

University of Prince Edward Island Policy	Policy No. admordgnl0005	Revision No. 0
Policy Title Dealing with Misconduct in Scholarly Work		Page 1 of 10
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Responsibility Senate Committee on Research		Access C

1 Purpose

- 1.1 To establish procedures for dealing with scholarly misconduct

2 Scope

- 2.1 Professors and students involved in research

3 Policy

- 3.1 The search for knowledge is the essence of University scholarly work – teaching research and publication – and integrity is fundamental to that activity. It is important for the credibility of faculty members, students, staff and the University that the scholarly activities of University members be held in the highest regard and be seen as rigorous and scrupulously honest. It is expected that scholarly work is conducted in an exemplary fashion, is ethically sound, and contributes to creation of and refinement of knowledge. However, since scholarly work is undertaken by individuals who are subjected to many pressures from sources within and without the academy, universities have come to recognise the importance of having well defined policies to deal with misconduct in scholarly work. Granting agencies in Canada and elsewhere expect, and in some cases require, universities to establish such policies.

- 3.2 The concerns that gave rise to this document are not confined to any one area of the University, but affect faculty, students, and staff and affiliated research personnel throughout the institution. Indeed, in Canada the three major federal research granting councils have collaborated in the development of a policy on scholarly misconduct. The following document describes procedures to deal with issues of misconduct in scholarly work at UPEI.

3.3 OVERRIDING CONSIDERATIONS

- 3.3.1 Academic freedom is scholarship – teaching, research and publication – at the University is essential to the common good of society.
- 3.3.2 We need prompt effective procedures that ensure fairness to those whose integrity is brought into question. In particular, strict confidentiality for a person alleged to be guilty of misconduct (hereafter referred to as “respondent”) must be assured to minimize the damage that can be done

by aspersions that are ultimately not substantiated.

- 3.3.3 There is a need to protect those who set the process in motion of otherwise assist in dealing with complaints. This involves assurances of confidentiality or even anonymity where appropriate, together with an institutional commitment to prevent retaliation against those persons. However, we must guard against the risk of confidentiality and anonymity becoming cloaks for malice or injustice.
- 3.3.4 We need policies which recognize that misconduct in scholarly activity can be almost infinitely various in both nature and motive. Policies and procedures must be capable of responding to a continuum of culpability for an honest but mistaken view of the propriety of a particular practice, to the extreme case of calculated plagiarism or fraud.
- 3.3.5 Procedures must be consistent with appropriate clauses in Collective Agreements (or their equivalent) and regulations which guide the behaviour of graduate students and undergraduates.

3.4 RESPONSIBILITIES OF PERSONNEL WHO CONDUCT RESEARCH PROGRAMS

- 3.4.1 As the constituency with primary responsibility for the execution and reporting of research and other scholarly work, faculty members and professional research personnel have a unique role in maintaining high standards of ethical performance. Although the document is directed primarily at faculty members, the principles and application described are also intended for professional research personnel, adjunct professors using University facilities, librarians and technical personnel.
- 3.4.2 The following are guidelines to establish and maintain the integrity of scholarship, especially in the research enterprise.
- 3.4.3 Supervision
 - 3.4.3.1 Faculty members and other who might be considered principal investigators performing research at the university of Prince Edward Island shall carefully supervise all research staff including postdoctoral fellows, graduate and undergraduate students, technical and other support staff for whom they have responsibility. This is especially important in the case of personnel who have just commenced their training.
 - 3.4.3.2 The design of research activities, including experiments, processing of acquired data, recording of data and other results and advice on the storage of data and results must be included in the supervision. A regular discussion between the faculty member/principal investigator and his or her staff about these aspects of the research is recommended and should ensure the

faculty member/principal investigator's familiarity with all aspects of the research.

3.4.4 Authenticity of Data

3.4.4.1 Any principal investigator or co-investigator shall be able to verify the authenticity of all data or other factual information, generated in his or her research, while ensuring that confidentiality is protected where required.

3.4.4.2 A faculty member/principal investigator shall set guideline for how data will be recorded in his or her research group. For example, in research laboratories, original results shall, where practical, be recorded in bound notebooks with numbered pages. Printouts from machines shall be affixed to the notebook or identified in the notebook and filed for future use. Data stored in electronic formats must be done in ways that preserve their confidentiality and the integrity of the data. Normally a copy of the data shall remain in the University at all times.

3.4.4.3 Data collection in some social sciences, humanities, and the fine arts may not adhere to such methods of recording and storage of data. Faculty members/principal investigators in these disciplines shall follow the conventions and conform to the standards of the discipline in this regard.

3.4.4.4 Long term storage of the notebooks and associated material is the responsibility of the faculty member. Such material should not be destroyed while there is reasonable probability of questions from other investigators, colleagues or reader of resulting publications which could require access to the primary data or may require a re-analysis or the data. An appropriate time would normally be about five years.

3.4.5 Authorship

3.4.5.1 Faculty members/principal investigators shall ensure that any person who has made a substantial contribution to the study being reported in a publication either in the conception, design, or execution of the experimental work, interpretation of data or drafting the article, is included as an author or is given other appropriate acknowledgement.

3.5 RESPONSIBILITIES OF ACADEMIC ADMINISTRATORS

3.5.1 Academic administrators should endeavour to foster a climate for ethical practices in scholarly work by encouraging the discussion of research ethics, by encouraging openness in the discussion of ongoing research, by

making it clear that quality in publications is important and by making it clear that quality in publications is important and by assuring that assignments of responsibility for supervision of students and other researchers are appropriate. Particular attention shall be given to the adequate supervision of large research teams.

- 3.5.2 University administrators and their delegates are expected to deal expeditiously and fairly with any known instances or allegations or academic fraud following approved procedures.

3.6 DEFINITIONS

- 3.6.1 Fraud and misconduct in scholarly work include:

3.6.1.1 the intentional fabrication or falsification of data, research procedures, or data analysis, misappropriation of data; plagiarism; or other forms of fraudulent or improper behaviour in proposing, conducting, or reviewing research;

3.6.1.2 Failure to comply with federal, provincial or University guidelines for the protection of researchers, human subjects, or the public, or for the welfare of laboratory animals, or failure to meet other legal requirements that relate to the conduct of research;

3.6.1.3 Failure to reveal to the sponsors any conflict of interest when asked to undertake reviews of research grant applications or to test products for sale or distribution to the public.

3.6.1.4 Failure to reveal to the University any financial interest in a company that contracts with the University of Prince Edward Island to undertake research, particularly research involving the company's products, or to provide research-related materials or services. Financial interest means ownership, direct or indirect beneficial interest, substantial stock holding, a directorship, significant honoraria or consulting fees, but does not include minor stock holding in publicly traded corporations.

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3.7 PROCEDURES

- 3.7.1 Application

3.7.1.1 These procedures apply to all allegations and complaints of

misconduct in scholarly activity against faculty members, professional research personnel, librarians, postdoctoral fellows, technicians, students, and others using UPEI facilities to conduct research.

3.7.2 Confidentiality

3.7.2.1 Every effort will be made throughout the process to ensure the confidentiality of the proceedings, as a means to protect both those who make an allegation or complaint and those who are so accused.

3.7.2.2 Allegations shall be forwarded to the deans of the Faculty of School employing or providing research space to the respondent. Allegations of misconduct on the part of graduate students should be directed to the Coordinator of Graduate Studies and Research. The Coordinator of Graduate Studies and Research shall inform confidentially the Dean of the Faculty in which the student is affiliated. In cases where a graduate student is a complainant or where a graduate student's program may be affected by an allegation of misconduct, the Coordinator of Graduate Studies and Research shall be informed by confidential memoranda of all assessments and investigations and the outcome thereof.

3.7.2.3 Where a respondent is a Dean, or there are other special circumstances, allegations shall be forwarded to the President. The President shall then be responsible for ensuring that these procedures are following with such variations as are necessary.

3.7.3 Responsibilities.

3.7.3.1 The Deans shall attempt to deal informally with allegations which are clearly trivial in nature. However, the Dean shall not disregard any situation which has significant implications for the respondent, the complainant or the University.

3.7.4 Complaints.

3.7.4.1 On receipt of an allegation of possible misconduct the Deans shall determine if a complaint can be formulated in writing. Such a complaint may be formulated by any person who has reviewed the relevant documentation, including the Dean. If for any reason a complaint in writing cannot be formulated, no further steps shall be taken against the respondent under these Procedures.

3.7.4.2 Where the documentation in support of the complaint reasonably requires knowledge of the identity of any person who cause it to be forwarded to the Deans for its proper evaluation, no complaint in

writing shall be valid unless it identifies that person. However, no such person shall be identified unless that person has expressly so agreed.

3.7.5 Preliminary Assessment

3.7.5.1 As soon as possible after a complaint has been formulated in writing, and in any event within 10 days of receipt of an allegation the Dean shall send a copy of the complaint to the respondent, and to a Committee of three persons to conduct (see 9 below) an assessment.

3.7.5.2 The Committee to evaluate the complaint (Preliminary Assessment Committee) shall consist of three persons from the Faculty of School in question. One of these members shall be a senior member with sufficient expertise to understand the respondent research program and thus the Dean shall advise both the respondent and any person identified in the complaint of the composition of that Preliminary Assessment Committee. Any objection to the composition of the Preliminary Assessment Committee shall be made to the Dean within 6 days. The Dean's disposition of any such objection shall be final.

3.7.5.3 Upon sending a complaint to a Preliminary Assessment committee to conduct an assessment, the Dean shall advise both the respondent and any person identified in the complaint of the composition of that Committee.

3.7.5.4 The Preliminary Assessment Committee to conduct an assessment shall proceed in complete confidentiality to determine if the complaint warrants an investigation. During the assessment it is expected that neither the Preliminary Assessment committee nor the respondent would be represented by legal counsel.

3.7.5.5 Prior to meeting to consider its decision, the Preliminary Assessment committee shall advise the respondent of the evidence being considered by the preliminary Assessment Committee and shall invite the respondent to meet with it and to respond to that evidence.

3.7.5.6 Within 20 days of being appointed, the Preliminary Assessment committee shall complete its assessment and shall determine whether or not it finds that the complaint warrants an investigation. Its decisions shall be reported in writing to the Dean, and shall be subject to provision in the Collective Agreements, be the confidential property of the deans of the Faculty or School in question.

3.7.5.7 If the Preliminary Assessment Committee reports that the

complaint does not warrant an investigation, the Dean shall so advise the respondent, any person identified in the complaint, that the complaint is dismissed.

3.7.6 Investigation

3.7.6.1 If the Preliminary Assessment Committee reports that the complaint does warrant an investigation, the Dean shall so advise the respondent, any person identified in the complaint, and the President and shall inform that respondent comprehensively in writing which particular allegations are to be investigated.

3.7.6.2 Upon being advised that there is a complaint warranting an investigation, the Dean shall, within 10 days appoint an Investigative Committee to conduct the investigation and shall immediately advise the respondent of the composition of the Investigative Committee (see 17 below) and shall also advise any person identified in the complaint or who gave evidence before the Preliminary assessment committee.

3.7.6.3 The investigative committee to conduct an investigation shall consist of three individuals who have sufficient expertise to address the issues involved, and who were not members of the Preliminary Assessment Committee. Whenever possible, members of the Committee shall, in a departmentalized Faculty, be from a department other than that to which the respondent belongs and in a non-departmentalized Faculty shall be from another Faculty. If, in the judgement of the Dean, individuals with the necessary expertise cannot be found within the university, then individuals with the necessary expertise cannot be found within the university, individuals from outside may be asked to participate.

3.7.6.4 Upon sending a complaint to an Investigative Committee to conduct an investigation, the Dean shall advise both the respondent and any person identified in the complaint of the composition of the Committee.

3.7.6.5 Any objection to the composition of the Investigative Committee to conduct an investigation shall be made to the Dean within 6 days. The Deans' disposition of any such objection shall be final.

3.7.6.6 The Investigative Committee shall invite the respondent, accompanied by an advisor (see 21 below) if the respondent so desires, to address it prior to its seeking or obtaining any other information or submissions. Thereafter, the respondent may attend other meetings or the committee only by invitation of the Chair until the committee has received all the information or submissions it deems appropriate.

- 3.7.6.7 For the purposes of paragraphs 20 and 22, the respondent has the right to choose an advisor who may be a person selected by the appropriate staff association or any person holding a full-time appointment with the University.
- 3.7.6.8 Prior to meeting to consider its decision, the Investigative committee shall advise the respondent of the evidence being considered by the Investigative committee and shall invite the respondent, accompanied by an advisor if the respondent so desires, to meet with it and to respond fully to that evidence.
- 3.7.6.9 Prior to receiving evidence from any person not already identified in the complaint or identified to the respondent during the assessment, the Investigative Committee shall advise that person that it may be necessary in the interest of justice to reveal that person's identity to the respondent.
- 3.7.6.10 Within 60 days of being appointed, the Investigative Committee shall complete its investigation and shall report its reasoned decision in writing to the Dean. That decision shall at all times be the confidential property of the deans of the Faculty or School in question.
- 3.7.6.11 The Investigative Committee shall advise the Dean of the disposition of the complaint. That advice shall take one of two forms.
- 3.7.6.12 that the respondent is not guilty of any misconduct and the complaint is dismissed, or
- 3.7.6.13 that the complaint is substantiated in whole or in part.
- 3.7.6.14 The Deans shall, upon receipt of advice of the Investigative Committee, make a recommendation to the president as to whether formal disciplinary action is recommended in accordance with the applicable collective agreement and taking into consideration contractual and other obligations to external organizations. If the Deans accepts the advice of the Investigative committee to discuss the complaint, the Deans shall so advise any person identified in the complaint, the respondent and the President. Otherwise, the notification requirement of the applicable collective agreement shall be followed.
- 3.7.6.15 Where the complaint is not substantiated, the Dean in consultation with the respondent and the Investigative Committee that conducted the investigation shall take all reasonable steps to repair any damage that the respondent's reputation for scholarly integrity may have suffered by virtue of the complaint.

3.7.7 Appeal

3.7.7.1 If it is the recommendation of the Dean that formal disciplinary action is to be taken, the respondent shall have the right of appeal before any sanctions take effect. Where applicable (e.g., in the case of dismissal of a member of faculty) appeal mechanisms already provided for in existing collective agreements or academic regulations shall be followed.

3.7.7.2 In other cases, appeals shall be heard by an ad hoc appeal committee that shall be struck by the President.

3.7.7.3 Appeals are to be made to the President, in writing, within ten days or receipt of the decision of the Dean.

3.7.7.4 The President shall, within, 10 days of receipt of the appeals, appoint an ad hoc appeal committee to hear the appeals, and shall immediately advise the respondent of the composition of the Ad Hoc Appeal Committee (see 17 above) and shall also advise any person identified in the complaint or who gave evidence before either the Preliminary Assessment or Investigative Committees.

3.7.7.5 The Ad Hoc Appeal Committee shall be constituted in the same fashion as the Investigative Committee (see 17 - 19 above), except that the members shall not have been members of either the Preliminary Assessment Committee or the Investigative Committee

3.7.7.6 The Ad Hoc Appeal Committee shall conduct its task in the same fashion as the Investigative committee (see 20 - 25 above), except that the decision shall be made in writing to the President.

3.7.7.7 The President shall, upon receipt of advice of the Ad Hoc Appeal Committee, decide whether or not the formal disciplinary action recommended by the Dean is to be overturned, upheld or otherwise modified. If the President accepts the advice of the Investigative Committee to overturn or modify the sanctions, the President shall so advise any person identified in the complaint, the respondent and the Dean.

3.7.7.8 Where the sanctions are overturned, the President in consultation with the respondent and the Ad Hoc Committee shall take all reasonable steps to repair any damage that the respondent's reputation for scholarly integrity may have suffered by virtue of the complaint.

3.7.8 Retention of Documentation

3.7.8.1 The process and its outcomes shall be fully documented and those records must be retained as a confidential file in the Office of the appropriate Dean for a 10-year period.

3.7.8.2 Until an allegation is substantiated, all proceedings take place in

the strictest confidentiality.

3.7.9 Notification of Funding Agencies and Research Collaborators

3.7.9.1 When a committee that has conducted an investigation reports its conclusions to the Dean or to the President they shall inform any agency that has sponsored the research and research collaborators, including graduate students active in the individual's research program, only if the allegation is sustained, or if the allegation is not sustained, when the respondent so requests.

3.7.10 ACKNOWLEDGEMENT

3.7.10.1 This document is adopted from the Policy of the University of Saskatchewan