



**SIMON FRASER UNIVERSITY
Policies and Procedures**

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Integrity in Research and Misconduct in Research

Policy

Simon Fraser University supports and encourages the maintenance of the highest ethical standards in research and scholarship. Primary responsibility for high standards of conduct in research and scholarship rests with the individuals carrying out these activities. This Policy applies to all faculty members, students, postdoctoral researchers and all other research personnel associated with the University; herein these will be referred to as 'researchers.' Policy T10.02 (Intellectual Honesty) is applicable to students in the context of university courses. Other university policies with potential relevance to R60.01 are under consideration at the time of writing; these concern faculty grievance, faculty discipline, conflict of interest and conflict of commitment.

Promotion by the University of understanding of the issues involved in integrity in research and scholarship offers a valuable means of preventing misconduct. The University will actively promote such understanding through a variety of means, including dissemination of written materials, and offering workshops and seminars.

The University expects all researchers to adhere to the principles described herein. Misconduct in research is an offense which, depending on its severity, is subject to a range of disciplinary measures up to and including dismissal or expulsion. Allegations of misconduct shall be dealt with in a fair, unbiased and timely manner. All parties shall be advised of the procedures available to them and persons against whom allegations of misconduct have been made shall be advised of the allegations against them, and shall be accorded the opportunity to provide a response.

Principles

The University holds all researchers responsible for conducting their research in strict observance of ethical standards, including the following modes of behaviour:

- a. using scholarly and scientific rigour and integrity in obtaining, recording and analyzing data, and in reporting and publishing results; not fabricating or falsifying data or results;
- b. recognizing the substantive contributions of all collaborators; using unpublished work of other researchers and scholars only with permission and with due acknowledgment; and using archival material in accordance with the rules of the archival source;
- c. ensuring that authorship of published work includes all persons who have materially contributed to, and share responsibility for, the contents of the publication, and only those persons;
- d. obtaining the written permission of the author before using new information, concepts or data originally obtained through access to confidential manuscripts or applications for funds for research or training that may have been seen as a result of processes such as peer review;
- e. seeking and obtaining approval by the University Research Ethics Review Committee before engaging in any research involving human subjects and then complying fully with the approved research protocols in the performance of the research;
- f. seeking and obtaining approval by the University Animal Care Committee before engaging in any research involving animals and then complying fully with the approved research protocols in the performance of the research;

- g. seeking and obtaining approval by the University Biosafety Committee or the University Radiological Safety Committee before engaging in any research involving biohazards or ionizing radiation (respectively) and then complying fully with the approved research protocols in the performance of the research;
- h. complying with University Policy R10.01 on External Research Grants and Contracts as it relates to the operational and financial terms of research grants and/or contracts awarded to the researcher;
- i. revealing in writing to the University any material financial interest in a company that contracts with the University to undertake research, particularly research involving the company's products. Material financial interest includes ownership, substantial stock holding, directorship, significant honoraria or consulting fees, but does not include minor stock holding in a large, publicly traded company; and,
- j. revealing in writing to sponsors, this and other universities, journals or funding agencies, any material conflict of interest, financial or other, that might influence their decision on whether the individual should be asked to review manuscripts or application, test products or be permitted to undertake work sponsored from outside sources.

Misconduct in research includes, but is not limited to, any deviation from these modes of behaviour. The University is responsible for investigating allegations of misconduct in research involving its researchers. Such allegations may arise from sources within or outside the University. Allegations may be well-founded, honestly erroneous, mischievous or malicious. Whatever their source, motivation or accuracy, allegations of misconduct in research have the potential to cause great harm to the person accused, to the person making the accusation, to the University and to research and scholarship in general. They therefore require prompt, effective action by the University.

Definitions

1. Misconduct in research includes, but is not limited to, any deviation from the modes of behaviour listed above under Principles.
2. The complainant is the person making an allegation of misconduct in research; the complainant may or may not be directly affected by the alleged misconduct and may be a university administrator.
3. The respondent is the person accused by the complainant of misconduct in research.

Procedures

1. Informal Consultation: Instances of alleged misconduct in research may be resolvable through informal consultation; departments are encouraged to establish mechanisms for such informal resolution. It is acknowledged that there may be a power imbalance in the relationship between the parties (e.g., between graduate student and senior supervisor) that might prevent this. If the complaint is not carried beyond this stage, the University shall maintain no written record of the names of the parties nor of the precise particulars of the allegation.
2. A formal allegation of misconduct in research may be made by any member of the Simon Fraser University community, or by any other person. It should normally be made within six months of the alleged misconduct. Allegations of misconduct in research are to be directed in writing to the Vice-President, Research. They should include all relevant evidence, appropriately documented, and they must normally be signed and dated. If an allegation is incomplete or otherwise improperly documented, the Vice- President, Research may contact the complainant and inform him or her of the deficiency in the form of the allegation. Anonymous allegations will not normally be considered; however, if compelling evidence of misconduct is received anonymously by the Vice President, Research, he or she may initiate the investigation process described below, on the basis of this evidence. If the Vice-President, Research is a party to the alleged misconduct, then the Vice-President, Academic will assume the role of the Vice-President, Research under this policy.
3. Upon receipt of an allegation of misconduct in research, the Vice- President, Research or his/her designate, in order to determine whether a formal investigation is warranted, will promptly request in writing an informal meeting with the respondent. Notice of this meeting shall inform the respondent that an allegation of misconduct has been received and that the purpose of the meeting

is to help determine whether a formal investigation is warranted; it will include a brief summary of the allegation. This notice shall also inform the respondent of the right to be accompanied by a person of his or her choice in this and any future meetings, hearings or other sessions related to a formal investigation. If the respondent is a member of an S.F.U. employee association or union (e.g., SFUFA, TSSU, APSA, CUPE) and if the respondent consents, that organization will also be promptly notified. Any statements made at this meeting will be without prejudice and no formal record will be kept of the proceedings of this meeting.

4. The Vice-President, Research will decide whether or not a formal investigation is warranted and so inform the respondent and the complainant in writing, normally within 15 working days of receipt of the allegation (as described under paragraph 2.). If an S.F.U. employee association or union was notified as described under paragraph 3. then it will be informed of the decision at the same time. If the Vice President, Research finds that a formal investigation is not warranted, the allegation shall be dismissed. See also the notification provisions under paragraphs 10. and 11. below. If the Vice President, Research finds that a formal investigation is warranted, the notice to the respondent shall enclose a full copy of the signed allegation and an invitation to respond to it in writing.
5. The Vice-President, Research or designate(s) shall investigate the allegations promptly, fairly, judiciously and confidentially. The procedures to be followed are guided by the principle of fairness, applicable to all parties. The respondent and complainant will have adequate opportunity to know any evidence presented by any party and to respond to that evidence if he or she so chooses. If the investigation is conducted by designate(s), its purpose shall be fact-finding and formulation of a recommendation as to whether misconduct in research occurred. Procedures for conduct of the investigation are appended to this policy.
6. Normally within 35 working days of the commencement of the formal investigation, and after considering all the evidence gathered by him/her or the designate(s), the Vice-President, Research shall reach a decision and prepare a draft written report. The report shall include a copy of the signed allegation, the written response, if any, of the respondent and the findings of the Vice-President, Research as to whether the allegation has been upheld or not, with a statement of the reasons for the finding. The appropriate criterion for a decision is the presence of clear and convincing evidence. The report shall also describe actions, if any, to be taken, which may include, but are not limited to, those listed below:
 - 6.1 sanctions against a respondent found to have engaged in misconduct,
 - 6.2 actions to protect or restore the reputation of the respondent, if wrongfully accused,
 - 6.3 actions to protect a complainant found to have made a responsible accusation,
 - 6.4 sanctions against a complainant found to have made an irresponsible or malicious allegation.Sanctions will depend on the severity of the offense and may include (but are not limited to): reprimand, suspension and dismissal (employees) or expulsion (students). If sanctions are to be imposed against either the respondent or complainant, the Vice-President, Research will meet with that person to discuss the case, the report of the designate(s) if the investigation was not carried out by the Vice President, Research, the draft report and the sanctions, prior to his/her final decision and finalization of the report. A copy of the finalized report will be sent to the complainant and the respondent.
7. If sanctions or actions are components of the final decision, the sanctions or actions will be imposed or taken by the Vice President, Research, unless another person is designated to do so by existing university policy, collective agreement, framework agreement or by legislation. In such cases, the report will be transmitted to that other person, as a recommendation for action.
8. If an affected person believes that the decision of the Vice- President was reached improperly or disagrees with that decision, an appeal or grievance as appropriate may be filed, according to the terms of the appeal or grievance mechanism applicable to that person. If no such mechanism is in place, an appeal may be filed, within 15 working days of the receipt of the report, with the President.

9. When the case is concluded, a Final Report on the outcome will be written by the Vice-President, Research. The Final Report will contain a summary of the allegations, the decisions of the Vice-President, Research and the final outcome, including sanctions imposed and/or actions taken. The Final Report will be submitted to the President.
10. If the research involved projects funded in whole or in part by one of the national granting Councils or another funding agency and misconduct was found to have occurred, a copy of the Final Report will be transmitted to that Council or other funding agency by the Vice-President, Research. If an allegation is dismissed as described under paragraph 4. above or otherwise determined to have been unfounded, and the Council or other funding agency is known to be aware or is likely to be aware of the allegation, the Vice-President, Research will so inform the Council or other funding agency.
11. If the Vice-President, Research determines it to be in the best interests of the University, a report on the investigation of misconduct and its outcome will be disseminated to persons with a legitimate interest in knowing about them. This report will normally contain no information that would identify the parties, unless this action is fully consistent with the final outcome of this case as described in the Final Report.
12. Any and all information and records relating to an action under this policy will be handled by the University in compliance with the British Columbia Freedom of Information and Protection of Privacy Act.

Appendix

Procedures for the Investigation of allegations of Misconduct in Research

The investigation of allegations of misconduct in research is undertaken by the Vice-President, Research or by one or more impartial designate(s), herein called 'the Investigators.' The number of Investigators will be determined by the Vice-President, dependent on the specifics of each case. Normally, the Investigators will be faculty members in departments other than those of the parties. They will have no prior involvement in the matter under investigation. If appropriate, one or more of the Investigators may be external to the university.

The investigation is confidential and is governed by the principle of fairness. Within this framework, the Investigators are free to develop procedures and practices, specific to the case under investigation, to collect written material and to conduct hearings, and are not constrained by strict rules of procedure and evidence. Therefore the procedures followed may deviate from those detailed below, where this is necessary to the effective gathering of evidence.

The Investigators may consult expert witnesses and solicit reports from them on the matter under investigation. The Investigators may obtain written materials relevant to the investigation, such as laboratory notebooks, manuscripts, computer files and records of the proceedings of University committees such as the Research Ethics Review Committee and the Animal Care Committee.

Subject only to the need to respect the privacy of third parties, copies of any information received by the Investigators will be provided to the parties for their reply. Copies of replies will be communicated to the other party, subject only to the same constraint. Further comments on any reply will be requested only where the reply raises a new matter.

In the following, 'representative' refers to a person chosen by the respondent (or complainant), possibly a member or staff employee of an employee group to which the respondent (or complainant) belongs.

Meetings

1. The investigation may include one or more meetings between the Investigators and the respondent. The respondent may have a representative present at such meetings.
2. The investigation may include one or more meetings between the Investigators and the complainant. The complainant may have a representative present at such meetings.

Hearing

1. The investigation may include a hearing. Written notice of a hearing and the procedures to be followed shall be provided to all parties at least 5 working days in advance.
2. The two parties to a hearing (i.e., the complainant and the respondent) may each have a representative present at the hearing.
3. In exceptional circumstances, the Investigators may permit the respondent or complainant to be represented by his/her delegate in his/her absence.
4. Unless agreed to by both parties, the Investigators and all witnesses, the hearing shall be held in camera.
5. If the complainant or respondent fails to appear before the hearing at the appointed time, the Investigators may, without further notice, proceed in such absence. If there are medical or compassionate reasons for non-appearance, the Investigators must be notified immediately. The Investigators will determine the acceptability of such reasons and whether the hearing should be adjourned.
6. Evidence will not be given under oath.
7. The two parties and their representatives may be present throughout the hearing. Witnesses may be present only when they present their evidence orally; the Investigators may permit witnesses to provide their evidence in writing.
8. Each of the two parties shall be given the opportunity to ask questions of any witness present at the hearing, but the Investigators shall have the right to disallow questions that are in their opinion inappropriate.
9. The Investigators shall be responsible for the maintenance of an orderly procedure in the hearing.
10. The hearing shall be audio-taped to be used only by the Investigators and/or for purposes of appeal. The tape will be treated as confidential to the extent permitted by law.