)) • The timeline of the process as well as any feature demonstrating that the internal process as prescribed by the institutional policy was followed. (8.3(d)) • Any interventions requested by the institution pending the conclusion of the complaint’s review. (8.3(e)) • Any comments expressed by the respondent and by the complainant. (8.3(f)(g))

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		<ul style="list-style-type: none"> • The findings following the complaint’s review, stating that a breach of responsible conduct did occur. (8.3(h)) • An assessment of the impact of the breach, if applicable, making it possible to judge its seriousness. (8.3(i)) • Recommendations (or a final decision, as per institutional policy) for sanctions and actions aimed at remedying any harm caused or correcting the scientific record, if appropriate. (8.3(j)) <p><u>Note:</u> If the institution does not produce a final report, if the timeline is extended unreasonably, if there was a procedural flaw in regards to FRQ requirements or institutional policy, or if the report appears unsatisfactory on the face of it, the FRQ shall request further details. Ultimately, the FRQ could ask the institution to proceed according to specifications and reserve the right to take measures aimed at inciting the institution to correct the situation and see the process through.</p> <p>TAF Reporting Requirements Institution shall prepare a report for the SRCR on:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Each investigation it conducts in response to an allegation of policy breaches related to a funding application submitted to an Agency or to an activity funded by an Agency. (4.4(c)) <input type="checkbox"/> A breach that is confirmed at the inquiry stage. (4.4(b)) <input type="checkbox"/> Each report shall include the following information: <ul style="list-style-type: none"> ○ The specific allegation(s), a summary of the finding(s) and reasons for the finding(s) ○ The process and timelines followed for the inquiry and/or investigation

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		<ul style="list-style-type: none"> o The researcher’s response to the allegation, investigation and findings, and any measures the researcher has taken to rectify the breach; and o The institutional investigation committee’s decisions and recommendations and actions taken by the institution. <p>The institution’s report should not include:</p> <ul style="list-style-type: none"> o Information that is not related specifically to Agency funding and policies o Personal information about the researcher, or any other person, that is not material to the institution's findings and its report to the SRCR. <p>Recommendation: Determination to be made by Committee at the end of the investigation</p>
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.	<p>9.5 The preliminary report of the Committee shall be transmitted to the Respondent who shall have fifteen (15) <u>working Days</u> in which to comment on the Committee’s findings and recommendations.</p> <p>Recommendation: Given the Agency’s tight reporting timelines 15 working days seems too long. A Respondent should be diligent in responding to the report. If needed 15 days should be reduced to 10 or 12 Days.</p>
8.6	Within a further fifteen (15) days, 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 Provost, and the Respondent.	<p>9.6 Within <u>a further fifteen (15) Days of receiving the Respondent’s comments</u>, the final report of the Committee, together with the Respondent’s comments, if any, shall be submitted by the RIO to the Secretary General, <u>the Provost, and the VP-RI with a copy to</u> the Respondent, <u>and the Dean(s)</u>.</p> <p>Substantive Changes: Clarification and improvement of the appeal process in the current regulations (which is required per agencies’ policies). Recommendation that the decision of a Committee be sent to the VP (RI) for implementation (instead of the PVPA as it is now). We clarify what steps VP (RI) will take then and to whom VP (RI) will send the matter if disciplinary or administrative measures should be taken in consideration of the Committee report. See other changes in Section 12</p>

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9. DECISION BY PROVOST	10. DECISION BY <u>THE VP-RI PROVOST</u>	
<p>10.1 As soon as practicable but no later than forty-five (45) working days after receipt of the report the Provost shall decide whether to accept the Committee’s findings or recommendations.</p>	<p>10.1 As soon as practicable but no later than forty-five (45) working ten (10) Days after receipt of the report the <u>VP- RI Provost</u> shall decide whether to accept the Committee’s findings or recommendations.</p>	<p>Recommendation: VP-RI makes decision on remedial measures and implements, in concert with appropriate Dean/DO.</p>
<p>10.2 The Provost shall not be required to meet with the Complainant, Respondent, RIO or any other person prior or subsequent to making a decision.</p>	<p>10.2 The <u>Provost-VP-RI</u> shall not be required to meet with the Complainant, Respondent, RIO or any other person prior or subsequent to making a decision.</p>	
<p>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.</p>	<p>10.3 If the Committee’s finding is that the allegation of Research Misconduct is not substantiated, the <u>VP-RI Provost</u> shall dismiss the allegations and the <u>Provost VP-RI</u> shall so notify the Respondent.</p> <p style="color: red;"><u>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.</u></p>	<p>RIO Comment: There are situations where there is no findings or research misconduct but recommendations are made. Perhaps there needs to be clarity on this.</p>
<p>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.</p>	<p>10.4 If the Committee’s finding is that the allegation of Research Misconduct is founded: (i) the <u>VP-RI Provost</u> shall <u>refer the matter to the Disciplinary Officer so that appropriate action is taken</u> 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 <u>Disciplinary Officer Provost.</u></p>	
<p>10.5 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.</p>	<p>10.5 If the <u>Provost- VP-RI</u> does not accept the recommendations of the Committee, the <u>Provost VP-RI</u> shall provide substantive written reasons to the RIO, the chair <u>of the Committee,</u> and the Respondent.</p>	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
<p>10.6 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, the Vice Principal (Research and International Relations), the Secretary General, and, where appropriate to:</p> <ul style="list-style-type: none"> (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 decision. 	<p>10.6 The Provost VP-RI shall communicate his or her the decision, <u>with reasons</u>, in writing to the chair of the Committee, the RIO, the Respondent, the Respondent’s Chair and the Dean, and <u>the Vice Principal (Research and International Relations)</u>, the Secretary General, and, where appropriate to:</p> <ul style="list-style-type: none"> (i) other relevant University authorities; (ii) the Agency <u>that funded the research, if any; and in accordance with the procedures as set out at section 14; and</u> (iii) <u>the Complainant</u>, subject to the laws concerning privacy and protection of personal information, <u>and after seeking advice of the RIO. 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 decision.</u> 	<p>Comment: Please note the distinction between the decision of the VP-RI and the decision of the disciplinary authority. The decision mentioned here is the decision of the VP-RI and at this point there has been no decision about whether discipline will be imposed or not.</p>
<p>10.7 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.</p>	<p>10.7 The Provost VP-RI shall determine <u>on the basis of the recommendations of the Committee</u> 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.</p>	<p>Comment: Recommendation added to the requirements under the Committee’s report at s.9.4 (new).</p>
	<p>10.8 <u>The VP-RI and the Disciplinary Officer shall send a copy of their decisions and status reports if any, to the RIO.</u></p>	
<p>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 and the Committee.</p>	<p>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.</p>	<p>Moved to 14</p>
<p>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.</p>	<p>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.</p>	<p>Moved to 14</p>
<p>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.</p>	<p>The Agency, and other authorized personnel who have a legitimate need to know, shall be given access to the file upon written request.</p>	<p>Moved to 14</p>

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
		<u>11. SANCTIONS AND OTHER MEASURES</u>		Recommendation: This Section should come before the Appeals section.
		11.1	<u>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.</u>	Note: TAF requirements under s.4.3.5(b): "A process for determining what kinds of recourse can be taken by the institution, taking into account the severity of the breach.: FRQ requirements under 7.2.4
		11.2	<u>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.</u>	Note: FRQ requirements under 7.2.4
		11.3	<u>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.</u>	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
	<p>11.4</p> <p><u>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.</u></p>	<p>Agencies on Honest Errors</p> <ul style="list-style-type: none"> • TAF: “The determination of a breach is made regardless of whether a breach was intentional or a result of honest error. However, intent is a consideration in deciding on the severity of the recourse that may be imposed.” (3.1 of TAF) • FRQ: “The FRQ subscribes, in general, to the definitions of breach in the TAF. However, the FRQ has reservations concerning those definitions that do not take into account the intentionality of the breach (i.e. honest error). In this regard, the FRQ specifies that the notion of intentionality may prove relevant to the assessment of breach of responsible conduct allegations. According to the FRQ, honest errors are not considered a research misconduct. As such, they should be recorded by institutions in order to detect their recurrence, without necessarily concluding to misconduct.”
	<p>11.5</p> <p><u>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.</u></p>	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
10. APPEALS		12. APPEALS		Recommendation: This Section should come after the Decision and Sanctions sections.
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.	12.1	Within ten (10) working 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.	<p>Substantive Changes: Clarification and improvement of the appeal process in the current regulations (which is required per agencies' policies). Recommendation that:</p> <ul style="list-style-type: none"> - if the Respondent wants to appeal the decision of the Committee the Respondent can file an appeal with the PVPA which then suspends VP (RI)'s decision until the PVPA has decided on the appeal (see s.12.1) - the appeal is limited to 3 grounds: bias; failure to follow procedural equity at the Committee level, and existence of new evidence that was not known or available to the Respondent at the time of the hearing of the Committee; If the Provost allows the appeal, then the case goes back to another Committee. Meanwhile the VP (RI) decision would be suspended until a new decision is made. (see ss. 12.2, 12.3 and 12.7) <p>See also s. 9.5.</p> <p>Recommendation: Appeals to Provost limited to breaches of due process per 10.2. Further, because we recommend that the decision be made by the VP-RI, we recommend that appeals (on procedural matters) remain with the Provost given that the Provost is no longer the decision maker at the investigation level.</p> <p>---AGENCY REQUIREMENTS FOR APPEALS PROCESSES--- TAF: "An investigation process for determining the validity of an allegation that provides the complainant and respondent with an opportunity to be heard as part of an investigation, and that allows for the <u>respondent</u></p>
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.	12.2	Grounds for such an appeal shall be limited to: <ul style="list-style-type: none"> (i) failure to follow due process proper procedures as provided in this these Regulations; (ii) or evidence of bias on the part of the Committee; (iii) <u>existence of new evidence that was not known or available to the Respondent, as the case may be at the time of hearing.</u> 	
		12.3	<u>The Appeal shall stay the implementation of the decision of the VP-RI.</u>	
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.	12.4	The notice of appeal shall succinctly set out the complete and substantive reasons for the appeal and state on which <u>of the described in section 12.2</u> 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.	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. <u>The</u> 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 <u>as described in section 12.2.</u>	
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).	12.6	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).	

<i>Regulations Concerning the Investigation of Research Misconduct</i>		Proposed Changes	Comments / Recommendations
9.6	Should the Provost find that there are valid grounds for an appeal, then the Provost shall inform the Respondent, RIO, Complainant, and where required, the Agency, that a new hearing before a new Committee shall be initiated.	12.7 Should the Provost find that there are valid grounds for an appeal, then the Provost <u>determines on the basis of which grounds the appeal is granted and in accordance with section 14</u> , that a new hearing before a new Committee shall be initiated. <u>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.</u>	<u>to appeal if</u> a breach of policy is confirmed.” (4.3.4(b) of the TAF) FRQ: No specific provision regarding appeals process requirements

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
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	<p>12.8</p>	<p><u>There shall be no appeal of the decision of the Committee mentioned in section 12.7.</u></p>	<p>ORI: Adjudication is separated organizationally from inquiry and investigation. Likewise, appeals are separated organizationally from inquiry and investigation. (ORI)</p> <p>----- APPEAL PROCESSES AT OTHER UNIVERSITIES -----</p> <p>-U of T</p> <p>Respondents have the right to review according to their relationship to the University. “Depending on the nature of the disciplinary and or remedial action, the Respondent may have the right of review, grievance, or appeal under other applicable University policies such as the <i>Code of Behaviour on Academic Matters...</i>” (10 of the <i>FAARM</i>)</p> <ul style="list-style-type: none"> • “Appeals from decisions at trial shall be heard by a panel drawn from the Discipline Appeals Board...”(E(1) of the <i>Code of Behaviour on Academic Matters</i>) • <u>Grounds of appeal:</u> “An appeal to the Discipline Appeals Board may be taken in the following cases, only: (a) by the accused, from a conviction at trial, upon a question which is not one of fact alone...” (E(4) of the <i>Code of Behaviour on Academic Matters</i>) • “An appeal shall not be a trial de novo, but in circumstances which it considers novo to be exceptional, the Discipline Appeals Board may allow the introduction of further evidence on appeal...” (E(4) of the <i>Code of Behaviour on Academic Matters</i>) <p>UBC:</p> <p>Respondents appeal under their respective applicable policies. Students appeal to the Academic Discipline Committee and Faculty and staff appeal any discipline that is imposed under the PSI through the grievance procedure of their collective agreements or their terms</p>
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<i>Regulations Concerning the Investigation of Research Misconduct</i>	Proposed Changes	Comments / Recommendations
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			<p>and conditions of their employment. (8.1, 8.2 of the <i>PSI Procedure</i>)</p> <p>UAB</p> <p>Respondents rights to contest a disciplinary decision by means of grievance, arbitration or appeal will be followed, where available, under the relevant agreement. “Special category persons, or persons who do not have access to a contestation procedure may elect to contest the adjudicator’s decision through arbitration. (20 a., 20 b. of the <i>RSEIP</i>)</p>
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Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
11. GENERAL PROVISIONS		13. GENERAL PROVISIONS		
11.1	Respondent's Admission	13.1	Respondent's Admission	
11.1.1	If the Respondent admits to the Research Misconduct prior to or during a hearing of the Committee on Research Misconduct, any investigation or hearing shall 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 to the Provost, together with the Respondent's statement. The Provost shall proceed in accordance with 10.4 and 10.6.	13.1.1	If the Respondent admits to the Research Misconduct prior to or during an inquiry, a hearing of the Committee on Research Misconduct, any investigation or hearing, shall 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 <u>containing the assessments described in section 9.4 (xiii) and (xiv) and recommendations as to the appropriate disposition of the matter to the VP-RI, Provost</u> together with <u>a statement from the Respondent's statement if the Respondent wishes to add such a statement to the record. For the purpose of making a decision, the VP-RI Provost</u> shall proceed in accordance with 10.4 and 10.6 <u>section 11.</u>	FRQ: Accelerated Process: If, after having heard the respondent, facts are clear (i.e. breach is admitted), the RCRO may decide to render a decision without convening a review committee. In these exceptional cases, further to the admissibility assessment, the RCRO, together with the persons appointed as mentioned above (section 7.2.2 a), <u>shall produce a report for the FRQ.</u> This report must be prepared in accordance with the requirements stipulated for complaint review reports in section 8.3, adapting the report as necessary (i.e. items (c) and (d) may be overlooked). Considering this constitutes an accelerated process, the report must be provided <u>within 60 working days</u> following the transmission of the letter of admissibility to the FRQ. The letter of admissibility must demonstrate that an accelerated process is sufficient for managing the allegation to the satisfaction of the FRQ. (7.2.3(a) of the FRQ)
		13.1.2	<u>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 9.4 of this Regulation, together with the Respondent's statement of admission.</u>	
11.1.2	A signed admission may be used as a basis for closing an assessment or investigation with the written concurrence of the Agency, if required, to its closure.	13.1.3	A signed admission may be used as a basis for closing an <u>inquiry assessment</u> or investigation <u>in accordance with sections 13.1.1 and 13.1.2. with the written concurrence of the Agency, if required, to its closure.</u>	
11.2	Termination of Respondent's Relationship with University	13.2	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.	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.	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations	
11.2.2	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.	13.2.2	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.		
11.3	Requirements for Reporting to the Appropriate Agency		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.		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.		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 Respondents	13.3	Protection of Parties Respondents		
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.	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 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 these Regulations .		
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.	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.		

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes		Comments / Recommendations
		13.3.3	<u>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.</u>	Recommendation: A statement ensuring the protection of the complainant is a requirement under s.4.3.2 of the TAF.
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 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.	13.4	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.	
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.		<u>Annual Report</u> <u>Once per academic year, the RIO shall make a non-nominative report to Senate and the Board of Governors, which report shall include:</u> <u>(v) the number of Research Misconduct allegations received;</u> <u>(vi) the number of Research Misconduct allegations investigated;</u> <u>(vii) a summary of the findings of the investigations conducted;</u> <u>(viii) a summary of any actions taken pursuant to the investigations.</u>	Moved to 14.2
		13.5	<u>Extension of Delays by RIO</u> <u>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.</u>	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes	Comments / Recommendations
<p>11.7</p>	<p>Review of Regulations</p> <p>After a further three years, these Regulations shall be reviewed 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.</p>	<p><u>Review of Regulations</u></p> <p>After a further three years, these Regulations shall be reviewed 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.</p>	<p>Moved to 16</p>

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
	14. REPORTING REQUIREMENTS	
	<p>14.1 <u>Reporting to the Agency shall be the responsibility of the RIO. The RIO shall report in accordance with the requirements of the appropriate Agency.</u></p>	<p>Substantive Changes: Alignment of the reporting mechanism with the mechanisms of the FRQ and the TAF. To do so, we recommend that the RIO be responsible for all reporting, instead of leaving it to the RIO, VP (RI) and PVPA depending on what is being reported, as provided in the current Regulations. This will be greatly appreciated by the granting agencies, which prefers having a single point of contact. See s.14.1. Section 14 and Appendix A (Agency Reporting Requirements)</p> <p>Recommendation: We recommend that the Office of the RIO maintain an internal document, such as <u>Appendix A “Reporting Requirements”</u>, wherein all of the Agency reporting requirements are easily accessible. This will allow for the Regulations to remain flexible, while remaining in compliance.</p> <p>Agency Reporting Requirements: See section 8 of the FRQ See section 4.4 of the TAF</p>
	<p>14.2 <u>Any party requested to report to the Agency pursuant to this Regulation shall do so through the RIO.</u></p>	

Regulations Concerning the Investigation of Research Misconduct		Proposed Changes	Comments / Recommendations
		<p>14.3 <u>Annual Report to the Senate and Board of Governors</u></p> <p><u>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:</u></p> <ul style="list-style-type: none"> <u>(i) the number of Research Misconduct allegations received;</u> <u>(ii) the number of Research Misconduct allegations investigated;</u> <u>(iii) a summary of the findings of the investigations conducted;</u> <u>(iv) a summary of any actions taken pursuant to the investigations.</u> 	<p>Recommendation: Qualifying this report will differentiate it from the reporting section.</p>
		<p>14.4 <u>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.</u></p>	
		<p>14.5 <u>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.</u></p>	
		<p>14.6 <u>The Agency, and other authorized personnel who have a legitimate need to know, shall be given access to the file upon written request.</u></p>	

Regulations Concerning the Investigation of Research Misconduct	Proposed Changes	Comments / Recommendations
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		15. IMPLEMENTATION AND DISSEMINATION	
		<p>15.1 <u>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.</u></p>	
		<p>15.2 <u>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.</u></p>	<p>Recommendation: This section should be placed somewhere at the beginning of the Regulations.</p> <p>Agency Requirement: TAF requirement under 4.5(b).</p> <p>Examples of other university's webpages: U of T https://research.utoronto.ca/research-integrity/summary-research-misconduct-complaints-addressed-u-t UBC https://research.ubc.ca/support-resources/scholarly-integrity/findings-scholarly-misconduct University of Waterloo: https://uwaterloo.ca/research/office-research-ethics/research-integrity/research-integrity-breaches</p>

		16. REVIEW OF REGULATIONS	
		<p>16.1 <u>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.</u></p>	



James Administration Building, Room 400 | Pavillon James de l'administration, bureau 400 | Tel.: (514) 398-1224

Date: Monday, January 04, 2021
Doc. #: CGPS_2020.12.14_GradStudSupervision
To : Christopher Manfredi, Chair of Academic Policy Committee (APC)
From : Josephine Nalbantoglu, Chair of Council of Graduate and Postdoctoral Studies (CGPS)
Subject: Revisions to Regulations on Graduate Student Supervision
Purpose: For Information For Approval

Background:	Letters of Understanding (LOUs) were recommended in the previous Regulations on Graduate Student Supervision. In Spring 2019, GPS consulted and worked with Faculties to start implementing LOUs across all doctoral programs as of Fall 2019. The intention was to eventually make them mandatory for Ph.D. students.
Rationale:	The policy revisions are formalizing a practice that's already widespread across the University.
Motion or resolution for approval:	That the proposed revisions to the Regulations on Graduate Student Supervision be approved.
Prior consultations & approvals:	CGPS approved the revisions to the Regulations on Graduate Student Supervision on December 14, 2020.
Next steps:	APC approval submitted to Senate for information.
Reference Document:	Appendix A: Regulations on Graduate Student Supervision

*Graduate Student Supervision – current***1. Principles**

1.1. Supervision is a recognized aspect of the academic duty of teaching.

1.2. Supervision involves responsibilities on the part of both the supervisor and supervisee.

2. Supervisors and Supervisory Committees

2.1. Although procedures and timeframes for choosing supervisors and supervisory committees may vary across programs, they must be consistent within a particular program and must be made clear to students. Units should consider the availability of student support, research facilities, space, and availability of potential supervisors in determining the number of students admitted into the program.

2.2. Graduate supervision is recognized as an integral part of the academic responsibility of professors in academic units where supervision is the normal practice, and must be considered in the allocation of workload, as should the teaching of graduate courses.

2.3. Thesis supervisors must be chosen from full-time tenure-track or tenured academic staff, or ranked contract academic staff who have research as part of their duties. Supervisors should have competence in the student's proposed area of research. When thesis supervisors retire or resign from the University, they cannot act as sole supervisors but may serve as co-supervisors, with the unit's and GPS's consent.

2.4. Emeritus Professors may not act as sole supervisors but may serve as co-supervisors, with the unit's and GPS's consent.

2.5. Adjunct Professors may not act as sole supervisors but may serve as co-supervisors, with the unit's and GPS's approval. After approval, a letter of agreement, signed by the co-supervisor and the supervisee, must be submitted to GPS. If problems arise, the McGill supervisor will be held accountable to McGill policies and regulations.

2.6. The academic unit must ensure continuity of appropriate supervision when a student is separated from a supervisor, for example, when the supervisor is on sabbatical, leaves McGill, or retires.

2.7. Ph.D. students must have a supervisory committee consisting of at least one faculty member in addition to the supervisor(s). The supervisory committee must provide, on a regular basis, guidance and constructive feedback on the student's research ([Graduate Student Research Progress Tracking](#)).

2.8. GPS strongly recommends that all parties engaged in supervisory roles sign a [letter of understanding](#) with each supervisee.

*Graduate Student Supervision – revised***1. Principles**

1.1. Supervision is a recognized aspect of the academic duty of teaching.

1.2. Supervision involves responsibilities on the part of both the supervisor and supervisee.

2. Supervisors and Supervisory Committees

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2.5. Adjunct Professors may not act as sole supervisors but may serve as co-supervisors, with the unit's and GPS's approval. After approval, a letter of [understanding agreement](#), signed by the co-supervisor and the supervisee, must be submitted to GPS. If problems arise, the McGill supervisor will be held accountable to McGill policies and regulations.

2.6. The academic unit must ensure continuity of appropriate supervision when a student is separated from a supervisor, for example, when the supervisor is on sabbatical, leaves McGill, or retires.

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2.8. [A Letter of Understanding \(LOU\) is mandatory between Ph.D. students and their supervisor\(s\)](#). GPS strongly recommends that [units also implement an LOU for master's students](#). ~~all parties engaged in supervisory roles sign a letter of understanding with each supervisee.~~

Graduate Student Supervision – current continued

2.9. The Chair of the academic unit should ensure that procedures are in place to address serious disagreements that may arise, for example, between a student and a supervisor or between a supervisor and committee members. Such procedures should involve a neutral mediator, such as the Graduate Program Director, who will ensure that all sides of a dispute are heard before any decision is made. If the issue cannot be resolved at the unit level, then an Associate Dean from Graduate and Postdoctoral Studies should be contacted.

3. Orientation

3.1. **Supervisees:** Graduate students must participate, before registration, in a mandatory online orientation that includes sections on supervisee responsibilities.

3.2. **Supervisors:** Professors who have not yet engaged in graduate supervision at McGill are required to participate in a supervisory orientation approved by GPS. Professors who have not supervised for 5 or more years must meet with their Chairs to determine if such orientation is necessary.

Graduate Student Supervision – revised continued

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