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Parent Policy: [Postdoctoral Fellows Policy](#)

Postdoctoral Fellows Discipline Procedure

Office of Administrative Responsibility:	Postdoctoral Fellows Office
Approver:	Vice-President (Research)
Scope:	Compliance with University procedure extends to all members of the University community.

Purpose

The following procedure provides a mechanism for dealing with complaints against **Postdoctoral Fellows (PDFs)** regarding behaviour that does not comply with University policies and procedures.

PROCEDURE

1. APPLICATION

- a. The Postdoctoral Fellows **Discipline** Procedure shall be followed for all complaints against PDFs except:
- when the alleged conduct is, or has the potential to be, disruptive, threatening or violent, in which case the procedures of GFC §91, the *Protocol for Urgent Cases of Disruptive, Threatening or Violent Conduct*, shall be followed; or
 - when the alleged conduct is an offense under the University of Alberta *Research and Scholarship Integrity Policy*, in which case the procedures of *University of Alberta Research and Scholarship Integrity Policy*, shall be followed.
- b. This procedure applies to all conduct by a PDF (or PDFs) that relates to the University, **university activities**, the **university community**, or **university-related functions**.
- c. The determination of whether any conduct relates to the University may be made by any person or body authorized to make decisions in this procedure. This determination may be appealed according to the appeal procedure described herein as part of an appeal provided for by this procedure.

2. RIGHT TO AN ADVISOR

Any PDF who is the subject of a complaint under this procedure, or any other person involved in a complaint as a **complainant**, **appellant**, or **respondent**, has the right to consult with an advisor; to be accompanied and assisted at any investigative meeting with the Vice-President (Research) [or delegate, or the **investigator**] to be accompanied and assisted at an appeal hearing; and to be advised of these rights.

3. INITIATION OF A COMPLAINT

- a. Anyone who believes, on reasonable grounds, that a PDF has failed to comply with University policies or procedures, may lodge a complaint to the Vice-President (Research). The complaint must:
- be in writing;
 - contain a description of the act or omission being complained about and the location and time of its occurrence;

- iii. identify the accused; and
- iv. be signed by the complainant.

b. If the written complaint is not received by the Vice-President (Research) within six months of the date the alleged conduct became known or ought reasonably to have been known, the matter shall be considered as closed, and will not be acted on by the Vice-President (Research) or designate. In exceptional circumstances, the Vice-President (Research) or designate may waive this clause.

c. No person may take action against a complainant or others involved in the proceedings, except when a complaint is believed to have been mischievous or malicious. When a complaint is believed, on reasonable grounds, to have been mischievous or malicious, the accused PDF may pursue a complaint under the relevant staff or student policy. A complaint of a mischievous or malicious allegation must be filed within one year of the date on which the original complaint was dismissed.

4. RECEIPT OF A COMPLAINT

a. On receipt of a complaint, the Vice-President (Research) or designate shall immediately send a copy of it to the PDF and advise the PDF of the right to have an advisor present at all meetings regarding the complaint.

b. The Vice-President (Research) or designate shall, within five **working days** following receipt of the complaint, make one of the following decisions, and so advise the PDF and complainant, in writing:

- i. to authorize an investigation of the complaint; or
- ii. to dismiss the complaint; or
- iii. to advise that the matter would be more appropriately handled under the *PDF Dispute Resolutions Procedure* because the Vice-President (Research) or designate does not believe the matter to be a discipline issue.
- iv. If the Vice-President (Research) or designate dismisses the complaint, the matter ends with that decision.

5. EXTENSION OF DEADLINES

The Vice-President (Research) or designate may extend any deadlines under this policy and shall so advise the parties, in writing.

6. EFFECT OF PROCEDURES IN OTHER FORUMS

Normally, the Vice-President (Research) or designate will proceed even if a written complaint is or becomes the subject of an investigation by the *Human Rights, Citizenship and Multiculturalism Act* or the subject of criminal or civil court proceedings. However, the Vice-President (Research) or designate will have the discretion to suspend an investigation if it is determined to be in the best interests of the University.

7. INVESTIGATION OF A COMPLAINT

a. If the Vice-President (Research) or designate authorizes an investigation of the complaint, the Vice-President (Research) or designate, shall, within five working days, appoint a person to carry out an investigation to be completed within a timely matter.

Investigation Process

- i. The investigator shall issue a Notice of Investigation to the PDF and Complainant within two working days of authorization of the Investigation. The Notice shall include:

1. an invitation to the PDF and Complainant to meet with the Investigator within 10 working days of receipt of the Notice;
 2. a reminder that either party may be accompanied by an Advisor; and
 3. an invitation to the PDF to submit a written response to the complaint within 10 working days of receipt of the Notice
- ii. The investigator shall examine all sources of evidence that he or she deems relevant to the complaint.
 - iii. The investigator shall offer the PDF and the complainant an opportunity to review the evidence prior to writing his or her report. The investigator shall submit a written report to the Vice-President (Research) and shall send a copy to the PDF and the complainant in a timely matter.

8. RESPONSE TO THE INVESTIGATION REPORT

The PDF and the complainant may each submit a written response to the investigation report to the Vice-President (Research) within 10 working days of receipt of the report. The Vice-President (Research) or designate shall send a copy of each response to the other party.

- a. The PDF and the complainant may submit written rebuttals to the responses, within 10 working days of receipt of the responses. Unless the Vice-President (Research) or designate requests further submissions, these rebuttal statements shall be the final submissions under the complaint.
- b. The Vice-President (Research) or designate may decide to carry out a further investigation and write a supplementary report. A copy shall be sent to the PDF and the complainant in a timely manner.

The PDF and the complainant may submit written rebuttals to the supplementary report of the Vice-President (Research) or designate within five working days. These rebuttals will constitute the final submissions.

9. DECISION OF THE VICE-PRESIDENT (RESEARCH) OR DESIGNATE

After consideration of the report, responses, rebuttals, and supplementary report if applicable, the Vice-President (Research) or designate shall either dismiss the complaint or discipline the PDF.

- a. Any sanction may include one or more of the following:
 - i. letter of reprimand;
 - ii. fine (to be deposited in the Killam Advanced Studies Endowment);
 - iii. restitution;
 - iv. suspension of appointment with or without pay;
 - v. notify funding agency that appointment has been suspended;
 - vi. termination of appointment;
 - vii. notify funding agency that appointment has been terminated;
 - viii. exclusion (prohibits or restricts the PDF's presence on campus and participation in any University activity or PDF affair for either a specified time or for an indefinite period of time. A PDF may be excluded from all or a specified part of the University);
 - ix. any other appropriate sanctions.

- b. The Vice-President (Research) or designate shall provide the decision in writing, including
 - i. the determination of whether the complaint will be dismissed or sanctions will be imposed;
 - ii. any sanction(s) imposed by the Vice-President (Research) or designate;
 - 1. the date any sanction(s) shall take effect;
 - 2. information regarding the PDF's rights to appeal, the deadlines to appeal, and the procedures for appeal, and where on-campus assistance is available.
- c. The Vice-President (Research) or designate shall send the written decision to the following individuals:
 - i. the PDF;
 - ii. the Complainant;
 - iii. the PDF's supervisor;
 - iv. the **Unit Head** in which the PDF holds his or her appointment;
 - v. the Dean of the Faculty in which the PDF holds his or her appointment; and
 - vi. any other individual deemed appropriate by the Vice-President (Research) or designate.
- d. This decision of the Vice-President (Research) or designate may be appealed in accordance with §10.

10. APPEALS

- a. Right of Appeal
 - i. When the Vice-President (Research) or designate has made a decision under §9, either the PDF or the complainant may appeal that decision.
 - ii. The appeal shall be based on a denial of the offence and/or the severity of the sanction. A defect in procedures shall not warrant the quashing of the decision being appealed unless the defect can reasonably be said to have deprived either party of a fair hearing.
 - iii. The written appeal must be submitted to the PDF Office within five working days of receipt of the decision. The written appeal must state the full grounds of appeal, the relief requested, and must be signed by the appellant.
 - iv. The Vice-President (Research) (or designate) shall be the respondent to the appeal.
- b. PDF Appeals Committee
 - i. For each hearing the PDF Appeals Committee (PDFAC) shall consist of a member of the Postdoctoral Fellows Association (PDFA) selected by the PDFA; one member selected by the Dean, of the Faculty of Graduate Studies and Research (FGSR); and a chair, selected jointly by the PDFA and the Dean, (FGSR). All members must be from the University community.
 - ii. Meetings of the PDFAC shall be scheduled as required to hear and determine appeals.
 - iii. Hearings of the PDFAC are closed to members of the public and the university community, unless the PDFAC decides otherwise. Witnesses are present only during their questioning.

iv. The decision of the PDFAC shall be final and binding.

c. Procedures Prior to Hearing

i. As soon as an appeal is received, the PDF Office shall:

1. provide the appellant with a written acknowledgement of the appeal;
2. provide the respondent with a copy of the written appeal, and request a written response within five working days;
3. notify the PDF Association and the Dean, (FGSR) of the appeal, and request selection of panel members within 10 working days;
4. suspend any sanctions, except exclusions, imposed by the, Vice-President (Research) or designate

ii. When the panel has been selected, the PDF Office shall notify the Appellant and Respondent of their names. The Appellant and Respondent will have 5 working days to lodge a written challenge with the PDF Office requesting that a proposed member not serve on the panel.

iii. The Appellant and Respondent must notify the PDF Office immediately upon selecting an Advisor for the hearing, and must do so no later than 1 working day prior to the scheduled hearing.

iv. Upon receipt of the response, a copy will be provided to the Appellant.

v. Appeals are intended to proceed in a timely manner. The hearing date will normally be set to occur within 30 working days of receipt of the appeal.

vi. A witness list must be provided to the PDF Office by the Appellant and Respondent at least 5 working days prior to the scheduled hearing. The PDF Office shall ensure that as witnesses become known, the other party and the PDFAC are informed of the identity of the witnesses.

vii. The PDFAC Chair, in consultation with the PDF Office, shall decide any procedural questions that arise before the hearing.

viii. Either party may request, in writing, an extension of time limits. The PDFAC Chair may extend any of the time limits where he or she believes that there are reasonable grounds for the request. The decision of the PDFAC Chair may be made without a hearing and is final and binding.

ix. The PDFAC Chair, in consultation with the PDF Coordinator, shall set a date and time for the hearing.

x. The PDF Coordinator shall inform the PDFAC panel, the Appellant, and the Respondent of the date, time and place of the hearing.

xi. The PDF Coordinator shall provide the PDFAC panel members with copies of the appeal and response documents.

xii. If the PDF or the Complainant is not the Appellant, he or she may request permission to attend the full hearing of the appeal. The PDF Coordinator shall inform the party or parties of this right, and shall forward any such request to the PDFAC Chair. The PDFAC Chair shall decide whether the PDF or Complainant may attend all or part of the hearing.

d. Hearing Proceedings

- i. The quorum shall be all three members of the PDFAC.

If a panel decides that there is need, the hearing can be adjourned. At the time of such adjournment, the panel will determine when it will reconvene the hearing.

A panel is empowered to establish further procedures if it determines that there are extraordinary circumstances in a given case to warrant such procedures.

The chair of a panel is empowered to make rulings on matters of procedures that might arise. The rulings are binding.

- ii. The following are the suggested guidelines for the hearing:

1. Opening statement by the Chair, to include:

- a. decision of the PDFAC as to whether the appeal falls within the jurisdiction of the PDFAC;
- b. confirmation that all relevant documents have been received and distributed to the appellant, respondent, and PDFAC members;
- c. review of the procedures of the hearing, including the order of appearance of witnesses, if any.

2. Opening statement by the appellant (and/or advisor).

3. Opening statement by the respondent (and/or advisor).

4. Questions (all of which are directed through the chair).

5. From the PDFAC to the appellant

- a. from the PDFAC to the respondent
- b. from the appellant and the respondent to each other or to the PDFAC
- c. the chair asks all present whether they have had sufficient opportunity to question

6. Appearance of witnesses, if any, one at a time (witnesses may ask questions about procedures)

- a. Witness(es) for the appellant

- i. questioned by the appellant
- ii. questioned by the respondent
- iii. questioned by the PDFAC

- b. Witness(es) for the respondent

- i. questioned by the respondent
- ii. questioned by the appellant

iii. questioned by the PDFAC

c. Witness(es) for the PDFAC

i. questioned by the PDFAC

ii. questioned by the appellant

iii. questioned by the respondent

7. Closing statement by the appellant (not subject to questioning).

8. Closing statement by the respondent (not subject to questioning)

9. Hearing is adjourned by the Chair and PDFAC goes into in camera session to deliberate

iii. The decision shall be by majority vote of the PDFAC.

iv. The written decision of the PDFAC shall normally be submitted to the PDF Coordinator within three working days of the hearing. The PDF Coordinator shall send a copy of the decision to the appellant and the respondent and any other involved parties.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [\[▲Top\]](#)

Postdoctoral Fellow (PDF)	Individuals who are appointed as research trainees normally within five years from the completion of a doctoral degree or 10 years from the completion of a MD, DDS or equivalent.
Discipline	Administrative consequences for dealing with a formal complaint brought against a PDF who has violated University policies or procedures.
University Activities	Include, but are not limited to, teaching, research, studying, learning, administration, meetings, and public service.
University Community	Includes employees of the University, individuals officially associated with the University, and students, former students, or alumni of the University.
University-related Functions	Include, but are not limited to, activities occurring in the course of work, study, or research assignments inside or outside the University; at work or study-related conferences or training sessions; during work or study-related travel; during events such as public lectures, performances, social or sports activities; or over the telephone or computer.
Advisor	A person who will assist the Appellant, Complainant or Respondent during the disciplinary process. Assistance may be provided by the OmbudService, legal counsel or another Advisor as the Appellant or Respondent choose. While the Ombudservice is provided at no cost, if the PDF chooses to obtain legal counsel, it will be at the PDF's own expense.
Complainant	Any person who has initiated a complaint against a PDF under this set of procedures.
Appellant	The individual who has appealed a discipline decision.
Respondent	The person who formally replies to an appeal.
Investigator	An academic staff member delegated by the Dean, FGSR to conduct an investigation of a complaint.

Working Days	A day on which University offices are open.
Dispute	A serious disagreement between a PDF and another member of the University community regarding matters other than the violation of University policy and procedures.
Unit Head	Applies to Chair of a Department, Dean of a non-departmentalized faculty, Director of an Institute

FORMS

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

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