

	<b>OCAD UNIVERSITY POLICY</b> <b>Integrity in Research and Scholarship</b> #5.2	
<b>CATEGORY:</b> Research	<b>APPROVAL DATE:</b> February 24, 2020	
<b>EFFECTIVE DATE:</b> February 24, 2020	<b>REVIEW DATE:</b> Five years from effective date	
<b>APPROVAL:</b> Senate		
<b>SPONSOR:</b> Vice-President Research & Innovation		
<b>CONTACT:</b> Director, Office of Research & Innovation		
<b>PREVIOUS VERSIONS:</b> May 23, 2018		

### Preface

All members of the OCAD U community involved in research/creation and scholarly activities are expected to conduct these activities with integrity. Integrity in research and scholarship requires that researchers and scholars be honest in their pursuit of these activities, have respect for others and for intellectual property, demonstrate scholarly competence and stewardship of resources, and exercise due regard for ethical principles. The integrity policy outlined in this document applies to any member of the OCAD U community involved in any capacity or aspect related to research or scholarship (e.g., faculty, researchers, students, staff, assistants, etc.).

The OCAD University Research Committee acknowledges that upholding the Policy on Integrity in Research and Scholarship may necessitate reference to the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans – TCPS 2 (2018),<sup>1</sup> as well as other University policies and collective agreements including, but not limited to: OCADFA Memorandum of Agreement<sup>2</sup>, OPSEU Agreements<sup>3</sup>, Academic Misconduct Policy<sup>4</sup>, Non-Academic Misconduct Policy<sup>5</sup>, Graduate Studies Human Subjects Ethics Review<sup>6</sup>, Graduate Studies Academic Integrity<sup>7</sup>, Respectful Work & Learning Environment Policy<sup>8</sup>, Information Technology (IT) Acceptable Use Policy<sup>9</sup>, and Policy on Prevention and

<sup>1</sup> [https://ethics.gc.ca/eng/policy-politique\\_tcps2-eptc2\\_2018.html](https://ethics.gc.ca/eng/policy-politique_tcps2-eptc2_2018.html)

<sup>2</sup> <https://www.ocadu.ca/services/human-resources/labour-relations.htm>

<sup>3</sup> <https://www.ocadu.ca/services/human-resources/labour-relations.htm>

<sup>4</sup> <https://www.ocadu.ca/students/student-policies/academic-policies.htm>

<sup>5</sup> <https://www.ocadu.ca/students/student-policies/nonacademic-policies.htm>

<sup>6</sup> <https://www.ocadu.ca/students/student-policies/academic-policies.htm>

<sup>7</sup> Ibid.

<sup>8</sup> <https://www.ocadu.ca/about/administrative-policies.htm>

<sup>9</sup> Ibid.

Response to Sexual and Gender-based Violence<sup>10</sup>. Depending on the circumstances, aspects of research misconduct may be dealt with under such other policies in addition to or instead of the Policy on Integrity in Research and Scholarship. Each situation must be assessed based on its own particular facts to determine how to respond to an allegation.

1. The **OCAD University Policy on Integrity in Research and Scholarship (the Integrity Policy)** applies to any member of the OCAD University (OCAD U) community involved in any capacity or aspect related to research or scholarship (e.g., faculty, researchers, students, staff, assistants, etc.).
2. All members of the OCAD U community involved in research and scholarly activities are expected to conduct these activities with integrity.
3. Integrity in research and scholarship requires that researchers and scholars:
  - a. be honest in their pursuit of these activities,
  - b. have respect for others and for intellectual and cultural property,
  - c. demonstrate scholarly competence and stewardship of resources, and
  - d. exercise due regard for ethical principles.
4. OCAD U expects members involved in research or scholarly activity to exercise diligence in all aspects of scholarly pursuit including publishing, data and material products, and conflict disclosure.
5. The following are the OCAD U guidelines for publishing, data and material products, and conflict disclosure:

#### 5.1 Authorship Policy

It is expected that all authors listed have made significant intellectual or professional contributions and that the order of authors listed reflects the intellectual contributions of contributors (according to the commonly accepted practice in the discipline). All authors are asked for comments, approval, and consent for final drafts submitted for publication.

#### 5.2 Data and Material Products<sup>11</sup>

It is expected that data are kept confidential in accordance with University policies or as stated in REB approved research, and that primary data are clearly and accurately recorded and kept at OCAD U. Original data and documentation of material products relating to scholarly activity should generally be retained in accordance with approved REB protocols. The principal researcher/scholar arranges

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<sup>10</sup> Ibid.

<sup>11</sup> Refer to: Information and Data Classification Policy (2014)  
<https://www.ocadu.ca/about/administrative-policies.htm>

for secure storage at OCAD U. OCAD U strongly encourages researchers/ scholars to develop a Research Data Management Plan in keeping with good research practice and funding requirements.<sup>12</sup>

### 5.3. Indigenous Data and Material Products

OCAD U recognizes the importance of engagement with culturally appropriate research and publication venues; community service; and any other relevant considerations, including lived experiences within Indigenous communities. Plans for storing, maintaining, and sharing of Indigenous data and material products should be in accordance with Indigenous practice and protocols.

### 5.4 Conflict Disclosure

It is expected that researchers and scholars acknowledge potential, perceived, or actual conflicts of interest. Likewise, members of the OCAD U community who serve on inquiry or investigation committees for allegations of misconduct should acknowledge potential, perceived, or actual conflicts of interest.

6. An individual in a position of trust who fails to disclose a potential, perceived, or actual conflict of interest may forfeit the trust and the position. If personal interests may conflict with the duties and responsibilities of a scholar, researcher, or member of the OCAD U community, an individual is expected to disclose the potential conflict of interest. Such disclosure does not necessarily preclude the involvement of an individual, but permits accountability and closer scrutiny.
7. To promote an understanding of research integrity issues, OCAD U will use appropriate vehicles such as, but not limited to workshops, seminars, written materials and orientation for new employees.
8. OCAD U shall support researchers in maintaining promises of confidentiality<sup>13</sup>.
9. The attached Framework to Address Allegations of Research Misconduct (the OCAD U Framework) shall be applied in accordance with this policy.

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<sup>12</sup> <http://ocad.libguides.com/data>

<sup>13</sup> OCAD U members subject to the MOA may consult the OCAD University Faculty Association for further advice on this matter.

**OCAD UNIVERSITY  
FRAMEWORK TO ADDRESS ALLEGATIONS OF A BREACH IN THE  
“TRI- AGENCY FRAMEWORK: RESPONSIBLE CONDUCT OF  
RESEARCH”<sup>14</sup>**

## **1.0 Introduction**

The OCAD University Framework to Address Allegations of Research Misconduct (the OCAD U Framework) is based on the "Tri-Agency Framework: Responsible Conduct of Research" (the RCR Framework) developed by the Social Sciences and Humanities Research Council (SSHRC), the National Science and Engineering Council (NSERC), and the Canadian Institutes of Health Research (CIHR) in 2011.

## **2.0 Purpose**

The purposes of the OCAD U Framework are to:

- Promote research integrity among scholars, in order to maintain and enhance the value of impartiality that universities offer society;
- Proscribe activities that breach generally acceptable standards of conduct in research;
- Ensure compliance with standards of granting agencies; and,
- Provide a process for dealing with allegations of research misconduct quickly and fairly.

## **3.0 General Principles**

Individuals are personally responsible for the intellectual and ethical quality of their work and must ensure that their research meets OCAD U standards and the standards of any entities sponsoring any component of the research. They must not commit Research Misconduct.

OCAD U will respond to allegations of Research Misconduct in a timely, impartial, fair and transparent manner, maintaining appropriate confidentiality during the preliminary inquiry and investigation stages.

The procedures set out in this Framework should be interpreted in a way that allows for procedural fairness, objectivity and timely resolution/disposition.

The following guidelines protect the interests of all individuals involved in cases

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<sup>14</sup> <http://www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/>

involving allegations of misconduct: Confidentiality is critical. All members of the OCAD U community involved in allegations of misconduct cases (e.g., individuals accused of misconduct, individuals bringing forth accusations, individuals providing information to the committee) need to maintain confidentiality, except as required in the proper exercise of their functions or as required by law.

- Individuals accused of misconduct and individuals bringing forth the accusations must be informed of the results of inquiries and investigations.
- Individuals accused have the right to respond to allegations. Until misconduct is proven, the reputation and privacy of the accused must be protected. If an allegation of misconduct is supported, the individual must be informed of the action to be taken. If an allegation is not supported, OCAD U shall take such reasonable steps as may be available to protect or restore the reputation of the individual. For example, references to the allegations should be deleted from personnel files, interviewees or other individuals who provided information should be notified in writing that allegations were not supported, and findings should be published in any sources that published the misconduct allegations.
- Individuals bringing forth accusations of misconduct and individuals providing information to the committee must be informed that their anonymity cannot be guaranteed if disclosure of information is required as a result of the application of this Framework or compelled by a court of law. These individuals have the right and the responsibility to bring forth and support allegations.
- Individuals acting in good faith should be protected from retaliation. At the same time, individuals making reckless or false allegations may be subject to disciplinary action.

The authority granted under this Framework to a Vice President, Dean, Director, or other OCAD University official may be delegated to a designate.

### **3.1 Funding Agencies**

OCAD U has an obligation to protect federal and other funding. OCAD U must inform any funding agency that requires notification that an allegation related to a funded project is being investigated.

- At any stage of an inquiry or investigation, it is the responsibility of the Vice-President Research & Innovation to notify the funding agency immediately if the university learns of a potential criminal violation
- OCAD U must notify the appropriate funding agency when an individual who is funded by the agency is accused of misconduct and the allegations are to be investigated following a preliminary inquiry. For example, if an individual who receives SSHRC funding is accused of misconduct and the preliminary inquiry determines that the allegation warrants an investigation, OCAD U must notify SSHRC at the beginning

of the investigation and must submit a report within 30 days of the completion of the investigation.

- If the Dean, Director, or Vice-President Research & Innovation has reason to believe at any point in a preliminary inquiry or investigation that the funds are at risk, OCAD U must notify the funding agency so that funding may be suspended. It is the responsibility of the Vice-President Research & Innovation to notify the funding agency
- A funding agency may request that a preliminary inquiry be conducted of an individual receiving funding. If, for example, SSHRC requests a preliminary inquiry or investigation of an individual receiving funding, OCAD U must forward a full copy of the report within 30 days of the completion of the preliminary inquiry or investigation whether or not misconduct has been substantiated.

#### **4.0 Responsibilities**

The responsibilities of researchers and institutions in matters involving research integrity can be found in the RCR Framework (Appendix A, sections 2.1 and 4.1).

OCAD U endorses the RCR Framework, and OCAD U supports and promotes integrity in research and scholarship. OCAD U Vice-President Research & Innovation is responsible for the active promotion of the Policy on Integrity in Research and Scholarship and the accompanying OCAD U Framework.

#### **5.0 Definitions**

##### **5.1 Research Misconduct**

According to the RCR Framework, “action that is inconsistent with integrity” is misconduct. Scholarly misconduct includes actions or omissions that deviate from the fundamental principles of honesty (as described below, section 5.1 a – p). Misconduct does not include actions or omissions based on honest errors, conflicting data, interpretation differences, or professional differences (e.g., different perspectives for different disciplines; research protocols from an earlier time period).

Allegations of misconduct are taken seriously because they threaten the credibility and reputation of OCAD U and its members. Misconduct needs to be exposed, and scholars need to be held accountable. Members of the OCAD U community need the support of the academic community to assume this responsibility; therefore, OCAD U is committed to investigating allegations of misconduct in research or scholarship with diligence, due process, and reasonable speed.

Specifically, the following acts generally are considered instances of Research Misconduct, although Research Misconduct is not necessarily

limited to these:

- a. Fraud, including (but not limited to) fabrication of recording or reporting and other falsification of data, results, or source materials;
- b. Committing plagiarism or any of the other offences as defined by the OCAD U Academic Misconduct Policy in the context of research;
- c. Failure to honour the confidentiality that the researcher agreed to maintain in exchange for receiving information from a party internal or external to OCAD U;
- d. Financial misconduct, including (but not limited to) deliberate misuse of funds acquired for support of research; misuse of OCAD U resources, facilities and equipment; failure to identify correctly the source of research funds;
- e. Improper or deliberate destruction of one's own research data or records (i.e. to avoid the detection of wrong doing) or the deliberate destruction of someone else's data or records without authorization;
- f. Material failure to comply with relevant laws or regulations, agreements or published policies of OCAD U or sponsors that are applicable to the conduct and reporting of research;
- g. Failure to comply with a condition of the OCAD U Research Ethics Board upon which an approval to proceed with the research was granted or failing to notify the Research Ethics Board of significant protocol changes that may affect its prior decision to approve the research proceeding;
- h. Failure to comply with a direction of the relevant research-related committee of OCAD U upon which an approval to proceed with the research was granted or failing to notify the committee of significant protocol changes that may affect its prior decision to approve the research proceedings;
- i. Failure to provide relevant information or materials to the OCAD U Research Ethics Board or other OCAD U research-related committees as constituted by OCAD U or which the research or academic community considers to be materials relevant to decision-making;
- j. Failure to reveal material conflicts of interest to OCAD U, sponsors, colleagues or journal editors when submitting a grant, protocol or manuscript or when asked to undertake a review of research grant applications, manuscripts or to test or distribute products;
- k. Making false or misleading statements that are contrary to good faith reporting of alleged Research Misconduct or failing to declare any conflicts of interest when reporting alleged Research Misconduct;
- l. Misleading publication; for example:
  - i. Failing to appropriately include as authors other collaborators who prepared their contributions with the understanding and intention that it would be a joint publication;
  - ii. Failing to provide collaborators with an opportunity to contribute as

an author in a joint publication when they contributed to the research with the understanding and intention that they would be offered this opportunity;

- iii. Falsely claiming someone else's data as one's own;
- iv. Preventing access to research data to legitimate collaborators who contributed to the research with the explicit understanding and intention that the data was their own or would be appropriately shared;
- v. Giving or receiving honorary authorship or inventorship;
- vi. Denying legitimate inventorship;
- vii. Knowingly agreeing to publish as a co-author without reviewing the work including reviewing the final draft of the manuscript;
- viii. Failing to obtain consent from a co-authors before naming them as such in the work;
- ix. Portraying one's own work as original or novel without acknowledgement of prior publication or publication of data for a second time without reference to the first;
- m. Willfully misrepresenting and misinterpreting (for any reason) of findings resulting from conducting research activities;
- n. Condoning or not reporting the performance by another OCAD U member of any of the acts noted above;
- o. Encouraging or facilitating another researcher to carry out Research Misconduct (e.g. a supervisor telling his graduate student to falsify data) or otherwise creating an environment that promotes Research Misconduct by another;
- p. Retaliation against a person who acted in good faith and reported or provided information about alleged Research Misconduct.

These acts may be modified to apply to research circumstances and discipline-specific norms. Any proposed modifications to acts defined as Research Misconduct should be referred to the Office of Research and Innovation for approval.

**5.2 Administrator** – The person to whom a Complaint is assigned under section 8.1.

**5.3 Complaint** – An allegation of Research Misconduct, in which if substantiated could constitute Research Misconduct, as defined under section 5.1.

**5.4 Complainant(s)** – The person who makes allegations giving rise to a Complaint.

**5.5 Dean** – The person to whom the Vice-President refers a Complaint under section 6.6. This is normally the Dean of the Respondent's home faculty.

**5.6 Director** - The person to whom the Vice-President refers a Complaint



under section 6.6. if the Respondent is non-academic staff. This is normally the Director of the of the Respondent's administrative unit.

**5.7 Investigating Committee** – a committee appointed by the Designate to investigate a Complaint.

**5.8 Respondent(s)** – The person(s) against whom a Complaint has been made.

**5.9 Vice-President** – the Vice-President Research & Innovation, or the Vice-President Academic & Provost, as set out in section 6.3.

**5.10 Preliminary inquiry** – an initial expeditious gathering of factual information to assess whether an investigation of the complaint is warranted.

## **6.0 Submission of Complaints**

### **6.1 Complainants**

Any person, whether or not part of the OCAD U community, may make an allegation of Research Misconduct. Before doing so, Complainants are encouraged to attempt, where appropriate, to seek an explanation from the subject individual to ensure that there was not a misunderstanding.

Anyone who alleges Research Misconduct is required to declare any potential, perceived or actual conflicts of interest he or she may have and is expected to act in good faith.

### **6.2 Allegations**

All allegations shall be made in writing and shall be signed, dated and identify the Complainant. They shall set out all relevant information and include supporting evidence, if available, and provide contact information for the Complainant.

Allegations of Research Misconduct made anonymously may but need not be accepted. Anonymous allegations should be made in writing and accompanied by sufficient information to enable the assessment of the allegations and the credibility of the facts and evidence on which the Complaint is based without the need for further information from the source of the allegation. If OCAD U decides to proceed with an anonymous allegation of Research Misconduct as a Complaint, the source of the allegation will not be entitled to participate in the procedures set out in the Framework or receive notice of the status of the Complaint or a report of the outcome of any inquiry or investigation conducted in respect of the Complaint.

### **6.3 Referral to the Vice-President**

Allegations of Research Misconduct received by OCAD U shall be

forwarded promptly to the Office of the Vice-President Research & Innovation. The Vice- President Research & Innovation is normally sufficiently at arm's length so as to be viewed as impartial and free of potential, perceived or actual conflicts of interest and is therefore the central point of contact. If the Vice-President Research & Innovation believes it would be inappropriate for the Vice-President Research & Innovation to handle a particular matter for whatever reason, the Vice-President Research & Innovation shall refer the allegations to another Vice-President. The applicable Vice- President may delegate required tasks. Reports of the status of the matter and its disposition shall be made to the Vice-President in writing, as particularized more fully below.

The applicable Vice-President will determine whether the allegations meet the definition of a Complaint under section 5.3 of this Framework.

If multiple Complainants make essentially the same set of allegations, each Complainant shall submit a written signed statement. The primary spokesperson (if there is one) shall identify as such and all other Complainants shall acknowledge this arrangement. If no primary spokesperson is declared or identified in subsequent communication, the allegations shall proceed with each Complainant treated separately, but the Vice-President, at their sole discretion, may designate a primary spokesperson and/or determine that the allegations be considered together such that there are not multiple processes in place to deal with the one Respondent.

#### **6.4 Recurring Allegations**

If a Complaint has already undergone a preliminary inquiry or an investigation and the matter has been closed, the Vice-President will not pursue the same allegation unless new and compelling information is brought forward. In cases of recurring Complaints based on the same allegations that are frivolous, vexatious or not made in good faith, the appropriate Vice-President may apply sanctions.

#### **6.5 Interim Measures**

At any time after becoming aware of possible allegations until final resolution of a Complaint, the Vice-President may, in their discretion: a) take action to protect the administration of funds that support the research that is the subject of the Complaint, including without limitation, withhold funds, require authorization of expenditures by another University representative, or take such other measures deemed appropriate; and/or, b) request the Dean or Director to take appropriate action to obtain custody of and sequester such research or other records that may be necessary to process a Complaint.

#### **6.6 Referral by the Vice-President**

Following receipt of a Complaint, the Vice-President will notify the Respondent that the Complaint has been made by disclosing sufficient particulars of the Complaint in order to allow the Respondent the opportunity

to respond.

The Vice-President shall refer the Complaint to the Dean of the home faculty, who shall be the Dean of the home faculty in which the Respondent holds their primary appointment or the Director of the administrative office wherein the Respondent is employed, unless:

- a. the Respondent is acting in their capacity as a graduate student, in which case the Dean shall be the Dean of the home faculty in consultation with the Dean of the School of Graduate Studies;
- b. the Respondents hold primary appointments in different home faculties, in which case the referral shall (subject to the preceding paragraph) be to the Deans of their respective home faculties, who shall decide which of them shall serve as the Dean for purposes of the Complaint while keeping the other(s) informed of the status of the Complaint;
- c. the Dean is the Complainant or the Respondent, in which case the referral shall be to the Vice-President Academic & Provost, who may designate an appropriate person to undertake the tasks required of the Dean under this Framework; or,
- d. the Director is the Complainant or the Respondent, in which case the referral shall be to the Vice-President Finance & Administration, who may designate an appropriate person to undertake the tasks required of the Director under this Framework.

## **7.0 Guiding Principles for Processing of Complaints**

The processing of Complaints of Research Misconduct must be carried out carefully, thoroughly and as promptly as possible, to resolve all questions regarding the integrity of the research and those individuals that may be involved in an allegation.

The following general principles apply:

- The reputation of OCAD U and its investigators and students, and their responsibility for the ethical conduct of research, require that any Research Misconduct that occurs be promptly detected and dealt with effectively;
- To this end, Complaints of Research Misconduct shall be taken seriously and vigorous leadership shall be exercised in their inquiry and resolution;
- All persons involved, those making allegations, those who are the subject of the allegations of misconduct, and those who assist in the inquiry, shall be treated with respect, fairness and with due sensitivity;
- All proceedings shall be conducted in a timely manner and shall be documented appropriately; and,
- The highest possible degree of confidentiality shall be maintained regarding all allegations, inquiries and investigations, subject to any disclosure that might be required as a result of the application of this

Framework, or required by law or under agreements with, or policies of, OCAD U or sponsors of the research that is the subject of the Complaint.

## **8.0 Preliminary Inquiry**

### **8.1 Introduction**

Upon receipt of a Complaint from the Vice-President, the Dean or Director may conduct the preliminary inquiry themselves or appoint an Administrator to conduct a preliminary inquiry. The Administrator will have no potential, perceived or actual conflict of interest or bias and will normally be the Dean's Associate Dean, responsible for research (or equivalent), the Director's senior manager or an appropriate designate as required.

The inquiry is a preliminary process where the Administrator gathers sufficient information to make threshold assessments and recommend whether the Complaint should proceed to an investigation.

In exceptional circumstances, the Vice-President may waive the preliminary inquiry stage and refer the Complaint directly to investigation. Such exceptional circumstances exist when it is clear based on the materials submitted in support of the Complaint that an investigation is warranted and there is no purpose to be served by conducting a preliminary inquiry.

The Administrator will not recommend that the Complaint proceed to an investigation if he or she determines any of the following:

- a. The Framework does not apply to the Respondent as set out in item 1 of the OCAD University Policy on Integrity in Research and Scholarship<sup>15</sup>;
- b. The Complaint is clearly without substance, mistaken or unjustified, or frivolous, vexatious, or made in bad faith; or,
- c. There is no reasonable prospect that an investigation will enhance the integrity of the research process.

It is not the purpose of the preliminary inquiry to determine whether or not Research Misconduct has occurred. Instead, factual information is gathered and reviewed expeditiously by the Administrator to assess whether an investigation of the Complaint is warranted.

The Administrator shall follow the procedures set out in this section 8.3 and shall be vigilant not to permit personal conflicts between colleagues to obscure the facts and divert attention from the substance of the allegation. The Administrator shall disclose any actual, apparent, perceived or potential

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<https://www.ocadu.ca/Assets/content/registrarial/7001+Integrity+in+Research+and+Scholarship.pdf>

conflicts of interest to the Dean or Director. The Dean or Director may decide, based on this disclosure, to appoint another individual to act as Administrator.

The preliminary inquiry is to be conducted as a confidential process to avoid unwarranted publicity regarding allegations that have yet to be fully assessed. The Administrator shall take reasonable efforts to protect the privacy of the Complainant and the Respondent both of whom shall be advised of the need to maintain confidentiality. The preliminary inquiry also provides an opportunity to determine whether it is appropriate to offer the Complainant and the Respondent an alternative dispute resolution process.

## **8.2 Timelines**

Normally, the following timelines will apply:

- The Vice-President's will forward the Complaint to the Dean or Director and to the Respondent within 7 working days of the Vice-President's receipt of the Complaint.
- The preliminary inquiry shall begin within 20 working days of the Dean's or Director's receipt of the Complaint from the Vice-President.
- Notice of the Administrator's recommendation shall be provided within 60 working days of the Vice-President's receipt of the Complaint.

There may be circumstances when it is not reasonably possible to comply with these timelines or where different timelines are required under agreements with, or policies of sponsors of the research that is the subject of the Complaint. Nevertheless, the Administrator shall work expeditiously in these exceptional cases and the Dean or Director and Vice-President will be informed of any anticipated delay, including the reasons for the delay.

## **8.3 Process for Conducting the Preliminary Inquiry**

- a. The Administrator may request that supplementary information be provided in writing if the Complaint does not contain sufficient information or particulars to permit an assessment. Such supplementary information shall also be shared with the Respondent.
- b. In conducting the preliminary inquiry, the Administrator may contact the Complainant and Respondent and consult confidentially within OCAD U and externally if appropriate, to assist in the assessment of whether an investigation is warranted.
- c. After consulting with the Dean or Director and upon the consent of both the Complainant and the Respondent, the Administrator may conduct (either personally or through an appointed representative) non-binding, without prejudice, confidential mediation. If such mediation occurs, the outcome shall be communicated to the Dean or Director and the Vice-President.
- d. After completing the preliminary inquiry, the Administrator shall make their recommendation in writing to the Dean or Director, with copies to the Respondent and the Complainant and a copy to the Vice-President for information and for an assessment of whether reporting is required at this stage under section 8.3. The Administrator shall include a summary of the

reasons for the recommendation and, if the Administrator recommends that an investigation be commenced or if the Respondent admitted committing Research Misconduct in the course of the preliminary inquiry, shall also include all material provided to the Administrator by the Complainant and the Respondent.

- e. If the mediation has been attempted without resolution but the Administrator does not recommend commencing investigation, the Vice-President shall issue a disposition on the matter. The Vice-President informs the Respondent in writing, copied to the Complainant and Dean.
- f. If the Administrator has reasonable grounds to believe that the Complaint was vexatious or made in bad faith, the Administrator will write the Complainant and the Respondent to summarize these grounds and inform them that the matter is being referred to the Dean, Director, or other appropriate academic official to be assessed in accordance with the relevant policy. A copy of this letter shall be sent to the Vice-President for information.

## **9.0 Investigation**

### **9.1 Introduction**

The investigation is a formal process to examine the Complaint and to weigh the evidence to determine whether or not Research Misconduct has occurred, and, if so, who the involved parties are. The Dean or Director is responsible for arranging for the investigation of the Complaint.

### **9.2 Timelines**

Complaints vary greatly with their respect to urgency, seriousness and complexity. The Dean or Director will exercise their discretion in determining the appropriate timelines for commencing, conducting and reporting on investigations, provided that where agreements with, or policies of, sponsors of the research that is the subject of the Complaint require reporting within prescribed timelines, all reasonable efforts will be made to meet those requirements.

Normally, the following timelines will apply:

- The Dean or Director will appoint the Investigating Committee within 15 working days of receiving the Administrator's decision that an Investigation should be conducted.
- The Investigating Committee shall convene within 30 working days of its appointment or as soon thereafter as is reasonably possible.
- The investigation will ordinarily be completed within 60 working days of the first meeting of the Investigating Committee.
- The final report of the Investigating Committee shall be delivered to the Complainant, the Respondent, the Dean or Director, and the Vice-President within 30 working days after the completion of the investigation.
- The Dean issues a letter confirming the Investigating Committee's

findings and any action to be taken, if applicable, to the Complainant, the Respondent, and the Vice-President not more than 15 working days from Dean's receipt of investigating committee report.

If these deadlines cannot reasonably be met, the Investigating Committee will submit a procedural report citing the reasons for the delay and progress to date to the Dean or Director, with copies to the Complainant, Respondent and the Vice-President. The Dean, Director, or the Vice-President, at their discretion, may share this report with other appropriate individuals.

### **9.3 Reporting of the Commencement of the Investigation**

The Dean or Director shall inform the Vice-President that an investigation of a Complaint of Research Misconduct has been initiated.

With the concurrence of the Vice-President, others may be informed, if appropriate in the circumstances. Such others could include, for example, representatives of an affiliated institution, granting agency, or professional or regulatory body.

### **9.4 Investigating Committee**

The Dean or Director will appoint an Investigating Committee of two or more members to perform the investigation in accordance with this Framework. The Investigating Committee shall appoint one of its members to act as a chairperson, for administrative purposes.

The members of the Investigating Committee will be senior members of OCAD U or another academic institution. At least one member of the Investigation Committee shall be an external member who is not an employee, does not hold any academic appointment conferred by, and is not a student enrolled in an academic program of, OCAD U. The members of the Investigating Committee will have no actual, apparent, reasonably perceived or potential conflict of interest or bias, and will jointly have appropriate research and administrative background to evaluate the Complaint and the response to it. If either the Complainant or Respondent alleges that a committee member is biased, and the Dean or Director believes that actual, apparent, perceived or potential conflict of interest or bias has been clearly and reasonably demonstrated, the Dean or Director shall alter the membership accordingly.

The Dean or Director shall provide administrative support to the Investigating Committee. The Dean or Director may authorize the delegation of components of the investigation to an investigator who shall report to the Investigating Committee. The Investigating Committee may consult with others as necessary in order to make its assessment.

### **9.5 Instructions to the Investigating Committee**

The Dean or Director shall review with the chairperson of the Investigating Committee the following guidelines and procedures.

The chairperson of the Investigating Committee shall ensure that members of the Investigating Committee are informed of:

- The investigative process;
- The requirements to conduct the investigation carefully and thoroughly and to endeavour to address all questions raised by the Complaint regarding the integrity of the research;
- The responsibility to be vigilant and not to permit personal conflicts between the Complainant and the Respondent to obscure the facts and divert attention from the substance of the allegations;
- The importance of protecting the reputations of the Complainant and Respondent during the investigation; and,
- The requirement that proceedings be kept strictly confidential and the requirement to keep documents confidential and obtainable only by those who are entitled to them in order to protect the rights of all parties involved, all subject to any legal requirements.

#### **9.6 Authority and Responsibilities of the Investigating Committee**

The Investigating Committee operates under the Dean or Director and the chairperson of the Investigating Committee is responsible to the Dean or Director.

The Investigating Committee shall conduct a thorough investigation of the Complaint. The Investigating Committee has the discretion to interview persons whose evidence could be helpful, to examine relevant documents and data records, and to consult with experts both within and outside OCAD U, as appropriate. If, in the conduct of the investigation, access to OCAD U-based electronic records is required, the Investigating Committee shall follow the procedures to request access as outlined in the OCAD U IT Acceptable Use Policy.

If during the course of the investigation, the Respondent for any reason ceases to hold a position or appointment (e.g. faculty member, staff or student, post-doctoral fellow) at OCAD U or leaves the jurisdiction, the Dean or Director will decide, at their own discretion whether the investigation will continue. If, where the investigation continues, the Respondent refuses to participate in the process after ceasing to hold a position or appointment at OCAD U, the Investigating Committee shall use its best efforts to reach a conclusion and shall deliver its report with a statement as to the effect this lack of cooperation had on the Investigating Committee's review of the evidence.

If, during the course of the investigation, the evidence discloses a new related instance of possible Research Misconduct that was not part of the original Complaint or which suggests additional Respondents, the Committee may expand the investigation, provided that the Complainant and Respondent are notified and the Respondent is allowed to respond. If the expanded investigation involves new Respondents, they will be provided with notice and



shall for the purpose of this Framework, be treated as Respondents.

The chairperson of the Investigating Committee has the authority to report uncooperative behaviour to the Dean or Director. The chairperson of the Investigating Committee shall notify the Dean or Director of interim findings, if any, that he/she believes ought to be reported because of OCAD U's obligations to students, staff and faculty members, obligations under agreements with, or policies of, sponsors of the research that is the subject of the Complaint, or where there are compelling issues of public safety, to the public. Any interim report shall be in writing and copied to all members of the Committee, to the Complainant and Respondent, and to the Vice-President. The report shall set out the findings, the reason for the interim report and a recommendation regarding appropriate administrative action.

### **9.7 Process for Investigating Complaints of Research Misconduct**

- a. The chairperson of the Investigating Committee shall send a letter to the Respondent and the Complainant advising them of the appointment of the Committee, outlining the process and highlighting their respective obligations.
- b. In all cases the Investigating Committee must give the opportunity to the Complainant to provide any supplementary written materials in addition to the Complaint that the Complainant wishes to provide; all such materials shall be provided to the Respondent who shall have the opportunity to comment, in writing, and provide any supplementary written response materials.
- c. The Respondent's written response, if any, shall be shared with the Complainant. The Committee is not to conduct a hearing and is only obliged to conduct a fair and objective investigation. It may in its discretion, request an interview with any or all of the Complainant, the Respondent, or other relevant people. Summaries of interviews (including the points or issues raised but not verbatim text) shall be prepared, provided to the interviewed party for comment or revision, and included as part of the investigation file.
- d. If a Complainant decides not to participate further, the Investigating Committee may decide to proceed with the investigation in any event.
- e. All involved parties who are associated with OCAD U will be expected to cooperate with the investigation in a timely manner. This includes providing documentation and information and appearing before the Investigating Committee if requested.
- f. The Investigating Committee will set a deadline by which all responses must be made and all evidence must be submitted. No response or evidence will be accepted after the deadline except in exceptional circumstances where no prejudice to the other party would result, and with the permission of the chairperson of the Investigating Committee.
- g. The Investigating Committee will take reasonable steps to provide to the Respondent reasonable access to relevant documents in its possession so as to provide him/her with a fair opportunity to respond to relevant

material. The Investigating Committee may provide access to particular documents to the Complainant in special cases where it is believes that a response from the Complainant is required to help in determining the facts of the case. The Respondent and if applicable, the Complainant, shall sign a confidentiality agreement with the Vice-President, Research & Innovation before materials are provided.

- h. To protect confidentiality, the chair of the Investigating Committee will assume the responsibility of restricting the dissemination of the information to only those who should receive it.

## **9.8 Decisions and Reports of the Investigating Committee**

- a. This Investigating Committee may prepare and issue interim reports in its discretion.
- b. The Investigating Committee will prepare a final written report that sets out its findings of fact and its decision as to whether or not there is Research Misconduct. The report may also state whether a serious scientific error has been made which does not constitute Research Misconduct.
- b. The report will contain:
  - The full Complaint;
  - A list of Investigating Committee members and their credentials;
  - A list of the people who contributed evidentiary material to the investigation or were interviewed as witnesses;
  - A summary of relevant evidence;
  - A determination of whether Research Misconduct occurred; and
  - If Research Misconduct has occurred, an assessment of its extent and seriousness; and,
  - Recommendations on any remedial action to be taken to correct the scientific or scholarly record in the matter in question and/or recommendations of changes to procedures or practices to avoid similar situations in the future, which may include, without limitation:
    - i. Withdrawing all pending relevant publications;
    - ii. Notifying publications in which the involved research was reported;
    - iii. Ensuring the unit(s) involved is informed of appropriate practices for promoting the proper conduct of research; and,
    - iv. Informing any sponsor of the research that is the subject of the Complaint of the results of the inquiry and of actions to be taken; but shall not include recommendations with respect to disciplinary actions to be taken in respect of the Respondent under applicable OCAD U policies, procedures, or collective agreements.
- c. All members of the Investigating Committee shall sign a statement indicating that they agree to the release of the report based on

- majority rule. No minority reports shall be allowed.
- d. The report will be delivered to the Complainant, the Respondent, the Dean or Director, and the Vice-President. If there is more than one Respondent or Complainant, reasonable efforts will be made to provide each only with the parts of the report that are pertinent to him or her.
  - e. The report of the Investigating Committee is final and not subject to revision. However, the Respondent and Complainant will have up to 15 working days to make submissions to the Dean or Director regarding the findings, in advance of any administrative action recommended to be taken by the Dean or Director.
  - f. After the Investigating Committee delivers its report, its chairperson shall notify all members of the Investigating Committee to return all documentation to the Dean or Director. Copies of the decision, report and all relevant materials will be sent to the Vice-President for reporting and documentation purposes.

### **9.9 Report of the Dean or Director**

The Dean or Director shall inform the Vice-President of the findings and conclusions of the investigation and the decision made about the appropriate administrative action.

If the Dean or Director receives an interim report from the chairperson of the Investigating Committee, the Dean or Director will determine, based on the nature of the case and in accordance with other relevant OCAD U policies and agreements, if restrictions of activity or suspension of the subject individual pending the results of the investigation are warranted. Moreover, the Dean or Director shall determine, with the concurrence of the Vice-President, if a report of interim findings shall be disclosed to protect the public or to protect the best interests of students, staff and faculty. The Dean or Director shall take into account the terms of agreements with, or policies of, the sponsor of the research that is the subject of the Complaint as well as relevant policies of OCAD U.

## **10.0 Administrative/Disciplinary Action and Reporting Requirements**

### **10.1 Cases where no Research Misconduct has been found**

When an investigation determines that no Research Misconduct occurred, the Dean or Director shall ensure that a letter confirming the finding of no misconduct is sent to the Respondent, with a copy to the Complainant and, in the Dean's or Director's discretion to other persons with knowledge of the case who may have notified of the Complaint.

In some circumstances, the investigation may disclose evidence of serious research error that requires further action, even when no Research Misconduct is found. The action may be, for example, a recommendation of retraction of published findings. In these cases, the Dean or Director will consult with the

Chair of the Investigating Committee and the Respondent, and will consider the Respondent's submissions, if any, and will decide what action, if any, to take. No disciplinary measures shall be taken against the Complainant unless the Complaint is found to have been vexatious or made in bad faith; moreover, efforts will be made to ensure that no retaliatory action is taken against the Complainant in such cases. The proceedings of the investigation will be held in confidence in accordance with this Framework. However, if the Complaint is found to have been made vexatiously or in bad faith, the Dean or Director may apply or recommend the application of appropriate sanctions consistent with OCAD U policies and agreements. Similar appropriate sanctions may be taken against individuals who engage in acts of retaliation or intimidation against Complainants and/or Respondents who have been acting in good faith.

### **10.2 Cases where Research Misconduct has been found**

The nature and severity of remedial and/or disciplinary action taken for Research Misconduct will be consistent with the established policy of OCAD U and proportional to the misconduct.

When the Investigating Committee delivers a report that concludes that Research Misconduct has occurred, the Dean or Director will consider what remedial and/or disciplinary action should be taken. Since there may be other procedural considerations under OCAD U policies and agreements before remedial and/or disciplinary action can be taken, the Dean or Director will consult with the Vice-President before taking further action.

For Research Misconduct involving students, remedial and/or disciplinary action may include the institution of disciplinary proceedings leading to sanctions up to and including suspension or termination under the Academic Misconduct Policy or other applicable OCAD U policies or agreements. De-provisioning of access shall proceed as per the processes outlined in the IT AUP. For Research Misconduct involving a graduate student with respect to the student's graduate studies, the responsibility for enforcing remedial and/or disciplinary action resides with the Dean of the School of Graduate Studies and is determined in accordance with the applicable OCAD U policies or agreements.

For Research Misconduct involving faculty or staff members, remedial and/or disciplinary action may be taken in accordance with applicable OCAD U policies or collective agreements.

If the Respondent is a student and has admitted to committing Research Misconduct, the Dean may proceed to impose sanctions under the Academic Misconduct Policy<sup>16</sup>.

As a general rule, the decision about remedial and/or disciplinary action will be

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<sup>16</sup> <https://www.ocadu.ca/students/student-policies/academic-policies.htm>

rendered within not more than 15 working days from the date that the Dean or Director receives the Investigation Report and has had an opportunity to consult with the Vice-President. If there are no further procedural requirements under OCAD U policies or agreements, the Dean or Director may impose disciplinary measures.

Any remedial and/or disciplinary action, including the foregoing and the steps that may be necessary to implement the foregoing, is subject to any applicable OCAD U policies and collective agreements. Regard shall be had under such policies, subject to their terms, for findings made under this Framework.

### **10.3 Communication by Vice-President**

The Vice-President at their discretion may communicate the outcome of the investigation, directly, or through senior OCAD U administration, to other parties within or external to OCAD U, including but not limited to:

- Sponsors of the research that is the subject of the Complaint;
- Co-authors, co-investigators, collaborators;
- Editors of journals in which fraudulent research or erroneous findings were published;
- Professional licensing boards;
- Editors of journals or other publications, other institutions, sponsoring agencies and funding sources with which the individual has been affiliated in the past;
- Professional societies;
- Police services.

### **11.0 Reviews**

Depending on the relationship between OCAD U and the Respondent and depending on the nature of the disciplinary and/or remedial action, the Respondent may have rights of review, grievance or appeal under other applicable OCAD U policies and collective agreements.

Where any Respondent has no access to another process for a review of the decision with respect to remedy, that Respondent may seek a review of the appropriateness of the disciplinary and/or remedial action from the Vice-President Research & Innovation. If the Vice-President Research & Innovation believes it would be inappropriate for the Vice-President Research & Innovation to undertake such a review for whatever reason, the matter shall be referred to the Vice-President Academic & Provost, if applicable. This review must be sought in writing within 5 working days of the issuance of the written notice of the disciplinary and/or remedial action. The Dean or Director will not institute irreversible remedial actions (such as public notifications) until 5 working days have elapsed from the issuance of a notice of decision and confirmation that the subject individual has received the notice. The decision of the applicable Vice-President shall be considered final and binding.

## **12.0 Record Keeping**

The report of the Investigating Committee will be retained in accordance with OCAD U's applicable policies and practices.

The Office of the Vice-President, Research & Innovation may periodically prepare and publish summaries of decisions (with personal identifiers removed) for the purpose of educating OCAD U members on acceptable practices for scholarly integrity and research ethics.

Acknowledgements: OCAD U thanks the University of Toronto for permission to use its Framework to Address Allegations of Research Misconduct (1 January 2013) as a basis for this document.

### **APPENDIX A**

"Tri-Agency Framework: Responsible Conduct of Research" (the RCR Framework) developed by the Social Sciences and Humanities Research Council (SSHRC), the National Science and Engineering Council (NSERC), and the Canadian Institutes of Health Research (CIHR)

<http://www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/>