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Parent Policy: [Research and Scholarship Integrity Policy](#)

## Research and Scholarship Integrity Enforcement Procedure

<b>Office of Administrative Responsibility:</b>	Provost and Vice-President (Academic)
<b>Approver:</b>	Provost and Vice-President (Academic) and Vice-President (Research)
<b>Scope:</b>	Compliance with University procedure extends to all members of the University community.

### Overview

The University of Alberta is responsible for promoting high standards of research and scholarship integrity, for receiving and investigating allegations of misconduct, and for discipline where appropriate. Whenever a person believes misconduct has occurred, he or she is expected to report it promptly according to these procedures. The University of Alberta's response to alleged misconduct is characterized by impartiality of process and judgment, respect for due process and principles of natural justice, and the protection of both accused and accuser from undue privacy violation and from undeserved harm to reputation. When misconduct is shown to have occurred the University of Alberta is committed to the imposition of appropriate sanctions, and when possible, to rehabilitation of the offender.

### Purpose

- Identify the procedures to be followed in the event of an allegation that a violation of the Research and Scholarship Integrity Policy has occurred.

## PROCEDURE

### ALLEGATIONS OF MISCONDUCT

#### 1. INITIATION OF COMPLAINT

a. Anyone who believes that misconduct under the Research and Scholarship Integrity Policy has been committed may lodge a complaint by submitting a written account of the alleged offense to the responsible **adjudicator** indicated in Schedule A of this procedure.

b. The complaint must identify the respondent and must contain enough information to permit an evaluation to determine whether the alleged conduct plausibly constitutes an offense and to permit further information gathering about the alleged misconduct. This must include:

i. sufficient detail about the nature of the alleged misconduct;

ii. location and time of its occurrence; and

iii. name, signature and contact information of the **complainant**.

c. Any person who receives a complaint or anonymous allegation but who is not the specified adjudicator will forward such complaint or allegation without action to the Vice-President (Research). The Vice-President (Research) will then redirect the complaint or anonymous allegation to the appropriate adjudicator.

- d. The adjudicator for allegations concerning **special category persons** will be the Vice-President (Research).
- e. Allegations concerning students will be addressed through the Code of Student Behaviour. See also Appendix A.

## 2. TIME LIMITS FOR COMPLAINTS

- a. Complaints must be made within 6 months of the date the alleged misconduct became known or ought to have become known. This includes complaints made against special category persons or against persons covered by a relevant agreement that does not provide for a time limit for disclosing such incidents.
- b. Complaints received after the expiration of the imposed time limit will be dismissed and not be proceeded upon unless the adjudicator determines that:
  - i. exceptional circumstances delayed the making of the complaint; and
  - ii. acting on the complaint would not prejudice the ability of the respondent to make full answer and defense against the allegations.

## 3. ANONYMOUS ALLEGATIONS

- a. Allegations made by persons wishing to remain anonymous will be considered and may become complaints when justified by special circumstances, and when sufficient information is provided to permit the collection of independent corroborative evidence. Special circumstances may include situations when complainant identification would place the complainant in plausible jeopardy of retaliation or other harm that could not be averted through means other than anonymity.
- b. The requirements of due process may require, however, that a complainant whose identity initially is held in confidence eventually will be identified if the complainant's personal knowledge or evidence constitutes the substance of the complaint. Persons who wish to make anonymous allegations or complaints, in which their identities are kept confidential, should contact the Office of Safe Disclosure and Human Rights for advice before doing so.
- c. When an anonymous allegation is made the adjudicator will consult with the Vice-President (Research), and then will determine whether the allegation should be given the status of a complaint. The factors that will be considered may include:
  - i. whether the allegation contains sufficient information to permit independent evidence gathering and verification;
  - ii. whether complainant anonymity is likely to result in substantial unfairness to the respondent; and
  - iii. whether special circumstances, as described in paragraph 3(a), exist.
- d. In the event an anonymous allegation is given the status of a complaint, a **surrogate complainant** will be appointed by the Vice-President (Research).
- e. In the event an anonymous allegation is not given the status of complaint no action will be taken, the complainant will be so informed, where possible, and all copies of the allegation will be destroyed.
- f. Confidentiality is subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (Alberta), other legislation, and the University's policies.

## INITIATION OF PROCESS

## 4. APPLICATION OF PROCEDURES

- a. These procedures are to be implemented in conjunction with other **relevant agreements**, and will not be interpreted as abrogating any of the rights, responsibilities, procedures or duties contained in the relevant agreements.
- b. Should no procedures exist within a relevant agreement to manage the complaint the decision on a course of action will be made by the **Integrity Policy Monitor**.
- c. Allegations against special category persons will be dealt with under these procedures.
- d. These procedures are also to be applied in a manner that is consistent with relevant external policies, such as Tri-Council Policy, and where appropriate with U.S. Department of Health and Human Services regulations.

## 5. THIRD-PARTY REPRESENTATION

Any person who alleges misconduct, who is respondent to allegations of misconduct, or who administers the current policy may consult with an adviser during all stages of the proceedings. The advisors may attend meetings providing notice is given to the other parties to the complaint one full **working day** prior to the meeting.

## 6. PRESERVATION OF EVIDENCE AND CONFIDENTIALITY OF RECORDS

- a. The adjudicator shall take whatever steps are necessary to sequester, secure and maintain information of evidentiary value.
- b. Where the allegation of misconduct involves falsification, fabrication or plagiarism the adjudicator must, on or before the date the **respondent** is notified or the inquiry begins, whichever is earlier, promptly take all reasonable and practical steps to obtain custody of all the research records and evidence, and sequester them in a secure manner. Where, however, the research records or evidence are located on scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the information stored on the instruments.
- c. The adjudicator shall instruct the complainant and respondent to secure and maintain all evidence relevant to the investigation. Such measures will take into account the ongoing research needs of the persons involved in the misconduct proceedings.
- d. The adjudicator will ensure the complainant, the respondent and any other third-party recipients of documents are informed of their responsibility to maintain strict confidentiality of all records, to honour the privacy of individuals and to protect the reputation of the parties involved in the application of the Research and Scholarship Integrity Policy.

## 7. COMMUNICATIONS

- a. All notices and other communications to respondent persons and complainants shall be marked confidential and delivered in the manner specified by the relevant agreements.
- b. When those agreements are silent as to delivery method for respondent persons and complainants, or do not apply to the case, communications will be marked confidential and hand-delivered, sent by courier, sent by regular or registered mail or by agreed upon electronic communication.
- c. At the respondent's request, the respondent may pick up the material, decision or notice at an arranged place.
- d. When sent by mail, the material, decision or notice will be sent to the last address provided by the respondent to the University.
- e. Delivery is deemed to have been effected on the date of the pick-up, personal receipt of hand or courier delivery or 5 working days following regular or registered mailing.

## 8. APPREHENSION OF BIAS

If the complainant or respondent, apprehends that any person in an investigative or decision-making role is biased, s/he may request a review by the Integrity Policy Monitor. The Integrity Policy Monitor will review and decide whether an alleged **apprehension of bias** has merit, or not, and recommend accordingly. The decision of the Integrity Policy Monitor is final.

## ADJUDICATION, INITIAL ASSESSMENT

### 9. INITIAL ASSESEMENT

a. On receipt of a complaint, the adjudicator and the **associate adjudicator** must determine: i) the applicability of the Research and Scholarship Integrity Policy to the complaint; ii) if the allegation(s) were true, if the complaint would constitute misconduct; and iii) if the complaint is frivolous, vexatious or unsubstantiated. Given the diversity of research and scholarship covered by the Policy, establishing special circumstances and other facts may be of essential relevance when making an initial assessment; hence, prior to reaching this decision the adjudicators may request additional information, may consult with the Vice-President (Research), with persons in the relevant unit of the University and with others who can provide context for reaching the decision.

b. Unintentional mistakes and different scholarly interpretations of data or research design do not normally constitute misconduct in research.

c. Complaints that are deemed frivolous, vexatious or unsubstantiated may be dismissed.

d. If the Research and Scholarship Integrity Policy is not found to be applicable, or if the allegation, if found to be true, would not constitute misconduct, the adjudicator may dismiss the complaint or, if applicable, may proceed solely according to other relevant agreements for which the adjudicator has authority.

e. If the adjudicator finds that the Research and Scholarship Integrity Policy is applicable to the complaint and the allegations, if found to be true, would constitute misconduct, then the provisions of this procedure will guide the adjudicator in his or her handling of the case in concert with other relevant agreements.

### 10. INITIAL DECISION

a. Where a determination is made that the Research and Scholarship Integrity Policy and these procedures apply to the complaint, the adjudicator will, in writing:

i. provide a copy of the complaint to the respondent;

ii. inform the respondent of his or her right to submit a written response to the complaint within 10 working days of the date of the adjudicator's letter (a copy is to be sent to the complainant);

iii. inform the respondent of the opportunity to request a meeting with the adjudicator and associate adjudicator. This request must be made within 10 working days of the date of the adjudicator's letter;

iv. instruct the respondent and the complainant to preserve all evidence;

v. instruct the respondent and the complainant not to communicate with each other about the alleged misconduct until further notice;

b. Once the 10-day deadline has passed the adjudicator, in consultation with the associate adjudicator, will determine whether to:

i. dismiss the complaint when the adjudicator is satisfied that the complaint is frivolous, vexatious or unsubstantiated;  
or

- ii. authorize an investigation; or
  - iii. advise the authorized disciplinary authority under a relevant agreement that they are satisfied the allegation has been substantiated, and recommend that disciplinary action should be taken.
- c. In the event the complainant is unsatisfied with the decision made above, the individual has the right to contest the decision by means of grievance, arbitration or appeal, where applicable under the relevant agreement.

#### 11. AGREED STATEMENTS OF FACT OR ACKNOWLEDGEMENT OF MISCONDUCT

The respondent may agree to the statement of facts alleged in the complaint, in which case the adjudicator may proceed without referring the file for investigation. The adjudicator must, nevertheless, ensure that the evidence supporting the allegation is sufficient to warrant any actions in accordance with the procedures of the relevant agreement. The adjudicator must, in this conclusion, obtain a written statement from the respondent and forward the material to the university official responsible for discipline under the relevant agreement. The respondent must be informed of their right to seek advice from a third party prior to agreeing to the written statement.

The respondent may agree that the statement of facts alleged in the complaint is accurate but is the product of simple error or omission. If the adjudicator agrees that this response is sufficient, the adjudicator may issue a letter of expectation for correction of the error and omissions (copied to the complainant) and close the file.

#### INVESTIGATION

#### 12. INVESTIGATION

- a. When an investigation is authorized, the adjudicator and associate adjudicator shall appoint an investigative committee, that may include one, two or three persons, (hereinafter referred to as the **investigator**) to investigate the complaint. The members of the committee shall be selected so that the investigative committee has appropriate expertise.
- b. The investigator will issue a "Notice of Investigation" to the respondent normally within 10-working days of the investigation authorization. The Notice will include information about:
  - i. maintaining evidence to the complaint;
  - ii. the confidentiality of the proceedings and participants;
  - iii. the privacy and reputation protections;
  - iv. the proscription against improper acts of retaliation;
  - v. the respondent and the complainant's right to submit a written reply, including suggestions regarding sources of exculpatory information (e.g. persons to interview documentary evidence to examine), within 20 days of the deemed receipt of Notice; and
  - vi. the right of both the complainant and respondent to meet with the investigator within 20 days of the deemed receipt of Notice.
- c. Once the investigator has considered the submissions and met with the complainant and respondent as necessary, the investigator may:
  - i. seek further evidence by meeting with witnesses or
  - ii. pursue other relevant avenues of investigation as necessary.

This phase of the investigation will normally take no more than 40 working days. With written notice to the adjudicator, the investigator can request this timeframe be extended in order to consider evidence and to ensure the integrity of the process.

d. Once all the evidence is compiled, the investigator will offer in writing to review the evidence with the respondent and the complainant.

### 13. REPORT

The investigator shall write a report summarizing the complaint, the investigation process followed, sources of evidence consulted, meetings held, and a conclusion as to whether or not the respondent committed the act(s) of alleged misconduct. The report will be submitted to the adjudicator immediately upon its completion.

### ADJUDICATION AND DECISION

#### 14. ADJUDICATION

a. On receipt of the report written by the investigator, the adjudicator will:

i. distribute the report to the respondent and the complainant with invitations to respond in writing within 10 working days of the deemed receipt of the report: and

ii. after receiving any further response the adjudicator will offer to meet with the respondent and complainant to discuss the report.

#### 15. DECISION

a. Following a review of the report and further responses and information received at meetings, the adjudicator shall either dismiss the complaint or initiate disciplinary procedures.

b. Once a decision has been made, the adjudicator will prepare a report summarizing the decision made and the appropriate course of action. This report is sent to the complainant, the respondent and any others that have a need to know about the case, as determined by the adjudicator. A copy is maintained in the adjudicator's file.

#### 16. DISMISSAL OF COMPLAINT

a. In the case of dismissed complaints, the adjudicator will advise the respondent and the complainant, and the Vice-President (Research) in writing.

b. If the complaint was dismissed any time after the completion of the investigation the adjudicator will provide the Vice-President (Research) with a copy of the Investigation report.

c. The adjudicator will instruct all parties to deliver all copies of documents related to the case within five (5) working days to the adjudicator. All copies except for the original will be destroyed.

d. The adjudicator will maintain one file copy of all materials for a period of two years from the date on which the Complaint is dismissed. After two years the file copy may be destroyed.

#### 17. RETALIATION AND RECONCILIATION

a. The respondent may pursue a complaint against the original complainant under the Research and Scholarship Integrity Policy for a complaint that is frivolous or vexatious. Such a complaint must be submitted within one year from the date the original complaint was dismissed. Otherwise a respondent may take no action under any University processes to the detriment of the complainant (or others involved in the proceedings) as a result of the complaint.

- b. No other person will take action against a complainant (or others involved in the proceedings) as a result of a complaint, except as provided for in the Research and Scholarship Integrity Policy. Such improper acts are themselves misconduct and offenses.
- c. When a complaint is dismissed, there may be significant discord or misunderstanding between complainant and respondent. In such cases, the adjudicator may recommend and facilitate an alternate form of dispute resolution such as mediation to deal with the discord or misunderstanding.

#### 18. DISCIPLINARY PROCEDURES AND PENALTIES

- a. If the adjudicator initiates disciplinary procedures, the adjudicator will follow the disciplinary procedures from the relevant agreement and will impose the appropriate penalty.
- b. For special category persons the adjudicator will impose an appropriate penalty.
- c. In all cases, the adjudicator (jointly with others mandated to do so under other University of Alberta policies and agreements) will notify the respondent in writing of the penalty decision and the date on which the penalty takes effect. The adjudicator also will inform the complainant of the action taken. The adjudicator will inform the Vice-President (Research), in writing, of the disciplinary action taken and provide the Vice-President (Research) with a copy of the Investigation report. The adjudicator may also inform others, on a need to know basis (as determined by the adjudicator) of the action taken.

#### 19. REPORT TO FUNDING AGENCY

If disciplinary action has been taken and the respondent's work was externally funded, the Vice-President (Research) shall prepare a synopsis of the complaint, the investigative report and the disciplinary action taken. This synopsis shall be sent to the funding agency (or oversight agency as appropriate), to the adjudicator and to the disciplined person.

The Vice-President (Research) is responsible for meeting any other funding agency reporting requirements.

#### 20. CONTESTED DISCIPLINE DECISIONS

- a. Rights to contest discipline decisions by means of grievance, arbitration, or appeal will be followed, where available, under the relevant agreement. The person(s) responsible for conducting such proceedings will upon a decision being reached, send notice of the outcome in writing to the complainant, respondent, the adjudicator, and the Vice-President (Research).
- b. Special category persons, or persons who do not have access to the procedures described in the preceding paragraph may elect to contest the adjudicator's decision through arbitration. The arbitrator in such cases will be selected by the adjudicator and the associate adjudicator after consultation with the complainant and respondent. The arbitrator must be in a position outside the discipline(s) of the complainant and respondent. The arbitrator will establish the rules for the hearing, and the rules must be agreed upon in advance and in writing by complainant and respondent. The decision of the arbitrator will be final and binding. Upon a decision being reached, the arbitrator will send notice of the outcome in writing to the complainant, respondent, the adjudicator, and the Vice-President (Research). Arbitrators are encouraged to provide their services pro bono.
- c. If the result of the procedures described in the preceding paragraphs alters the decision of the adjudicator and/or associate adjudicator, and notice of discipline previously has been sent to a funding agency or oversight agency, the Vice-President (Research) will so notify the funding agency or oversight agency.

#### 21. POLICY DISSEMINATION AND EDUCATION

The Research and Scholarship Integrity Policy will be made known to all members of the University community by:

- a. Including a reference to the Research and Scholarship Integrity Policy in the University of Alberta Calendar;

- b. Requiring instructors and supervisors to advise all students who conduct research under their direction about the Research and Scholarship Integrity Policy and procedures; and
- c. By promoting awareness and appreciation of the principles of research and scholarly integrity prescribed by the Research and Scholarship Integrity Policy through information sessions or other suitable means.

## 22. PROCEDURAL MATTERS OR QUESTIONS

If procedural matters or questions arise which are not covered in the *Research and Scholarship Integrity Policy*, the Provost and Vice-President (Academic) may decide on such matters and may consult as necessary in making a decision which will be final and binding.

## **DEFINITIONS**

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. <a href="#">[▲Top]</a>	
<b>Adjudicator</b>	The person identified in the relevant agreement, policies of the Office of the Provost and Vice-President (Academic) or the <i>Code of Student Behaviour</i> as being primarily or solely responsible for investigating alleged wrongdoing and for dispensing most or all forms of discipline (see Schedule A).
<b>Complainant</b>	A person alleging a violation of the Research and Scholarship Integrity Policy under the Research and Scholarship Integrity Enforcement Procedure.
<b>Special Category Persons</b>	Persons not covered by a category listed in Schedule A attached to the Research and Scholarship Integrity Policy and related procedures.
<b>Surrogate complainant</b>	A person appointed to serve as complainant of record in order to meet formal requirements of this and other policies. The only evidence they will present will be the original written allegations of the anonymous complainants.
<b>Relevant agreement</b>	The Agreement, policy or code governing the discipline of particular category of University member (see Schedule A).
<b>Integrity Policy Monitor</b>	A person appointed by the Vice-President (Research) to act as Integrity Policy Monitor for a three-year term.
<b>Working Day</b>	Monday through Friday, but does not include a day when the University buildings are closed.
<b>Respondent</b>	A person alleged to have violated the Research and Scholarship Integrity Policy under the Research and Scholarship Integrity Enforcement Procedure.
<b>Apprehension of Bias</b>	Exists when the Integrity Policy Monitor is satisfied that a person who is informed of all the facts would reasonably conclude that there is an appearance of bias. For example, a reasonable apprehension of bias may exist where an individual in a decision making or investigatory position has a personal or financial interest in the case.
<b>Associate Adjudicator</b>	The person identified in the Research and Scholarship Integrity Policy Schedule A – Adjudicator Table.
<b>Investigator</b>	A person or persons appointed by the adjudicator to investigate allegations under the Research and Scholarship Integrity Enforcement Procedure.

## **FORMS**

There are no forms for this Procedure. [\[▲Top\]](#)



**RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Agreement on the Administration of Agency Grants and Awards by Research Institutions](#) (Government of Canada)

[Code of Student Behaviour](#) (University of Alberta)

[Conflict Policy – Conflict of Interest and Commitment, and Institutional Conflict](#) (UAPPOL)

[Ethical Conduct and Safe Disclosure Policy](#) (UAPPOL)

[Fraud and Irregularity Policy](#) (UAPPOL)

[Office of Research Integrity](#) (US Department of Health and Human Services)

[Research Ethics Office](#) (University of Alberta)

[Tri-Council Policy Statement 2: Ethical Conduct for Research Involving Humans](#) (Government of Canada)