

ARTICLE 39: RESEARCH INTEGRITY

39.01 Definition

- 39.01.01 The Board and members are subject to the application of the Tri-Agency Framework: Responsible Conduct of Research (2011), as amended from time to time (hereinafter referred to as the "Framework"). In the event of an inconsistency between Article 39 and the Framework, the Framework will govern.
- 39.01.02 The parties agree to meet and discuss any changes to the Framework at the joint Committee and to update Article 39 in the event such changes are required.
- 39.01.03 Factors intrinsic to the process of academic research such as, conflicting data, or differences in interpretation or assessment of data or of experimental design do not constitute breaches of research integrity. Honest error may be mitigating in the event that there is a finding of a breach of research integrity.
- 39.01.04 Definitions: Breaches of research integrity in academic research include but are not limited to the following:
- (A) Fabrication: Making up data, source material, methodologies or findings including graphs and images;
 - (B) Falsification: Manipulating, changing, or omitting data, source material, methodologies or findings, including graphs and images, without acknowledgement and which results in inaccurate findings or conclusions;
 - (C) Destruction of research records: The destruction of one's own or another's research data or records to specifically avoid the detection of wrongdoing or in contravention of the applicable funding agreement, institutional policy and/or laws, regulations and professional or disciplinary standards.
 - (D) Plagiarism: Presenting and using another's published or unpublished work, including theories, concepts, data, source material, methodologies or findings, including graphs and images, as one's own, without appropriate referencing and, if required without permission;
 - (E) Redundant publications: Submission for publication of articles or part thereof, or data originally published elsewhere except where it is clearly indicated in the published work that the publication is intended to be a republication;
 - (F) Invalid authorship: Attribution of authorship to persons other than those who have participated sufficiently in the work to take public responsibility for its intellectual content; or agreeing to be listed as author to a publication for which one made little or no material contribution.

- (G) Inadequate acknowledgement: Failure to appropriately recognize contributions of others in a manner consistent with their respective contributions and authorship policies of relevant publications
- (H) Mismanagement of Conflict of Interest: Failure to appropriately manage any real, potential or perceived conflict of interest, in accordance with the University's policy on conflict of interest in research, preventing one or more of the objectives of the Tri Council Framework (section 1.3) from being met.
- (I) Misrepresenting Information: Providing incomplete, inaccurate or false information in a grant or award application or related document, such as a letter of support or a progress report or listing of co-applicants, collaborators or partners without their agreement.
- (J) Mismanagement of Grants or Award Funds: Intentional diversion of the research funds of the university, federal or provincial granting councils or other sponsors of research;
- (K) Breaches of Sponsor Policies or Ethical Requirements: Failure to comply with research funding agreements, all applicable Agency policy requirements, or to comply with relevant policies, laws or regulations, for the conduct of certain types of research activities, including, but not limited to, the following:
 - (a) 2nd Edition of Tri-Council Policy Statement: Ethical Conduct of Research Involving Humans (TCPS 2);
 - (b) Canadian Council on Animal Care Policies and Guidelines;
 - (c) Agency Policies related to the Canadian Environment Assessment Act;
 - (d) Licenses for research in the field;
 - (e) Canadian Biosafety Standards and Guidelines;
 - (f) Controlled Goods Program;
 - (g) Canadian Nuclear Safety Commission regulations;
 - (h) Canada's Food and Drugs Act;
 - (i) Research funding agreements, Tri-Agency Financial Administration Guide and Agency grants and awards guides; relevant Provincial, Federal and International statutes or regulations for the conduct of research, and
 - (j) Failure to obtain appropriate approvals, permits or certifications before conducting research and scholarly activities.

- (L) Failure to obtain the permission of the author before making significant use of new information, concepts or data obtained through access to manuscripts or grant applications during the peer review process;

39.01.05 Nothing in this Article shall be construed to restrict the academic and artistic freedom of creative artists.

39.02 Procedures for Investigating Reports of Breaches of Research Integrity

39.02.01 Consultation

- (A) Before making a written allegation of a breach of research integrity, the complainant(s) shall consult with the Vice-President (Research and Innovation), it being understood that this consultation will remain confidential. The Vice-President (Research and Innovation) shall exercise discretion and respect confidentiality in dealing with the allegation so as to protect the reputation and careers of all involved, as well as the reputation of the University. If the allegations are against the Vice-President (Research and Innovation), the complainant(s) must consult with the Provost and Vice-President (Academic) who shall follow the same process as outlined below for the Vice-President (Research and Innovation).

39.02.02 Inquiry

A responsible allegation is defined as an allegation made in good faith, confidentially and without malice, that is based on facts which have not been the subject of a previous allegation, and which falls within one or more breaches set out in Section 3 of the Tri Agency RCR Framework.

- (A) Upon receiving an allegation, the Vice-President (Research and Innovation) shall determine within ten (10) days whether the allegation is responsible.
- (B) If it is determined that the allegation is not responsible, the Vice-President (Research and Innovation) shall inform the complainant(s) and the respondent(s), as well as individuals consulted by the Vice-President (Research and Innovation) pursuant to 39.02.02 (A) of his/her determination. No reference to the allegation shall be retained in the official personnel file of the respondent(s). The complainant(s) may discuss the issue in confidence with the Provost and Vice-President (Academic) if he/she believes that the consultation has not adequately dealt with the allegation.
- (C) If it is determined that the allegation is responsible, the Vice-President (Research and Innovation) shall forward to the Provost and Vice –President (Academic) a letter which includes the rationale for his/her finding that the allegation is responsible and a recommendation for further investigation. The complainant(s) written

allegation shall be attached as an appendix. Within ten (10) days of receipt of the letter of rationale and a copy of the written allegation from the Vice-President (Research and Innovation), the Provost and Vice-President (Academic) must decide whether a formal investigation pursuant to 39.02.03 should proceed. The Provost and Vice-President (Academic) shall provide a copy of the written allegation to the respondent(s) and shall ask the respondent(s) to show cause why a formal investigation should not be initiated and shall inform the respondent (s) of his/her right to approach the Association and to be accompanied and/or assisted by a representative of the Association throughout all related proceedings. The respondent(s) shall have five (5) days to show cause in writing why a formal investigation should not proceed. The Provost and Vice-President (Academic) shall inform the Secretariat on Responsible Conduct of Research (SRCR) confirming whether or not a formal investigation will be initiated.

- (D) If the Provost and Vice-President (Academic) has determined that a formal investigation should not proceed, he/she shall inform the complainant(s), the respondent and other individuals consulted by the Vice-President (Research and Innovation) pursuant to 39.02.02(A) of his/her determination. No reference to the allegation shall be retained in the official personal file of the respondent.
- (E) The Provost and Vice-President (Academic) shall take reasonable measures to protect the complainant(s) from coercion or retribution by the respondent(s). Any act of coercion or retribution is subject to disciplinary action pursuant to Article 29.

39.02.03 Formal Investigation

When the Provost and Vice-President (Academic) has determined that a formal investigation should be initiated, he/she shall establish an Investigative Committee within fifteen (15) days.

- (A) The Investigative Committee shall be comprised of three members, two of which shall be internal to the University. The respondent is entitled to nominate one internal member of the Investigative Committee. The Provost and Vice-President (Academic) shall make the final decision regarding the appointment of Investigative Committee members, including the second internal member and a third external member who has no current affiliation with Lakehead University. The Investigative Committee members shall have the necessary expertise and shall not have any conflict of interest, whether real or apparent. Any objection to the composition of the Investigative Committee shall be made in writing to the Provost and Vice-President (Academic), within five (5) days of being informed of the composition of the Investigative Committee.
- (B) The Provost and Vice-President (Academic) shall present the Investigative Committee with the written allegation and relevant materials. The respondent(s) has/have the right to full disclosure of all information or evidence relevant to the case in order to prepare a defence and to submit materials to the Investigative Committee. The

respondent(s) has/have the right to be accompanied by a representative of the Association throughout all proceedings. The Respondent (s) and Complainant (s) shall have the opportunity to be heard by the Investigative Committee and to hear each other.

- (C) The Investigative Committee shall address the allegation that a breach of research integrity has taken place and determine whether or not the allegation has validity.
- (D) The Investigative Committee shall conduct its investigation in accordance with principles of natural justice and due process.
- (E) The Investigative Committee shall take into account real or apparent conflicts of interest on the part of those involved in the investigation.
- (F) The Investigative Committee may seek impartial expert opinions, as necessary and appropriate, to ensure that the investigation is thorough and authoritative.
- (G) The Investigative Committee shall keep, on file in the Office of the Provost and Vice-President (Academic), copies of all materials relevant to its deliberation.
- (H) The Investigative Committee shall review, where appropriate, all research with which the respondent has been involved during the period of time considered pertinent to the allegation. A special audit of research accounts may be performed.
- (I) The Investigative Committee shall present a draft report on its findings to the respondent(s) who shall have five (5) days to review and comment on a draft of the report. Their remarks shall be included as appendices in the final report.
- (J) The Investigative Committee shall present a final report on its findings to the President within forty (40) days of the Committee being established.

39.02.04

Subsequent Actions from the Formal Investigation of the Investigative Committee

- (A) Within ten (10) days following the receipt of the Investigative Committee's report, upon reviewing all the elements, the President shall inform the respondent (s), and any other affected party of the decision of the Investigative Committee and of any recourse that is to be taken. In all proceedings and subsequent to a final decision, the Board shall undertake to (a) assure that those making an allegation in good faith and without demonstrably malicious intent will be protected from reprisals or harassment, (b) take disciplinary action against those who make allegations of breaches of research integrity which are reckless, malicious and not in good faith.
- (B) The Board shall take such steps as may be necessary and reasonable to:

- (a) protect the reputation and credibility of persons wrongfully accused of a breach of research integrity, including written notification of the decision to all agencies, publishers, or individuals who were informed by the Board of the investigation;
 - (b) protect the rights, positions and reputations of persons who in good faith make allegations of a breach of research integrity, or whom it calls as witnesses in an investigation. Such protection shall include, as a minimum, legal counsel and other legal costs should the persons be sued for their participation in arbitration proceedings;
 - (c) minimize disruption to the research of the person making the allegation and of any third party whose research may be affected by the securing of evidence relevant to the allegation during the course of the investigation;
 - (d) ensure that any disruption in research, teaching or community service resulting from allegations of a breach of research integrity does not adversely affect future decisions concerning the careers of those referenced in 39.02.04(B) (a), (b) and (c) above.
- (C) A statement from the President that a member is guilty of a breach of research integrity with or without any formal sanctions constitutes discipline under Article 29. Any disciplinary action imposed on a member for a breach of research integrity shall be subject to the grievance and arbitration procedures of Article 30 except that the parties agree that a case involving a breach of research integrity will proceed as a Step III Grievance of the grievance procedure.
- (D) If discipline is referred to an arbitration board, the Board shall bear the onus of proving just and sufficient cause, notwithstanding the recommendations of any previous investigative committee.

39.03 Retention of Research and Scholarly Activity Materials

39.03.01 Members shall only be responsible for providing the Investigative Committee and an arbitration board access to research and scholarly activity materials which are in their possession and not for research materials which may be stored in archives, libraries or other institutions which the Board may consult at its expense.

39.03.02 The member shall keep complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agreement, institutional policies and or laws, regulations and professional or disciplinary standards in a manner that will allow verification or replication of the work by others. No disciplinary action may be taken in respect of any research or scholarly activity if such disciplinary action is initiated more than seven years after the date upon which such activity was completed.

39.03.03 If there are non-trivial financial costs involved in retention of such materials, these costs shall be borne by the Board. The member shall be indemnified by the Board for any material loss resulting from the search or seizure, change of supervisory personnel, or access by third parties to or the use of his/her research and scholarly activity materials in the course of any investigation, inquiry or arbitration.