



Memorandum

TO: Senate

FROM: Professor Robert MacKenzie, Research Integrity Officer

SUBJECT: Regulations Concerning the Investigation of Research Misconduct – Annual Report

DATE: 10 April 2010

DOCUMENT #: D09-68

ACTION REQUIRED: INFORMATION DISCUSSION APPROVAL/DECISION

ISSUE: 2009-2010 Annual Report on *Regulations Concerning the Investigation of Research Misconduct*

BACKGROUND & RATIONALE: The *Regulations Concerning the Investigation of Research Misconduct*, calls for the Research Integrity Officer to report annually to Senate and the Board of Governors on the operation of the Regulation.

Although the Regulations are to be the subject of a general review following the third year of their operation, the first year’s experience with the new Regulations it would be helpful to both the RIO and the investigation committee if certain amendments could be implemented before the general review is undertaken. The proposed amendments are set out in Appendix B hereto. They are all designed to clarify the role and function of the RIO and the committees and to streamline the process.

MOTION OR RESOLUTION FOR APPROVAL: *Proposed Resolution* for Senate’s Consideration:

Be it resolved that Senate approve, and recommend to the Board of Governors for approval the following resolution:

That the amendments to the *Regulations Concerning the Investigation of Research Misconduct* as set out Appendix B be adopted.

PRIOR CONSULTATION: With respect to the proposed amendments to the Regulations: MAUT, Office of the Vice-Principal (Research and International Relations), Office of the Provost and Associate Provost (Policies & Procedures)

NEXT STEPS: Report to the Board of Governors

APPENDICES: **Appendix A:** 2009-2010 Annual Report: *Regulations Concerning the Investigation of Research Misconduct*

Appendix B: *Regulations Concerning the Investigation of Research Misconduct* with proposed amendments

APPENDIX A

2009-2010 ANNUAL REPORT: *Regulations Concerning the Investigation of Research Misconduct*

Introduction

The *Regulations Concerning the Investigation of Research Misconduct* (“the Regulation”), which came into force on 30 March 2009, calls for the Research Integrity Officer (“the RIO”) to report annually to Senate and the Board of Governors on the application of the Regulations. This report, the first annual report presented to Senate and the Board of Governors is in discharge of this obligation.

Background

The Regulations provide for an internal process for the assessment and, where appropriate, the formal investigation of allegations of research misconduct brought against members of the University community regardless of faculty or discipline.

The tables provide statistical information concerning allegations and their disposition for the year the Regulation has been in operation – plus the five years preceding the introduction of the new process during which research misconduct allegations were addressed under faculty specific or ad hoc processes.

The Big Picture

As is evident from Table 1, during the five years preceding the introduction of the Regulations there were 10 allegations, whereas during the first year of operation of the Regulations the RIO has received 4 allegations. The incidence of allegations varies from year to year as does their nature.

Table 1: Nature of Allegations

Nature	Year						Total
	2004	2005	2006	2007	2008	09/10	
Plagiarism & Authorship	2	1	1			3	7
Fabrication/ Falsification			1	2	1		4
Ethical Miscond						1	1
Misrep of Credentials.					1		1
Non-comp with SOP, etc.			1				1
Total	2	1	3	2	2	4	14

The Source of Allegations

The sources of allegations have been various as is shown by Table 2 below. However, all allegations brought to the attention of the University over the period of this report have involved academic staff as respondents. It should be noted that the one anonymous allegation received was not acted upon for lack of substantive evidence supporting the allegation.

Table 2: Source of Allegations

Source of Allegation	Year						Total
	2004	2005	2006	2007	2008	09/10	
Agency	1		2		1		4
Member of University	1	1	1		1	2	6
External				1		2	3
Anonymous				1			1
Total	2	1	3	2	2	4	14

Disposition of Allegations

The data on the disposition of the allegations received is presented in Table 3.

Table 3: Disposition of Allegations

Nature of Complaint	Year	Total Cases	No Prima Facie Case	Investigated
Plagiarism & Authorship	2004-08	4	1	3
	2009-10	3	1	2
Fabrication/ Falsification	2004-08	4	2	2
	2009-10			
Ethical Miscond.	2004-08			
	2009-10	1		1
Misrep. of Credentials	2004-08	1		1
	2009-10			
Non-comp. with SOP, etc.	2004-08	1		1
	2009-10			
Totals		14	4	10

In five of the ten cases investigated misconduct was established and appropriate action taken. Where discipline was imposed the sanctions have ranged from reprimand to dismissal.

Proposed Amendments to Regulations

The first year's experience with the new Regulations, for both the RIO and the Committee on Research Misconduct, suggest that certain amendments to the Regulations are required: (i) to clarify the role and functions of the RIO which is, not to act as the "institutional prosecutor", but primarily to facilitate the process especially once an investigation is launched, to ensure that the respondent understands the process, and that the process seeks the facts in an impartial manner; (ii) to better underline the function of the committee as an investigatory body and not simply as an adjudicative body; (iii) to avoid unnecessary duplication of certain activities and to streamline the assessment and investigation processes (which is reflected in part in the re-ordering of the substance of certain sections); and (iv) to clarify certain aspects of the

procedures that are established. With respect to the impartiality of the process, it is suggested that the RIO is best positioned to make certain determinations relating to impartiality as it is the RIO's responsibility to actively ensure the fair, impartial and proper functioning of the process which is critical to all concerned – the respondent, the institution, the broader University community, and the public. The proposed amendments are set out in Appendix B hereto.

While it is understood that, pursuant to section 10.7.1, the Regulations are to be the subject of a general review following the third year of their operation, it would be helpful to the RIO and the Committee charged with the investigation of allegations of research misconduct if Senate would be prepared to implement the amendments proposed in Appendix B before the general review is undertaken after the third year of operation of the Regulations.

Conclusion

The RIO and University Administration would like to take this opportunity, on behalf of all members of the University community, to thank all those who have served on, or cooperated with, investigation committees. All recognize the critical importance of such allegations and the major impact that they can have on the academic and professional lives of respondents. The dedication committee members have exhibited in this very important role, the integrity with which they fulfilled their responsibilities, and the time and energy they have devoted to ensuring a fair and impartial investigation of all the issues is to be commended.

APPENDIX B

AMENDMENTS TO REGULATIONS CONCERNING THE INVESTIGATION OF RESEARCH MISCONDUCT

PREAMBLE

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

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

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

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

1. DEFINITIONS

- 1.1** “Advisor” means a member of the University community who has agreed to act gratuitously in an advisory capacity to a member of the academic staff. Such individuals, in so doing, are deemed to perform part of their academic duties and shall be accorded full respect by the University’s administrative officers.
- 1.2** “Agency” means the funding agency, foundation, organization, sponsor or other entity, public or private, international, national, provincial or foreign, which supports the research in whole or in part, or which has oversight of any research activities, in respect of which the Research Misconduct is alleged to have occurred.
- 1.3** “Chair” includes the chairs and directors of all centres, departments, institutes or schools to which the Respondent is appointed or with which the Respondent is registered or affiliated and, where there is more than one Respondent, the chairs and directors of all such units to which the Respondents are appointed or with which they are registered or affiliated.

- 1.4 “Complainant” means a person who makes an allegation of Research Misconduct.
- 1.5 “Data or Results” include all information or records of any sort related to the application for, performance of, data obtained from, conclusions and outcomes reached in the research in question including but not limited to formulae, discoveries, inventions, ideas, data, raw numbers, algorithms, concepts, products, compositions, processes, protocols, methods, tests, pattern research interpretations and analyses, and manuscripts, publications and reports.
- 1.6 “Dean” includes the deans of all faculties to which the Respondent is appointed or with which the Respondent is registered or affiliated and, where there is more than one Respondent, the deans of all faculties to which the Respondents are appointed or with which they are registered or affiliated.
- 1.7 “Good Faith Allegation” means an allegation that is not malicious or frivolous made by a Complainant who has reasonable grounds to believe that he or she has knowledge that Research Misconduct may have occurred.
- 1.8 “Member of the University Community” includes but is not limited to any person paid by, under the control of, or contributing in any manner to a research project in the University or an affiliated institution, and includes members of the academic, administrative and support staff of the University and its affiliated institutions, and students, fellows, technicians, health care workers, programmers, analysts and guests and visiting researchers.
- 1.9 “Plagiarism” means the representation of another’s work, published or unpublished, as one’s own or assisting another in representing another’s work, published or unpublished, as his or her own.
- 1.10 “Research Misconduct” includes, but is not limited to the definitions of the funding agencies for such misconduct, for example: fabrication, falsification, plagiarism, misappropriation of intellectual property rights of another, or any other conduct that constitutes a significant departure from the ethical and other standards that are commonly accepted within the relevant research community for proposing, performing, reporting or reviewing research or treating human and animal research subjects, but does not include:
- (i) honest errors or differences of interpretation or judgment relating to Data or Results that are reasonable in light of the circumstances in which they are made or reached; or
 - (ii) for the purposes of these Regulations, alleged plagiarism by students, other than postdoctoral fellows, relating to research that is undertaken for academic credit provided the allegation implicates only students.
- 1.11 “Research Record” includes any Data or Results in any medium.
- 1.12 “Respondent” means a Member or Members of the University Community against whom an 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.
- 2. PROHIBITION OF RESEARCH MISCONDUCT**
- 2.1 No Member of the University Community shall:
- (i) engage in Research Misconduct; or
 - (ii) make an allegation of Research Misconduct that is not a Good Faith Allegation.

3. RESEARCH INTEGRITY OFFICER

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

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

3.2 The RIO shall make diligent efforts to ensure that:

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

4. RESPONSIBILITY TO REPORT RESEARCH MISCONDUCT

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

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

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

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

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

5. ALLEGATION ASSESSMENT

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

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

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

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

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

5.2.2 Where feasible the RIO shall not disclose any nominative information relating to the Complainant or the Respondent when meeting with members of the University community or the experts pursuant to section 5.42.1(iii).

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

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

5.4.2 If the RIO determines that the allegation provides sufficient information to warrant an investigation, ~~he or she~~ the RIO:

~~(i) where appropriate, shall immediately notify on a strictly confidential basis the Chair and Dean to determine whether the Chair or Dean is aware of any information which might alter the RIO's initial determination;~~

~~and, if still appropriate,~~

(ii) shall initiate the investigation process and so notify in writing the Respondent, the Chair and Dean, ~~the Respondent~~, the Complainant, other appropriate University officials and, if the allegation originated from an Agency, the Agency;

~~(ii) shall request the Dean, the Vice-Principal (Research and International Relations) and the Secretary-General to advise the RIO of the names of their appointees to the Committee on Research Misconduct;~~

~~(iii) shall invite the Respondent, together with an Advisor if the Respondent so wishes, to meet with the RIO to discuss the investigation process;~~

~~(iii v)~~ may locate, collect, inventory and secure all the relevant original Research Records, or copies if the originals are unavailable, to prevent the loss, alteration, or fraudulent creation of records; and

~~(iv)~~ may place under trusteeship the Respondent's research facility, Research Records, research personnel including students, and research funds.

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

~~**5.5** Immediately upon receipt of the notification referred to in section 5.4.2(ii) the Dean shall meet with the Respondent, who may have an Advisor present, to:~~

~~(i) notify the Respondent of the start of the investigation;~~

~~(ii) inform the Respondent of the allegations of Research Misconduct against him or her;~~

~~(iii) provide the Respondent with a copy of these Regulations;~~

~~(iv) advise the Respondent of his or her rights and responsibilities during the investigation.~~

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

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

5.65.3 The RIO shall provide receipts for all Research Records sequestered under sections 5.4.2(~~iii v~~) and (v) and 5.65.2 and on written request from the person from whom Research Records are collected, shall allow such person under supervision by a University official:

(i) access to his or her own original Research Records; and

(ii) to copy the Research Records.

5.76 In the circumstance that certain Research Records are the property of, or belong to, an Agency, the Agency and Respondent shall provide full access to the Research Records to all who have a

legitimate right to access in order to facilitate the complete and thorough investigation of an allegation of Research Misconduct in accordance with these regulations.

6. COMMITTEE ON RESEARCH MISCONDUCT

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

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

- (i) one (1) member shall be appointed by the Dean;
- (ii) one (1) member shall be appointed by the Vice-Principal (Research and International Relations); and
- (iii) two (2) members with relevant knowledge and expertise shall be appointed by the Secretary-General from the panel established in accordance with section 6.8.

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

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

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

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

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

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

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

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

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

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

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

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

7. COMMITTEE PROCEDURES

~~7.1 The 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.*~~
[* This section is now 7.10]

7.21 The Committee shall determine the facts relevant to and the validity of the allegations brought to its attention by the RIO and to this end may:

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

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

7.2.1 The Committee shall take reasonable steps to ensure that any expert appointed under section 7.21 shall be free of bias or conflict of interest with the Respondent, the Complainant, or the case in question.

7.2.2 The Committee shall notify the RIO and, the Respondent and, ~~where the Complainant has a legitimate need to know, the Complainant~~ of the names of any experts appointed under section 7.21(iii).

7.2.3 The RIO, the Respondent and, ~~where the Complainant has legitimate personal interest in the outcome of an investigation, 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.

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

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

7.5 The Respondent ~~the Complainant, the RIO~~ and witnesses, including the Complainant if called as a witness, may ~~each~~ be accompanied by an Advisor.

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

7.6.2 The Respondent and Advisor and the RIO ~~and their advisors~~ may put questions to any person who appears before the Committee.:

- (i) ~~to the witnesses called by the other; and~~
- (ii) ~~to the witnesses called and the experts appointed by the Committee under section 7.2.~~

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

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

- 7.6.5 The Respondent, the RIO and their ~~a~~Advisors shall be entitled to reasonable access to the record of the matter.
- 7.7.1 The Committee shall give the Respondent, the RIO and any other person invited to appear before it ten (10) calendar days written notice of the date on which they are to appear.
- 7.7.2 If the Respondent, the RIO or other person fails to attend the Committee may proceed with the investigation in his or her absence.
- 7.8.1 The Committee shall obtain and review all relevant documentation and perform or cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.
- 7.8.2 The Committee shall maintain an index of all the relevant evidence secured or examined in conducting the investigation, including any evidence that may support or contradict the report's conclusions.
- 7.9 Any finding of Research Misconduct by the Committee shall be based on a preponderance of the evidence, that is, evidence that shows that it is more likely than not that the Respondent committed Research Misconduct.
- 7.10 The Office of the Vice-Principal (Research and International Relations) shall provide staff and other assistance to the Committee for conducting and completing the investigation, including maintaining confidentiality, conducting interviews and analyzing Data or Results.

8. INVESTIGATION BY COMMITTEE

- 8.1 Within ten (10) working days of the appointment of the Committee, the RIO shall notify the Respondent in writing of:
 - (i) the name of the research project in question;
 - (ii) the name of the Complainant, if known;
 - (iii) the specific allegations of Research Misconduct;
 - (iv) the name of the Agency involved, if any;
 - (v) the names of the members of the Committee;
 - (vi) a copy of these Regulations.
- 8.2.1 Subject to section 8.2.2, the Committee shall conclude its investigation and submit its preliminary report pursuant to section 8.4, within ninety (90) calendar days of the notification to the Respondent of the opening of an investigation as provided for in section 8.1.
- 8.2.2 If the Committee, for good cause, is unable to comply with the delay specified in section 8.2.1, or such shorter delay as may be imposed by an Agency, it shall provide written reasons for its inability to do so to the RIO, ~~the Respondent and~~ and, if appropriate, the Agency, and request an extension.
- 8.3 The Committee shall conduct its investigation in accordance with the procedures established in section 7.
- 8.4 On the completion of the investigation the Committee shall prepare a preliminary written report containing:
 - (i) the names of the members of the Committee;
 - (ii) the names of any experts appointed by the Committee;
 - (iii) the names of the persons invited to appear before the Committee;
 - (iv) the names of the Agencies supporting the research in question;
 - (v) the name of the Complainant, if known;
 - (vi) a statement of the allegations of Research Misconduct;

- (vii) a summary of the relevant evidence;
- (viii) the Committee's analysis of the evidence;
- (ix) the Committee's findings with respect to the allegations with supporting reasons;
- (x) the Committee's recommendation as to the appropriate disposition of the case; and
- (xi) any other recommendations that the Committee feels are appropriate in the circumstances of the case.

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

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

9. DECISION BY THE PROVOST

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

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

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

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

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

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

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

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

9.6 Subject to section 9.4, the Provost shall determine whether any government agencies, professional societies, professional licensing boards, editors of journals or other publications, collaborators of the Respondent, or other relevant parties should be notified of the outcome of the investigation.

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

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

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

10. GENERAL PROVISIONS

10.1 Respondent's Admission

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

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

10.2 Resignation of Respondent

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

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

10.3 Requirements for Reporting to the Appropriate Agency

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

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

10.4 Protection of Innocent Respondents

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

10.5 Protection of Other Members of the Academic Community

10.5.1 The University shall take all reasonable measures to ensure that the academic standing and reputation of an innocent student, postdoctoral fellow, technician, research assistant, research associate or member of the academic staff is not prejudiced by any investigation of, or any administrative actions and/or disciplinary proceedings that may be instituted.

10.6 Annual Report

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

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

10.7 Review of Regulations

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