
**SAINT MARY'S UNIVERSITY POLICY ON
INTEGRITY IN RESEARCH AND SCHOLARSHIP
AND PROCEDURES FOR REPORTING AND
INVESTIGATING SCHOLARLY MISCONDUCT**

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Application

The policy and the procedures contained in this document apply to all members of the University community engaged in any form of research activity.

Definitions

1. “the University” – refers to Saint Mary's University
2. “granting agencies” refers to any agency or organization that provides grants and/or contracts for the funding of research, including, but not limited to, the three major federal funding agencies, NSERC (the Natural Sciences and Engineering Research Council of Canada), SSHRC (the Social Sciences and Humanities Research Council of Canada), and CIHR (Canadian Institutes of Health Research).
3. “University Community” – all full-time and part-time faculty and staff, all full-time and part-time students (both undergraduate and graduate), all post-doctoral fellows and research associates, all non-salaried visiting researchers/professors (including students from other institutions; hereafter called visiting researchers/professors in this document), and all people hired on term positions and/or casual employment positions at Saint Mary's University.
4. “Dean of Research” – refers to the Dean of the Faculty of Graduate Studies and Research of Saint Mary's University or the person designated by the Vice President, Academic and Research to carry out the responsibilities of the Dean of the Faculty of Graduate Studies and Research.
5. “Vice President” – refers to the Vice President Academic and Research of Saint Mary's University.
6. “named individual(s)” – refers to the individual or individuals who are accused of scholarly misconduct (i.e. the person or persons charged) as described by this document and are named in an allegation.
7. “all parties” – refers in the case of a formal investigation to all persons making an allegation and all persons charged with an allegation of scholarly misconduct as defined under this policy.
8. “the committee” – refers to the investigative committee established to conduct a formal investigation.

PART 1

POLICY STATEMENT

I. Preamble

The common good of society depends upon the search for knowledge, its free exposition, and the recognition of contributions to, and ownership of, intellectual property. Academic freedom in universities is essential to both these purposes in the teaching function of the university as well as in its scholarship and research. At the same time, academic freedom presupposes the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge. An honest search for knowledge rules out fraud and other research misconduct. Saint Mary's University is committed to promoting and nurturing a culture of integrity in research, and to ensuring that procedures are in place to assist scholars and students in meeting their professional obligations to integrity and to ethical conduct in research.

II. Integrity in Scholarly Research

Saint Mary's University is committed to excellence in scholarly activities and as such is committed to assuring that the highest standards of scholarly integrity are to be understood and practiced. As a scholarly community, the University, and all the individuals that comprise it, have a responsibility to maintain the highest standards of scholarship which include such components as:

1. rigorous attention to citing the contributions of others (including students); this may involve joint authorship on publications;
2. using unpublished or published work of others only with permission and with due acknowledgement;
3. respecting the privileged access to information or ideas obtained from confidential manuscripts or applications;
4. respecting the privileged access to information or ideas obtained from duly executed non-disclosure and confidentiality agreements between the University and outside parties;

5. careful planning of research protocols, ensuring that methods of data collection and storage, and methods of analysis are appropriate;
6. using scholarly and scientific rigour and integrity in obtaining, recording and analyzing data, and in reporting and publishing results;
7. proper use of all research resources (funds, equipment and materials, research subjects);
8. revealing to sponsors, universities, journals or funding agencies, any material conflict of interest, financial or other, that might influence their decisions on whether the individual should be asked to review manuscripts or applications, test products or be permitted to undertake work sponsored from outside sources;
9. following the regulations of the University and the requirements of granting agencies;
10. appropriately and fairly recognizing the contribution of others from within or beyond the University Community to the creation of intellectual property
11. following the ethical principles relevant to one's own discipline;
12. following Senate-approved policies and procedures of the University's Research Ethics Board and the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans;
13. following the policies and procedures defined by the University's Animal Care Committee and consistent with the Canadian Council on Animal Care's Guide to the Care and Use of Experimental Animals;
14. following all other the principles and responsibilities defined in the Tri-Council Policy Statement: Integrity in Research and Scholarship.

III. Scholarly Misconduct

The phrase "scholarly misconduct", as used in this document, includes but is not limited to the following:

1. fabrication, falsification, or plagiarism, but not including those factors intrinsic to the process of scholarly research, such as honest error, conflicting data or differences in interpretation or judgment of data or experimental design;

2. taking unfair advantage of one's privileged access to the work of others, or deliberate misrepresentation of one's own work or that of others;
3. disposing of intellectual property outside the university without due benefit to those entitled to some return.
4. intentionally failing to comply with federal, provincial, or university regulations for the protection of researchers, human subjects, the public, or for the welfare of laboratory animals, or intentional noncompliance with agreements that relate to the conduct of the research;
5. failure to reveal any conflict of interest during review of research grant applications or manuscripts, or in testing products for sale of distribution to the public;
6. failure to reveal to the University any financial interest, direct or indirect, in a company that contracts with the University to undertake research, or to provide research-related materials or services. Financial interest would include, for example, ownership, stock holdings, or a directorship. Stock ownership through a mixed mutual fund managed by a third-party fund manager (such as the case with the University pension scheme), where the individual does not have control on the mix of funds (i.e. it is not a self-directed fund) is excluded and would not form grounds for misconduct.

Saint Mary's University will not tolerate scholarly misconduct within the University Community. It will take appropriate measures to maintain an environment that promotes scholarly integrity. Further, it will take accusations of scholarly misconduct seriously and, as quickly as possible, determine their validity and take appropriate action. In doing so, the University will seek to protect the integrity of academic scholarship even, if need be, at the expense of the University's reputation.

It must be recognized however, that not all actions that fail to meet the highest standards of scholarship constitute scholarly misconduct. Scholarly misconduct is related to and involves the notion of a conscious or deliberate deception or action, and even such misconduct has degrees of seriousness.

Ensuring that the University Community is free from scholarly misconduct is ultimately an individual as well as a collective responsibility.

PART 2

PROCEDURES FOR REPORTING AND INVESTIGATING SCHOLARLY MISCONDUCT

Allegations of scholarly misconduct against individuals associated with the University will be taken seriously by the University. Such allegations will be treated in such a way as to protect, to the maximum extent possible, both those bringing the allegations and those named in the allegations. All inquiries and investigations will be completed as quickly as possible while respecting due process and natural justice. The following procedures are intended to ensure that due process, natural justice and the rules of procedural fairness are achieved.

These procedures are to address scholarly misconduct on the part of anyone involved in research activities within the University, but they are not intended to replace agreements or procedures which already exist within the University or those which obtain in collective bargaining agreements between the University and its employee groups. The procedures apply to all faculty and staff of the University, all visiting researchers/professors, and all organizations within the University involved in research. They apply to undergraduate and graduate students insofar as they are involved in either funded or unfunded research projects (including thesis projects), but do not apply to scholarly misconduct related to course work.

I. Allegations

1. Members of the university who hold what they believe to be well-founded suspicions of scholarly misconduct or who have allegations of scholarly misconduct reported to them, should report the matter to the Dean of Research. The reported allegation may be written or verbal.
2. The Dean of Research may bring forth an allegation on his/her own behalf, although such a procedure should be used rarely and only when warranted by the circumstances. If the allegation is against the Dean of Research or anyone associated with his/her research program for which the Dean of Research could be seen to be in a conflict of interest, it should be made to the Vice President.
3. Upon receiving an allegation, the Dean of Research shall inform the individual(s) named of the allegation. If the circumstances allow, the Dean of Research will attempt a resolution by mediation between the parties. Upon his/her discretion, the Dean of Research may involve the

University's Conflict Resolution Advisor and/or others to aid in the mediation process. If this mediation is successful, no further action will be taken, and the file shall be destroyed. If mediation is not successful, the matter will proceed to the stage of informal and confidential inquiry.

II. Informal and Confidential Inquiry

1. Upon receiving an allegation which cannot be settled immediately by mediation, the Dean of Research must determine, as promptly and prudently as possible, the merit of the allegation. To avoid any conflict of interest, in cases where the Dean of Research has made an allegation, a designate shall be used to determine its merit.
2. It should be emphasized that this initial inquiry is informal and should allow the flexibility for the Dean of Research to consult, clarify, investigate and mediate as each unique situation requires.
3. During this initial inquiry, the Dean of Research shall maintain the highest possible degree of confidentiality so as to protect the reputation and careers of all involved, as well as the reputation of the University. If the Dean of Research finds that there is not sufficient substance in the allegation to warrant further investigation, the allegations shall be dismissed, no action taken, and the file destroyed.
4. If in the Dean of Research's judgment there are grounds to believe that the allegation has merit, the Dean of Research shall recommend that the allegation be presented to the Vice President. Although this stage of the process should normally be completed within one calendar month of receiving the allegation, prudent management of an allegation may in some instances involve a longer period of time. For the allegation to proceed to the Vice President, the allegation(s) must be written and signed by the person or persons making the allegation, and include all pertinent details of the allegation and be accompanied by such supporting evidence as may be available. The individual(s) named in the allegation shall be informed in writing that the manner has been referred to the Vice President.

III. Formal Investigation:

1. If the Vice President determines that the allegation has no merit, all practical steps shall immediately be taken together by the Dean of Research and the Vice President to redress any harm that may have been done by the allegation.

2. If the Vice President determines that the allegation has merit, he/she will consider the seriousness of the case and consult with the Dean of Research, then determine whether or not a formal investigation shall proceed. The individual(s) involved will be informed in writing (with a copy to the Faculty Union if a faculty member or professional librarian is involved and/or the relevant staff union if a staff member is involved).
3. If the Vice President determines that the allegation has merit and constitutes serious scholarly misconduct, he/she will immediately convey this conclusion to the Dean of Research. The Dean of Research, on behalf of the University, will bring a formal charge against the named individual(s). Simultaneously, the Vice President will initiate a formal investigation. All relevant parties (including bargaining unit representatives) are to be notified in writing that a formal investigation is being undertaken.
4. If it is deemed not warranted to bring a formal charge, the Vice President, in consultation with the Dean of Research, will deal with the situation in an appropriate manner. The person making the allegation (if not the Dean of Research) may appeal in confidence to the President if he/she believes the informal investigation has not adequately dealt with the allegation.
5. Except where the allegation is deemed to have been mischievous, knowingly inappropriate or malicious, the Vice President and the Dean of Research will take whatever practical and reasonable actions may be necessary to protect the person making the allegation from possible acts of coercion or retribution by the individual(s) alleged to be involved in the scholarly misconduct. This is especially important if the person making the allegation is a graduate student supervised by the individual alleged to be involved in the scholarly misconduct, or is a visiting researcher/professor whose residency at the University has been facilitated and or is dependent upon the individual alleged to be involved in the scholarly misconduct or is a research employee (including post-doctoral fellows and research associates) whose “pay and rations” are directly dependent upon grant or contract funds for which the individual alleged to be involved in scholarly misconduct is the signing authority.
6. In the case of the Vice President proceeding with a formal investigation, an investigative committee consisting of three persons with experience in the general area of research and scholarship involved in the particular case will be appointed by the Vice President. No member of the department or equivalent unit in which the individual(s) accused hold(s) membership shall be among the three persons appointed. Persons external to the University may be appointed if deemed appropriate or necessary.

7. The Vice President will present the investigative committee with a list of the formal charges and turn over all relevant materials.
8. The committee will undertake a formal investigation following the procedures set forth in Appendix I to this document. It will examine and should have access to all materials necessary to carry out the investigation.
9. The committee will address the charges of scholarly misconduct and determine whether or not they have merit. The committee will not comment on any action to be taken.
10. At any time during the process, the University shall take necessary steps to protect the funds of any external granting/contracting agencies involved. Where required, the University will notify the appropriate funding agencies.
11. The committee will ensure that it is cognizant of all real or apparent conflict of interest on the part of those involved in the inquiry, including both those accused and those making the allegations.
12. The committee may seek impartial expert opinions (from outside the University if required), as necessary and appropriate, to ensure that the investigation is thorough and authoritative.
13. The committee will keep copies of all materials it has collected and any tape recordings of its hearings so that they are available for transcription if required.
14. All parties will be kept informed of the committee's proceedings and will be given ample opportunity to respond to any allegations or counter-allegations. All individuals involved will have the right to be represented by an advocate in responding to the committee's investigations, and at any hearings that are conducted.
15. When the committee makes the final decision, which ordinarily should be within two calendar months of the initiation of the formal investigation, it will provide the Vice President with a written report. The Vice President will provide a copy of the report to the individual(s) named and to the Research Officer.
16. Completion of the formal investigation process should ordinarily not involve the elapse of more than three calendar months from the date the first allegation is received by the Dean of Research. Any extension beyond three months should be justified to all parties by the Vice President. An adjournment requested by the person accused is considered justification for an extension of the same duration.

IV. Action Taken Based Upon the Investigation

1. When no scholarly misconduct is found, every effort will be made by the Vice President and the Dean of Research to protect the reputation(s) of individual(s) named from undue harm, as well as the reputation of the University.
2. In cases where scholarly misconduct is judged to have occurred, the Vice President and the Dean of Research will discuss with the President appropriate action based on the nature and seriousness of the misconduct.
3. After consultation (as outlined in Part 2, Section IV.2. above), the President will implement appropriate penalties, reprimands and/or remedies that are consistent with the nature and seriousness of the misconduct involved. A penalty involving dismissal or suspension of a faculty or staff member from the University shall be recommended by the Vice President to the President of the University. Where the faculty or staff member is covered by a collective bargaining agreement, actions shall be pursuant to the provisions of that agreement.
4. Where required by them, the Vice President will notify the appropriate funding agencies of the action being followed. In some instances, the nature of the misconduct may require its referral to law enforcement agencies.
5. All records will be maintained by the Vice President in accordance with the appropriate agreements or regulations. If the allegations are deemed to have been groundless, these records should be destroyed in accordance with University practices unless they are useful to the protection of the individual's reputation.

V. Recourse:

Any named individual(s) have recourse to their collective bargaining representatives, or to the courts as appropriate.

Pertinent References

Canadian Association for Graduate Studies, A Guide to Intellectual Property for Graduate Students and Postdoctoral Scholars, Ottawa, 2005
http://www.cags.ca/pdf/Guide_Intellectual_Property.pdf ;

Cameron, D. Academic Freedom and the Canadian University, AUCC Research File: 1(3), 2003.

CAUT Policy Statement on Academic Freedom,
<http://www.caut.ca/en/policies/academicfreedom.asp>, Ottawa, Approved:
November 2005.

CAUT Policy Statement on Fraud and Other Misconduct in Academic Research,
<http://www.caut.ca/en/policies/fraud.asp>, Ottawa, Approved: November 2003.

CIHR, NSERC and SSHRC, Conflict of Interest/Conflict of Commitment – An Issues Paper, http://www.nserc.gc.ca/institution/coi/toc_e.htm#intro; Updated: August 2004.

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Filteau, C., Legal Matters Pertaining to Graduate Studies, Ontario Council on Graduate Studies, Council of Ontario Universities, November 1990.

Harvard Medical School, Faculty Policies on Integrity in Science, Faculty of Medicine, Harvard University, Boston MA, July 1994.

Savage, Donald C, Fraud and Misconduct in Academic Research and Scholarly Activity, CAUT, Ottawa, 1991.

APPENDIX I

Procedures for the conduct of a Formal Investigation by the Investigative Committee into allegations of scholarly misconduct at Saint Mary's University:

1. The person charged must be provided with full information concerning the allegations against him or her.
2. The person charged must have a full opportunity to be heard and to reply to those allegations (*audi alteram partem*).
3. If the person charged requests an adjournment, a reasonable period for adjournment should be allowed.
4. The person charged should be entitled to call witnesses and question (i.e. cross-examine) the witness giving evidence against him or her.
5. A record of all proceedings should be kept.
6. The person charged should be provided with a record of the evidence in the proceedings if there is a further right of appeal.
7. The investigative committee has a duty to listen fairly to both sides, and to reach a decision untainted by bias.
8. Decisions arrived at must be based on the evidence available to the committee which in turn would be available to the person charged and thereby subject to cross-examination or refutation by him or her. If there is any relevant evidence available, it must be submitted as evidence in order to have a bearing on a decision.
9. The person charged must be provided with reasons for any decisions or recommendations which the committee makes. A final point to be made is that any administrative procedures agreed to should not simply receive the approval of the relevant governing bodies but must also correspond to the principles outline above. The fact that an institution might contend that it followed its duly approved rule book to the letter would not provide immunity to rulings to a higher court that the rules contained in it were improper in that they were deemed to have contravened these principles.

Adapted from: Filteau, C. Legal Matters Pertaining to Graduate Studies. Ontario council on Graduate Studies. Council of Ontario Universities. November 1990. Pg.33.