

# Memo



**To:** Georgina Moore, University Secretariat

**From:** Susan Marlin, Associate Vice-Principal (Research)

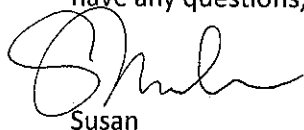
**Date:** September 9, 2010

**Re:** Proposed Amendment to the Queen's Senate Policy  
*Integrity in Research*

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The Queen's University Senate policy *Integrity in Research* was approved by Senate in January 2009. The proposed amendment described in the attached was reviewed and approved by the Senate Advisory Research Committee (SARC) on June 7, 2010 and recommended to Senate for approval. If you have any questions, please do not hesitate to contact me.



Susan

## **Proposed Amendment to the Queen's University Senate Policy on Integrity in Research**

**September 8, 2010**

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The Queen's University Senate Policy on Integrity in Research was approved by Senate in January 2009. The proposed amendment described herein was reviewed and approved by the Senate Advisory Committee on Research on June 7, 2010.

Policy approved by the Senate in January 2009 states that the complainant (individual submitting an allegation) will be informed of the outcomes of the review and investigation of the allegation in the following circumstances:

- Section 6 (j) – If a full investigation is conducted, the complainant will be provided with a copy of the investigative committee's report (which includes documents reviewed, summary of interviews conducted, key considerations and a finding with regard to whether misconduct has occurred) to review for factual errors
- Section 6 (k) – The complainant is provided with a copy of the final report.

We have received legal advice indicating that providing the information described above to a complainant violates the rights of the respondent under the *Freedom of Information and Protection of Privacy Act*. The report and findings resulting from a research integrity investigation contain personal information about an individual (i.e. the respondent) which cannot be disclosed without the consent of the individual to whom the personal information relates. The research integrity process is not an investigation into a dispute between a complainant and a respondent. It is the responsibility of the University to maintain integrity standards and respond effectively to complaints and allegations. The complainant is not a party in this investigative process (although a complainant may contribute evidence and give testimony).

The proposed amendment seeks to remove the complainant as recipient of the information described in sections 6 j and k. The proposed text to be deleted is indicated in the attached copy of the Policy.

## QUEEN'S UNIVERSITY SENATE POLICY ON INTEGRITY IN RESEARCH

Approved by the Senate January 29, 2009

[Supersedes "A Code of Research Ethics] approved by Senate in October 1987]

### 1. INTRODUCTION

Academic integrity is an expectation fundamental to the mission of the university, whether it be in teaching or in research. The Senate Academic Integrity Statement<sup>1</sup>, adopted in 2006, recognizes the university's commitment to upholding integrity in all scholarly work. Queen's University Senate Policy on Integrity in Research is respectful of the five core fundamental values defined in the Senate Academic Integrity Statement: honesty, trust, fairness, respect and responsibility.

Queen's University Senate Policy on Integrity in Research (hereinafter referred to as the 'Policy') outlines the expectations of members of the Queen's community with respect to the conduct of research and scholarly activities in a manner consistent with the highest standards of ethical and scientific practice. The Policy documents the University's expectations in this regard, defines misconduct in research or scholarly activities and outlines procedures to be followed when it is suspected.

The responsibilities of all members of the Queen's community include not only fulfilling the integrity expectations of this Policy, but also reporting suspected misconduct according to the procedures defined. The responsibilities of the University include promoting integrity in research and scholarship, investigating allegations of misconduct, imposing appropriate sanctions if misconduct has occurred and reporting cases of misconduct appropriately.

### 2. JURISDICTION

The Policy applies to those participating in research or scholarly activities at or under the aegis of Queen's University. This includes faculty (including term adjuncts, emeritus, and visiting professors), administrators, postdoctoral fellows, staff and students (including undergraduate, graduate and professional students).

A student involved in an integrity issue relating to research and associated with a course in which they are enrolled shall be subject to the procedures followed by the Faculty or School offering the course. However, if a student is involved in an integrity issue relating to research funded by a Tri-Council agency, the Tri-Council will be informed according to Section 8 below.

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<sup>1</sup> Academic Integrity Policy Statement; Approved by Senate January 26, 2006;  
<http://www.queensu.ca/secretariat/senate/policies/AcadInteg.html>

The Policy has been written to be consistent with, and complementary to, existing University policies and agreements addressing related research ethics and integrity issues. It is meant to be used in conjunction with, not as a replacement for, existing University procedures or agreements. If there is a conflict between this Policy and provisions of a collective agreement the agreement will prevail.

The Policy has also been written to be consistent with the *Tri-Council Policy Statement: Integrity in Research and Scholarship*. This is a requirement of all institutions in Canada that have signed the Memorandum of Understanding with the Tri-Council funding agencies.

The collective agreements between Queen's University and the Faculty Association<sup>2</sup> contain the core components of a scientific integrity policy as defined by the *Tri-Council Statement: Integrity in Research* and the general expectations of the University. For these reasons and in order to have a policy that is as consistent as possible across members of the Queen's community, the expectations, definitions and procedures outlined in this Policy are substantially based on these agreements and in many instances use the specific language in the agreements.

If an allegation of misconduct involves research supported by the Public Health Service (PHS) of the United States Department of Health and Human Services, the PHS policies on research misconduct as outlined in the US Federal Code of Regulations (42 CFR Part 93) will be consulted and followed to the extent possible. This Policy will prevail when its requirements are more stringent than the US Code. Existing agreements at Queen's (e.g. collective agreements) or applicable Canadian legislation (e.g. Freedom of Information and Protection of Privacy Act) will prevail when there is a conflict with the US Code or other external policies or regulations of funding agencies or other jurisdictions which are relevant to integrity issues at Queen's University.

### 3. EXPECTATIONS

It is expected that members of the Queen's University community will pursue research and scholarship activities in a manner that is consistent with the highest standards of ethical and scientific practice.

All members of the Queen's University community who are involved in the conduct of research are expected to:

- a. Adhere to all University ethics policies and meet the recognized ethical standards of the national granting councils, including ethical guidelines for working with animal or human subjects.
- b. Deal fairly with colleagues and students.
- c. Carry out research in an honest search for knowledge.
- d. Base findings upon a critical appraisal and interpretation according to scientific, scholarly and/or creative principles appropriate to the particular discipline or area.

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<sup>2</sup> 2008-20011 FLABU, 2008-20011 SABU

- e. Make results of work accessible to the scholarly community and general public through the submission for publication, conferences, lectures, public performance and/or other appropriate means.
- f. Indicate affiliation with Queen's or other institutions as appropriate and properly attribute contributions of others.
- g. Retain research records within their personal control for a minimum of 5 years from the date of publication or other form of presentation (if appropriate for the data format), or longer if mandated by a legal requirement or an applicable funding or oversight agency. An exception to this would be when for anonymity purposes destruction of data has been approved by a Research Ethics Board at Queen's University.

Original data are normally stored in the laboratory or department of the principal investigator. In the case of collaborative research all those involved in the conduct of the research (including supervisors and students) will have access to the data. Such access may be restricted only when a request to do so is made in writing to and approved by the Vice-Principal (Research).

#### 4. MISCONDUCT IN RESEARCH OR SCHOLARLY ACTIVITY

Misconduct in research or scholarly activity may include, but is not limited to, one or more of the following:

- a. Fabrication<sup>3</sup> or falsification<sup>4</sup> of research data or source material
- b. Plagiarism<sup>5</sup>
- c. Failure to appropriately recognize contributions of others; using unpublished material of others without permission; use of archival materials in violations of the rules of the archival source
- d. Failure to obtain permission of the author before using information gained through access to manuscripts or grant applications during a peer- review process
- e. Attribution of authorship to persons other than those who have contributed sufficiently to take responsibility for intellectual content
- f. Submission for publication of articles published elsewhere excepted where clearly indicated to be a republication
- g. Failure to meet relevant legal requirements for protecting researchers, human subjects, the health and safety of the public, or the welfare of lab animals
- h. Failure to meet relevant legal requirements that relate to the conduct or reporting of research and scholarly activity amount to misconduct in research

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<sup>3</sup> Definition: Making up data, results or findings and recording or reporting them (based on U.S. Office of Research Integrity definition)

<sup>4</sup> Definition: Manipulating research materials, equipment or processes or changing or omitting data, findings or results such that the research is not accurately represented in the research record (based on U.S. Office of Research Integrity definition)

<sup>5</sup> Definition: Appropriation of another person's ideas, processes, results or words as one's own (based on U.S. Office of Research Integrity definition)

- i. Failure to reveal conflicts of interest to the University, sponsors, commissioners of work, or when reviewing research grant applications or manuscripts for publication or to test products for sale or for distribution to the public
- j. Financial misconduct involving research funds including the misuse or misappropriation of research funds
- k. Failure to inform co-workers in a timely manner of experimental findings and developments
- l. Failure to disclose conflict or appearance of conflict of interest

Honest error, conflicting data or differences in interpretation of data, or differences in assessment of experimental design or practice do not constitute fraud or misconduct.

#### **5. REPORTING ALLEGATIONS OF MISCONDUCT IN RESEARCH OR SCHOLARLY ACTIVITY**

If a member of the Queen's community has reasonable grounds to suspect misconduct in research or scholarly activity it is expected that the member will bring forward an allegation promptly. In cases where a member of the community is unclear whether an activity or activities may constitute misconduct under this Policy the member may contact the Office of the Vice-Principal (Research) to request a referral to an advisor who will provide confidential advice regarding the matter. The advisor will be appointed by the Vice-Principal (Research) and will normally be a senior faculty member of the University with significant understanding of Queen's integrity policies and procedures.

Allegations of misconduct can come from members of the Queen's community or sources external to Queen's and must be reported to the Principal in writing, with evidence, and be signed and dated. Any administrator or other member of the Queen's community who receives an allegation must refer it to the Principal.

Allegations of misconduct received by the Principal and related to undergraduate or graduate students will be reported to the appropriate Dean to determine if the alleged misconduct is related to course work and therefore should be addressed by different processes such as those under the jurisdiction of the *Senate Policy on Academic Integrity Procedures – Requirements of Faculties and Schools*.

The University will undertake appropriate measures to support individuals who have made allegations in good faith as well as others involved in an inquiry, such as witnesses.

The University will take action against those who make unfounded allegations of fraud or misconduct that are reckless, malicious or not in good faith.

#### **6. INVESTIGATION OF ALLEGATIONS**

The University has the onus of establishing misconduct and requires objective evidence to do so. The Principal will normally delegate the review and investigation of allegations to the Vice-Principal (Research).

If the Vice-Principal (Research) reasonably believes a situation may exist that would fall under the jurisdiction of the Policy the procedures outlined in the following sections will apply.

If the alleged misconduct involves collaborative research conducted at multiple institutions the following procedures may need to be modified to facilitate joint or parallel investigation processes.

- a. The Vice-Principal (Research) shall inform the individual submitting the allegation (hereinafter referred to as the 'complainant') that the allegation has been received and will be investigated in accordance with the procedures outlined in the Policy. The Vice-Principal (Research) may request additional information from the complainant.
- b. The Vice-Principal (Research) shall within 15 working days of receipt of the allegation advise the subject of the allegation (hereinafter referred to as the 'respondent') in writing of the nature and substance of the allegation and scope of the investigation, inviting the respondent to respond by meeting with the Vice-Principal (Research) or submission of materials or both. The Vice-Principal (Research) will instruct the respondent to retain all materials relevant to the allegation until further notice.
- c. The respondent must respond within 20 working days of the date of notification by the Vice-Principal (Research). The Vice-Principal (Research) may provide suggestions of evidence to be submitted and issues to be addressed which might expedite, simplify or render an investigation unnecessary. The respondent is responsible for providing the Vice-Principal (Research) access only to research and scholarly activity materials that are in her or his possession, power or control but not to materials that are publicly available. Based on the response and evidence provided by the respondent the Vice-Principal (Research) will decide, and inform the respondent and complainant in writing, that either:
  - i. There is sufficient evidence to indicate a situation may exist that would constitute misconduct and a full investigation is necessary or
  - ii. There is insufficient evidence to warrant proceeding with an investigation. In this case all documents shall be removed from the official record of the respondent and destroyed.
- d. If a full investigation is deemed necessary by the Vice-Principal (Research), the responsibility for the investigation will be delegated to an "Investigative Committee". Members of the Investigative Committee shall be appointed by the Vice-Principal (Research) and shall normally include:
  - i. A member of senior administration familiar with research-related policies (Chair)
  - ii. A Dean or Associate Dean from the respective Faculty or School of the respondent
  - iii. Two faculty members from Departments outside of the Department of the respondent (at least one of which is outside the Faculty of the respondent)

- iv. A member of the Queen's community with legal expertise
- v. For respondents who are not faculty, a member with the same appointment status as the respondent (eg. staff member, post doctoral fellow, student)

Emeritus faculty are eligible to serve on the Committee. If additional expertise is required on the Investigative Committee the Chair may appoint up to two additional members from within or outside the University. These members, as all others, must have no conflicting interests with the complainant or member being investigated.

The respondent shall have the opportunity to review the membership of the Investigative Committee and to comment on any members who may have a conflict of interest.

- e. The Investigative Committee will review the allegation from the complainant, the response from the respondent and evidence or materials submitted. Subsequently the Committee shall identify additional records that need to be obtained in order to complete the investigation. The respondent will be given access to all materials received from the complainant and otherwise concerning the allegation. The Chair will ensure a record is made of all documentation collected and reviewed by the Committee.
- f. The Committee will invite the respondent and the complainant to appear separately before the Committee to be heard and to provide evidence. The respondent and the complainant may be accompanied by an advisor of their choosing. The name and position of an advisor should be provided to the Committee Chair at least 3 working days prior to any meeting. If the advisor is legal counsel, five days notice must be provided.
- g. The Committee may call witnesses to appear before it. The Committee will prepare a fairly detailed report of the testimony of the complainant and any witnesses which will be forwarded to the respondent. The respondent will have 10 days to respond to the information in the report either orally or in writing.
- h. The Investigative Committee will prepare a written report of their investigation and submit it to the Vice-Principal (Research) within 90 working days of receipt of the allegation. The report will list the documents reviewed, summarize content of interviews conducted, and include key considerations and a finding with regard to whether misconduct has occurred. The report of the Investigative Committee may also contain recommendations for the review of other work of the respondent.
- i. The Investigative Committee will normally decide on a finding by consensus. If consensus cannot be reached, Committee members, with the exception of the Chair, will vote. The finding will be according to the decision of the majority. In the case of a tie the Chair will make the final decision.
- j. The respondent ~~and the complainant~~ will be provided with a copy of the report to review for factual errors. Requested revisions must be submitted to the Vice-Principal (Research) within 10 working days and these will be forwarded to the



Committee for consideration. A final report will be submitted to the Vice-Principal (Research) within 10 working days of receipt of the revisions.

- k. The finding of the Investigative Committee regarding misconduct is binding (unless successfully appealed according to the grounds noted in Section 8). The Vice-Principal (Research) will provide the respondent ~~and the complainant~~ with a copy of the final report within 10 working days of receipt of the final report.
- l. Sanctions associated with a finding of misconduct will be applied according to an applicable collective agreement if one exists for the respondent. If a collective agreement does not exist for a non-student respondent, disciplinary measures will be defined by the Vice-Principal (Research). In the case of staff, findings regarding disciplinary measures will be made in consultation with the Vice-Principal (Human Resources). In the case of students, sanctions will be determined by the Faculty Board responsible for the student.
- m. If any of the timelines defined above cannot be met the Vice-Principal (Research) must be informed and approve a revised timeline. In cases where significant delay is expected the respondent and the complainant will be informed.

## **7. APPEALS/GRIEVANCES**

Acceptable grounds for an appeal or grievance with regard to a finding of misconduct and the disciplinary measures is unfairness in process or an unreasonable finding. If the respondent is a member of an association with a collective agreement the appeal/grievance procedures of the agreement should be followed. If the respondent is a student the *Queen's University Senate Policy on Student Appeals, Rights and Discipline* should be followed. If the respondent is not a member of an association with a collective agreement or a student, an appeal must be submitted to the Vice-Principal (Academic) normally within 15 working days of notification of the finding and sanctions.

## **8. REPORTING**

- a. If there is a finding of misconduct, the report and letter indicating sanctions will be forwarded to the Principal and the Administrative Heads of the respondent's unit (e.g. Department Head and Dean).

If the research is funded by an outside agency or has been published or submitted for publication, the Vice-Principal (Research) will normally inform the agency or publisher concerned within 30 days of the inquiry/investigation. In the case of externally funded research, access to the research funding by the member will be suspended until further instruction from the funding agency is provided.

- b. If an allegation of misconduct was not supported the University shall protect the reputation and credibility of members wrongfully accused including written notification of findings to all agencies, publishers, or individuals who are known by the University to have been informed of the allegation or investigation.

- c. Annually, in December, a general summary report regarding internal complaints will be forwarded to the appropriate Tri-Council as required by the *Tri-Council Memorandum of Understanding*. For cases where complaints were submitted but findings not confirmed the report will be general and anonymous in nature. In the event that one of the Councils initiates a request for an inquiry/investigation, a comprehensive report of the process and findings will be submitted to the Council within 30 days of the inquiry/investigation.

## 9. PRIVACY AND PROTECTIONS

The University will take reasonable steps to maintain confidentiality of the investigative process, records and findings until sanctions are decided. Records concerning allegations and investigations will be kept by the Office of the Vice-Principal (Research). Personal information will be protected according to the *Freedom of Information and Protection of Privacy Act*.

If an allegation of misconduct is not supported the University will remove and destroy all documentation concerning the allegation from the respondent's official file.

The University will take reasonable steps to protect complainants who make allegations in good faith or whom it calls at witnesses. It is expected by the University that no member of the Queen's community will retaliate against a person making allegations in good faith. If retaliation is suspected it should be reported to the Vice-Principal (Research).

## 10. EDUCATION

Queen's University is committed to ensuring the Senate Policy on Integrity in Research and the principles contained herein are promoted throughout the research community. The Policy will be introduced at new faculty and graduate student orientation sessions each year and will be referenced in letters of appointment to all new research contract staff. The Policy will be posted on the Research and Senate Policy websites at Queen's. At a minimum a general education session regarding the Policy, which is in addition to the session at new faculty orientation, will be held annually and will be open to all members of the Queen's community.

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