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Research Integrity Policy

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Board of Governors Executive**

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**Procedures For Inquiries And Hearings Regarding
Allegations Of Misconduct In Research For Faculty,
Staff And Post-Doctoral Fellows at McMaster
University - March 27, 2002; February 14, 2001**

Responsible Executive:
**Vice President, (Research and International
Affairs)**

Enquiries:
[University Secretariat](#)

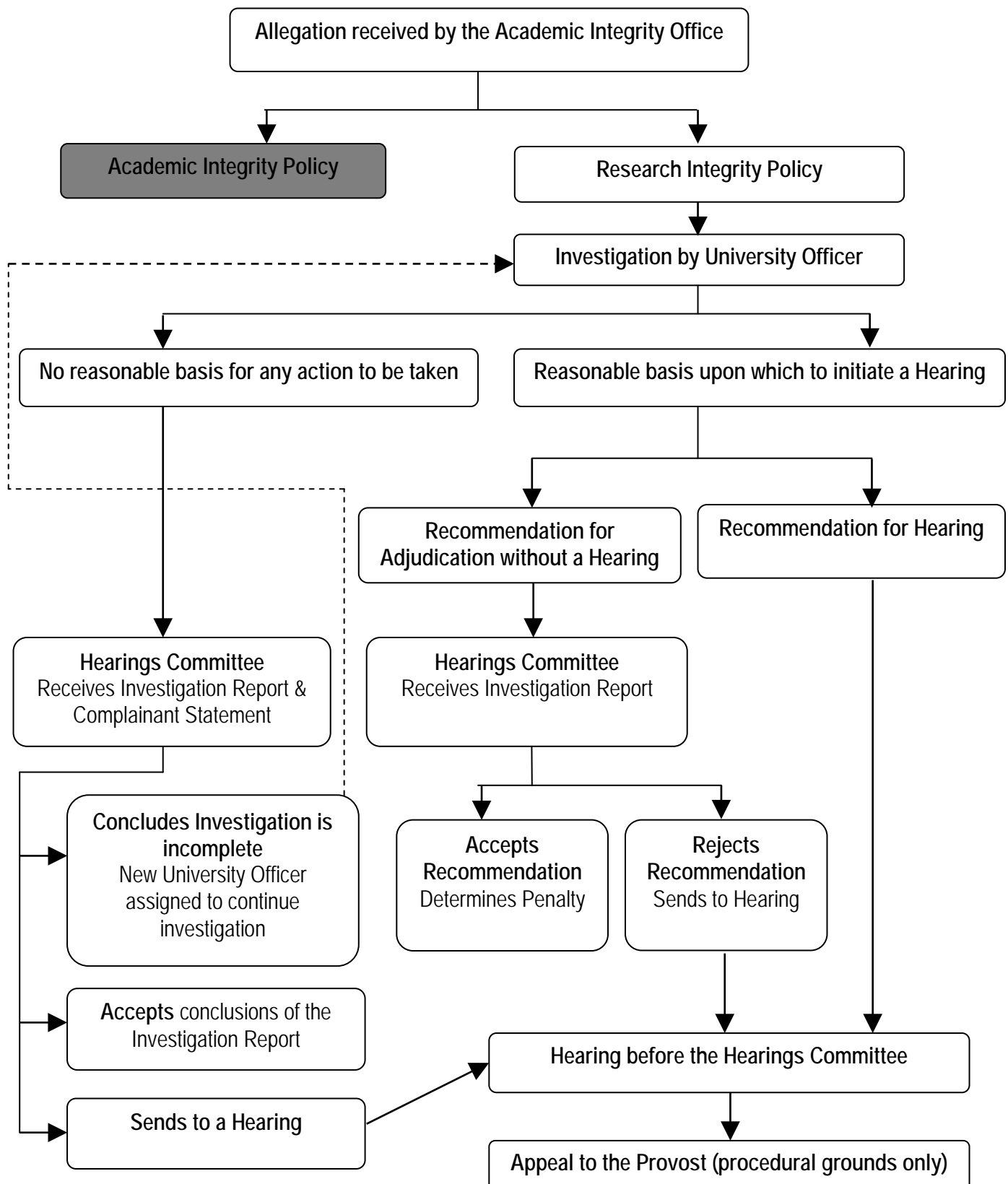
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STAGES IN AN ALLEGATION



PREAMBLE

1. One of the main purposes of a university is to encourage and facilitate the pursuit of research (i.e., an undertaking intended to extend knowledge through a disciplined inquiry or systematic investigation). The attainment of this purpose requires the individual integrity of all members of the University community. Researchers at McMaster demonstrate integrity in many ways, including the following:
 - They practice intellectual honesty in the process of acquiring and extending knowledge.
 - They adhere to ethical requirements in their research.
 - They acknowledge fully the work of others by providing appropriate references in papers, essays and the like and declaring the contributions of co-investigators. Researchers do not take credit that is not earned.
 - They strive to ensure that others are not put at a disadvantage in their pursuit of knowledge. They do not withhold material that should rightly be available to all.

The University states unequivocally that it demands research integrity from all of its members. Research misconduct, in whatever form, is ultimately destructive to the values of the University; furthermore, it is unfair and discouraging to those who conduct their research with integrity.

2. The Research Integrity Policy aligns with the principles and requirements of the Tri-Agency Framework: Responsible Conduct on Research. The term Tri-Agency, when used in this document, refers to the funding agencies CIHR, NSERC, and SSHRC.
3. This Policy applies to all institutional personnel. "Institutional Personnel" means faculty, postdoctoral fellows, graduate students and undergraduate students taking part in research, directly or indirectly, and other research support staff and any other personnel, including senior administrators, involved directly or indirectly in research, including, but not limited to, research associates, technical staff, adjunct professors, librarians, visiting professors, volunteers, observers and institutional administrators and officials representing McMaster University. When research misconduct is alleged, the University will take action as described in this "Policy".
4. In those cases where institutional jurisdiction is unclear, the procedures outlined in [Appendix E](#) (Procedures for Determining Jurisdiction Involving Affiliated Institutions) will be invoked.
5. The Office of Academic Integrity is the administrative office responsible for the receipt and processing of allegations of misconduct at the investigation stage. The University Secretariat is the administrative office responsible for the scheduling and holding of hearings before the Hearings Committee and for the training of Hearings Committee members.

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6. An allegation on the same set of facts cannot be submitted under two different University policies at the same time. If necessary, the Academic Integrity Officer can advise on the most appropriate route for an allegation. Where there is a substantial overlap of jurisdiction between the Academic Integrity Policy and the Research Integrity Policy, the University Secretariat may determine that the allegation should be considered by an appropriate joint Hearings Committee.
 7. Policies are already in place governing research with human and animal subjects. This document is not intended to supersede them.
 8. For the purpose of interpreting this document, words in the singular may include the plural.

RELATED POLICIES

9. This document is to be read in conjunction with the following policies, statements, and collective agreements. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):
 - a) [Academic Integrity Policy](#)
 - b) [Care and Use of Animals in Research and Teaching, Policy on](#)
 - c) [Charitable Giving Policy](#) (Donations to Research Accounts)
 - d) [Conflict of Interest in Research, Statement on](#)
 - e) [Consulting Policy and Procedures, Statement on](#)
 - f) [Dishonest or Fraudulent Activities Related to Funds or Property Owned by or in the Care of McMaster University](#)
 - g) [Financial Procedure for Research Grants](#)
 - h) [Indirect Costs Associated with Research Funding from the Private Sector, Policy on](#)
 - i) [Internally Sponsored Research Accounts](#)
 - j) [Joint Intellectual Property Policy](#) – (McMaster University, Hamilton Health Sciences and St. Joseph's Healthcare Hamilton)
 - k) [McMaster University Revised Policy and Regulations With Respect To Academic Appointment, Tenure And Promotion \[2012\]](#) Tenure and Promotion Policy
 - l) [Ownership of Student Work](#)
 - m) [Research Accounts Policy](#)
 - n) [Research Ethics at McMaster University, Policy on](#)
 - o) [Research Involving Human Participants, Policy Statement on](#)
 - p) [Research Residuals Policy](#)
 - q) [RMM #801 – Field Trip and Electives Planning and Approval Program](#) (Safety During Academic or Research Field Work)
 - r) [Tri-Agency Framework: Responsible Conduct of Research](#)
 - s) Tri-Agency Policy Statement: Ethical Conduct for Research Involving Humans
 - t) [Use of University Facilities for Non-Academic Purposes, Policy on](#)

RESPONSIBILITIES

Institutional Personnel

10. All institutional personnel, as defined in Section 3 above, have a responsibility for the maintenance of a culture of research integrity in all aspects of academic life.
11. All institutional personnel have the responsibility to:
 - a) be aware of the scope of the Research Integrity Policy and have knowledge of the Research Integrity Policy;
 - b) report incidents of apparent research misconduct; and
 - c) provide assistance and co-operation in the investigation of allegations.

Researchers

12. Responsibilities of Researchers include, but are not limited to:
 - a) using a high level of rigour in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data and findings;
 - b) completing and maintaining accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agreement, policies at McMaster University and/or laws, regulations, and professional or disciplinary standards in a manner that will allow verification or replication of the work by others;
 - c) referencing and, where applicable, obtaining permission for the use of all published and unpublished work, including but not limited to data, source material, methodologies, findings, graphs and images;
 - d) including as authors, with their explicit consent, all those and only those who have materially or conceptually contributed to, and share responsibility for, the contents of the publication or document, in a manner consistent with their respective contributions, and authorship policies of relevant publications and/or academic or professional societies;
 - e) acknowledging, in addition to authors, all contributors and contributions to research, including writers, funders and sponsors; and
 - f) appropriately managing any real, potential or perceived conflict of interest, in accordance with the McMaster University's Statement on Conflict of Interest in Research, in order to ensure that the objectives of the Tri-Agency Framework are met.

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13. Applying for and Holding External Funding
Applicants and holders of grants and awards shall provide true, complete and accurate information in their funding applications and related documents and represent themselves, their research and their accomplishments in a manner consistent with the norms of the relevant field.
 14. Applicants for funding will certify that they are not currently ineligible to apply for, and/or hold, funds from Tri-Agency funding sources or any other research or research funding organization world-wide for reasons of breach of responsible conduct of research policies such as ethics, integrity or financial management policies.
 15. Principal funding applicants must ensure that others listed on the application have explicitly agreed to be included.
 16. Management of Grant and Award Funds
Researchers are responsible for using grant or award funds in accordance with relevant policies, including the *Tri-Agency Financial Administration Guide* and Agency grants and awards guides; and for providing true, complete and accurate records and information on documentation for expenditures from grant or award accounts.
 17. Requirements for Certain Types of Research
Researchers must comply with all applicable requirements and legislation for the conduct of research, including, but not limited to:
 - 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 Environmental Assessment Act;
 - d) Licenses for research in the field;
 - e) Laboratory Biosafety Guidelines;
 - f) Controlled Goods Program;
 - g) Canadian Nuclear Safety Commission (CNSC) Regulations; and
 - h) Canada's Food and Drugs Act.
 18. Rectifying a Breach of Policy
Researchers in breach of a research policy are expected to be proactive in rectifying a breach, for example, by correcting the research record, providing a letter of apology to those impacted by the breach, and/or repaying funds.

Office of Academic Integrity

19. One purpose of this office is to assist all those conducting research under the auspices of McMaster University, with matters of research integrity. Responsibilities include:
- a) participating in planning, assisting and coordinating appropriate research integrity education and research misconduct prevention activities;
 - b) providing advice with respect to research misconduct concerns;
 - c) determining whether the alleged infraction falls under the Research Integrity Policy and/or the Academic Integrity Policy;
 - d) identifying potential jurisdictional issues with affiliated institutions and referring such issues to the Administration for resolution;
 - e) providing procedural advice to and administrative support for University Officers;
 - f) acting as a resource for University Officers with respect to appropriate investigative process, documentation and presentation;
 - g) storing all documentation on allegations of research misconduct;
 - h) reporting to the University Officer and/or the appropriate Associate Dean, any reprisals or threats of reprisals that they are aware of;
 - i) providing a written, public annual statistical report to the University Senate and Board¹; and
 - j) ensuring reasonable allegations are investigated.

Administration

20. The term "Administration", as used in this Policy, refers to individuals and entities responsible for the University's research endeavors. A non-exhaustive list includes: Chairs; Directors of Schools and Programs; Associate and Assistant Deans; Deans; Research Office for Administration, Development & Support (ROADS); Health Research Services (HRS); the Associate Vice-President (Faculty); the Vice President (Research and International Affairs); the Provost; and the Senate.
21. Administrators are responsible for developing and updating policies and procedures related to maintaining the research integrity of the University community and providing the resources required to support these activities. In addition, they are responsible for promoting awareness of what

¹ *In order to protect confidentiality, the statistical report to Senate and Board will be held over until a cell size of five has been reached. The report will then provide statistics on a rolling three-year basis.*

constitutes the responsible conduct of research, including the relevant granting agency requirements, and providing resources so that members of the University are able to function with the highest standards of integrity, accountability, and responsibility in their research pursuits. Activities may include disseminating information about the expectations for research integrity, and providing education on the responsible conduct of research.

22. The Administration is required to follow [Appendix E](#) (Procedures for Determining Jurisdiction Involving Affiliated Institutions) in attempting to resolve jurisdictional issues.

University Officer

23. The term "University Officer" (see [Appendix B](#) - University Officers: Guidelines), as used in this Policy, refers to the individual responsible, with support and resources provided by the Office of Academic Integrity, for:
- a) thoroughly investigating allegations of research misconduct;
 - b) making sure that the case is investigated in a timely manner;
 - c) documenting the investigation, and concluding if the allegation of research misconduct is valid;
 - d) presenting the results at Research Misconduct Hearings orally and in writing; and
 - e) reporting to the appropriate administrative officer any reports of reprisals or threats of reprisals that come to their attention.

Supervisors

24. In an academic research setting a supervisor has specific duties. The failure to fully execute their duties as supervisor may result in a degree of responsibility for any research misconduct committed by individuals under their supervision. Supervisor duties include, but are not limited to:
- a) ensuring that the people they are supervising are trained appropriately in acceptable methods for undertaking research and reporting it;
 - b) providing an adequate degree of oversight to allow deviations from acceptable practice to be identified in a timely fashion;
 - c) being aware of McMaster University's policies on required training and reporting for individuals under supervision.
25. In addition to the above, Ontario's *Occupational Health and Safety Act* defines a supervisor as "a person who has charge of a workplace or authority over a worker." (Ministry of Labour - [Duties of Supervisors](#)) A supervisor has duties under the Act including:

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- a) ensure that a worker complies with the Act and regulations [section 27(1)(a)];
 - b) ensure that any equipment, protective device or clothing required by the employer is used or worn by the worker [section 27(1)(b)];
 - c) advise a worker of any potential or actual health or safety dangers known by the supervisor [section 27(2)(a)]; and
 - d) take every precaution reasonable in the circumstances for the protection of workers [section 27(2)(c)].

RESEARCH

- 26. Research is an undertaking, or a commitment to an undertaking, intended to extend knowledge through a disciplined inquiry or systematic investigation.
- 27. This definition of research in this policy includes, but is not limited to, the following scholarly activities:
 - a) the preparation and publication, in either traditional or electronic format by academic publishers, of scholarly books, articles, reviews, translations, critical editions, bibliographies, textbooks, and pedagogical materials;
 - b) creative works in drama, music and the visual arts (including recordings, exhibitions, plays and musical compositions);
 - c) literary works in prose, poetry and drama; and
 - d) contract research and consultancy contracts.
- 28. Graduate students and undergraduate students are often involved in research as either part of their academic work, employment and/or volunteering activity. Research by students may lead to academic credit, payment, and/or academic merit (e.g. reference letters, publications, etc.).

RESEARCH MISCONDUCT OFFENCES

29. Research Misconduct, in the context of this Policy, includes, but is not limited to the following, in the proposing, conducting or reporting of scholarly activity:
- a) Falsification of Credentials: Misrepresenting qualifications, awards and/or achievements, misrepresenting the status of publications, reporting non-existent work.
 - b) Fabrication: Making up data, source material, methodologies or findings, including graphs and images.
 - c) Falsification: Manipulating, changing, or omitting data, source material, methodologies or findings, including graphs and images, without accurate disclosure and which results in inaccurate findings or conclusions.
 - d) Suppression: Failure to take timely and pro-active steps to publish corrections or retractions to a researcher's previous results when a significant error or deficit is identified in such work after publication.
 - e) 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.
 - f) 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 proper acknowledgement. All material, including information from the internet, anonymous material, copyrighted material, published and unpublished material and material used with permission, must be properly acknowledged. Direct quotations of text or material, must distinguish the text or material that has been taken from the other source. Directly quoted material is normally identified by indentation, italics, quotation marks or some other formatting change. Expression in one's own words of an idea, concept or interpretation that one has obtained from another source, must be identified and attributed in a similar manner. All direct and indirectly quoted material requires a reference or footnote in the text and full citation in the references and/or bibliography, in accordance with the standards appropriate to the discipline.
 - g) Self-plagiarism: The re-publication of one's own previously published work or part thereof, or data, in the same or another language, without adequate acknowledgment of the source, or justification.
 - h) Redundant publications: Submission of identical or substantially similar material to more than one peer-reviewed publication at the same time.

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- i) *Invalid authorship*: Inaccurate attribution of authorship, including attribution of authorship to persons other than those who have contributed sufficiently to take responsibility for the intellectual content, or agreeing to be listed as author to a publication for which one has made little or no material contribution. "Ghostwriting" is one form of invalid authorship where an author or authors represent themselves as having been responsible for the creation of scholarly work when in fact major contributions have been prepared by an unacknowledged author or authors.
 - j) *Inadequate acknowledgement*: Failure to appropriately recognize contributions of others in a manner consistent with their respective contributions and authorship policies of relevant publications.
 - k) *Mismanagement of Conflict of Interest*: Failure to appropriately manage any real, potential or perceived conflict of interest, in accordance with the *McMaster University's Statement on Conflict of Interest in Research*.
 - i. failure to reveal any material conflict of interest to the sponsors or to those who commission work or when asked to undertake reviews of research grant applications or manuscripts for publication, or to test products for sale or distribution to the public; or
 - ii. failure to reveal 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, a directorship, significant honoraria or consulting fees, but does not include routine stock holding in a large publicly traded company.
 - l) *Abuse of Confidentiality*: Failure to respect the confidentiality of information and ideas taken from grant applications or manuscripts being reviewed or discussions held in confidence.
 - m) *Abuse of Authority*: Intimidation or exploitation of subordinates in a research context that encourages, influences or coerces the subordinate to themselves commit or be complicit in an instance of research misconduct.
 - n) *Misrepresentations to Funding Agencies*:
 - i. 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.
 - ii. Applying for and/or holding a funding agency award or receiving funds indirectly when deemed ineligible by one or more of the Tri-Agencies or any other research or research funding organization world-wide for reasons of breach of responsible conduct of research policies such as ethics, integrity or financial management policies.
 - iii. Listing of co-applicants, collaborators or partners without their explicit agreement.

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- o) Mismanagement of Grants or Award Funds:
Using grant or award funds for purposes inconsistent with the policies of the funding agencies; misappropriating grants and award funds; contravening Tri-Agency financial policies, namely the *Tri-Agency Financial Administration Guide*, Tri-Agency grants and awards guides; or providing incomplete, inaccurate or false information on documentation for expenditures from grant or award accounts.
 - p) Breaches of Agency Policies or Requirements for Certain Types of Research:
Failing to meet funding agency policy requirements or, to comply with relevant policies, laws or regulations, for the conduct of certain types of research activities; failing to obtain appropriate approvals, permits or certifications before conducting these activities.
 - q) Non-compliance with the TCPS2: Conducting research with human participants without research ethics clearance obtained from the McMaster Research Ethics Board (MREB) or the Hamilton Integrated Research Ethics Board (HIREB). Carrying out research with human participants in a manner that was not approved by MREB or HIREB. Failure to submit an amendment or revision to a research protocol involving human participants originally approved by MREB or HIREB. Failure to submit an annual status report to MREB or HIREB for a research protocol approved by MREB or HIREB.
 - r) Other kinds of misconduct such as: violation of the regulations of the granting bodies; improper use of funds, equipment, supplies, facilities, or other resources.

CONFIDENTIALITY

- 30. Confidentiality shall be enjoined on the University Officer, and all institutional personnel involved in the Investigation and/or Hearing. This does not preclude the discreet disclosure of information in order to elicit the facts of the case or as required by law, which includes compliance with a summons or order from another administrative tribunal or court.
- 31. The University Officer and institutional personnel working in concert with the University Officer will be subject to administrative disciplinary action for inappropriate breaches of confidentiality on their part.
- 32. The parties to the Investigation shall be the "*Complainant*" and the person against whom the allegation of misconduct is made, the "*Respondent*". The University will endeavour to protect the identities of the Complainant and Respondent during the Investigation. Complainants may be identified during the Hearing.
- 33. Public reports or statements may be issued identifying the Respondent:
 - a) at the request of the Respondent when an Investigation has taken place that has not led to a subsequent Hearing; or

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- b) following a Hearing, when a Respondent is exonerated and wishes that fact to be known publicly; or
 - c) following a Hearing, when the Respondent is determined to have committed misconduct in research.
34. The University will protect personal information and deal with records in accordance with the Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act.

PROTECTION FROM REPRISAL

35. The University prohibits reprisal or threats of reprisal against any member of the University who makes use of this policy or participates in proceedings held under its jurisdiction. An individual who believes they are the subject of a reprisal or threat of reprisal shall report this to the Academic Integrity Officer. Any individual or body found to be making such reprisals or threats will be subject to appropriate disciplinary action.
36. In the case where a graduate or undergraduate student has made an allegation of misconduct in research and scholarship against his/ her supervisor, the University Officer shall give due consideration to any impact that reporting the alleged misconduct may have on the student's academic program. If appropriate in the circumstances, the University Officer shall contact the student's Associate Dean or Department Chair. Where the student is, at the time of making the allegation, under the supervision of the person alleged to have engaged in misconduct in research and scholarship, arrangements shall be made, in consultation with the student and through the appropriate administrator, for the work and/or examinations, if any, of the student to be evaluated by a disinterested party and, if necessary, for the student to be removed from the environment of the person alleged to have engaged in misconduct in research and scholarship. ²

REPORTING AN ALLEGATION

37. All institutional personnel who are involved in research have a responsibility to report what they, in good faith, believe to be research misconduct.
38. The Office of Academic Integrity is the appropriate office to receive concerns and questions regarding allegations of research misconduct.
39. Responsible allegations, or information related to responsible allegations, should be sent directly to the Office of Academic Integrity in writing with an exact copy sent to the Secretariat on Responsible Conduct of Research (SRCR).

² The University of Winnipeg has a similar protection from reprisal statement which it has shared with McMaster University for use in this policy.

Anonymous Allegations

40. The Office of Academic Integrity may refer an anonymous allegation to the University Officer to conduct an investigation should there be compelling evidence submitted with the anonymous allegation.
41. Anonymous reports concerning research misconduct, received by Internal Audit will be forwarded to the Office of Academic Integrity for evaluation and possible further investigation.

Allegations

42. Allegations of misconduct may be received from within or outside the University.
43. The allegation of misconduct shall include particulars in sufficient detail to enable all persons to make clear the nature or type of research activity which is regarded as being the subject of misconduct, together with a brief description of the facts, events and circumstances which describe the allegations.
44. Upon receipt of an allegation of misconduct the Office of Academic Integrity shall initiate an inquiry to establish whether an allegation is responsible and if an investigation is required.
45. If the allegation is deemed responsible, the Office of Academic Integrity shall inform the appropriate University Officer (drawn from the Research Misconduct Investigation Panel – See [Appendix B](#)) and commence the procedures to begin the Investigation. The Academic Integrity Officer shall ensure that the University Officer does not have any reasonable apprehension of bias.
46. The Office of Academic Integrity shall notify the Vice-President (Research and International Affairs) and/or the Associate Vice-President (Faculty), and the Faculty Dean that an Investigation is underway no later than three days after the Investigation is commenced.
47. The Office of Academic Integrity shall notify the University Secretariat that an Investigation is underway no later than three days after the Investigation is commenced, and a Hearings Committee shall be established in accordance with sections [55-58](#).

Investigation

48. In conducting the investigation the University Officer shall follow the procedures below:
 - a) the University Officer shall discuss the matter with the Complainant;
 - b) the University Officer shall provide the Respondent, in writing, the details of the allegation, together with particulars of other relevant information known to the University Officer at that time, and give that party an opportunity to respond within a reasonable time;

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- c) the Respondent shall have the right to meet with the University Officer and discuss the matter and shall have the right in addition to and alternatively thereto to provide a response in writing;
 - d) the University Officer shall have the right to discuss the matter, in confidence, with any other person whom the University Officer has reason to believe may have relevant information. He/she may seek such procedural and legal advice as is deemed necessary to evaluate the validity of the allegation; and
 - e) all parties shall provide their information to the University Officer within the time limits specified by the University Officer.
49. Where, during the Investigation or any subsequent Hearing, the University Officer has reasonable and probable grounds to believe that it is appropriate that research activity be suspended, in whole or in part, the University Officer shall inform the Vice-President (Research and International Affairs).
- a) The Vice-President (Research and International Affairs), following consultation with the granting agency and the Department Chair, may take immediate action to protect the administration of agency funds. These actions may include:
 - i. suspension of the research activity in whole or such part as the Vice-President (Research and International Affairs) shall specify;
 - ii. making such other orders as are reasonable and necessary in the circumstances, considering the educational needs of students and providing appropriate arrangements for post-doctoral fellows and research staff;
 - iii. the University may independently, or at the Tri-Agency's request in exceptional circumstances, take immediate action to protect the administration of Agency funds. Immediate actions could include freezing grant accounts, requiring a second authorized signature from an institutional representative on all expenses charged to the researcher's grant accounts, or other measures, as appropriate; and
 - iv. making any order with respect to the funding of the research activity as the Vice-President (Research and International Affairs) considers reasonable and necessary in the circumstances.
 - b) The Vice-President (Research and International Affairs) shall also give consideration to safeguarding relevant materials and documents, including laboratory data books, by sequestering them either in the Office of the Vice-President (Research and International Affairs), or elsewhere or to providing for maintenance of sensitive research materials and equipment. Supervised access by the Respondent and University Officer to such material will be permitted for preparing a defense or carrying out the Investigation. To the degree necessary, the Vice-President (Research and International Affairs) will seek an amendment to, among other things, the letter of approval from the appropriate Research Ethics Board for

access to research data or other information.

- c) In making any such orders the Vice-President (Research and International Affairs) shall give due consideration to employees who may be affected, to other researchers' access to the equipment in question, and to the start-up costs of any research activities that are suspended.
- d) The Vice-President (Research and International Affairs) may exercise the foregoing authority notwithstanding that the Investigation may not be complete and that the Respondent has not responded.

50. If criminal charges are laid against the Respondent, the Investigation or Hearing may be suspended.

Determining that an Offence has been Committed

51. The University Officer shall determine, based on his/her discussions with the Complainant, the Respondent and a review of all relevant evidence, whether:
- a) *there is no reasonable basis for any action to be taken*. This does not preclude a University Officer from bringing a charge at a later date, should new evidence become available; or
 - b) *a reasonable basis exists upon which to initiate a Hearing*; or
 - c) *removal proceedings should be initiated*, in accordance with the relevant University policies for the removal of faculty or staff, as appropriate; and any further action under the terms of this Policy shall be suspended for the duration of the removal proceedings.

Investigation Report

52. The University Officer shall prepare a written report on the Investigation which normally shall be issued as soon as possible and **no later than two months from receipt of the allegation of misconduct**; this deadline may be extended if circumstances warrant.
53. The University Officer 's Investigation Report shall include:
- a) a summary of the allegation;
 - b) a summary of the evidence reviewed;
 - c) if the investigation takes longer than two months to complete, the reasons for exceeding the two-month period; and
 - d) the conclusions of the investigation:
 - i. no reasonable basis for any action to be taken; or
 - ii. that a reasonable basis exists upon which to initiate a Hearing; or
 - iii. removal proceedings should be initiated, and the reasons for those conclusions.

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54. If the Investigation Report recommends proceeding to a Hearing the report shall also include:
- a) names of witnesses to be called by the University Officer;
 - b) name of the University Officer's counsel or advisor, if applicable; and
 - c) all documents the University Officer wishes to submit as evidence in support of the allegation(s).
55. Copies of the Investigation Report shall be given to the Complainant, the Respondent, the Office of Academic Integrity, the University Secretariat, the Faculty Dean, and the Vice-President (Research and International Affairs) and/or the Associate Vice-President (Faculty).

Removal Proceedings Should Be Initiated

56. If the University Officer has concluded that removal proceedings should be initiated, a copy of the Investigation Report (including the information required in sections 48 and 49 above) shall be forwarded to the President.

Investigation Records

57. Investigation Records shall be retained by the office of the Office of Academic Integrity for at least seven years.

Reporting

58. **Within two months** from receipt of the allegation, the Vice-President (Research and International Affairs) shall inform the appropriate granting agencies, if such agencies have previously been informed of the fact that an Investigation is taking place, and that the matter is before the Hearings Committee. (See also [Appendix A](#), Hearings Committee Decision)

RESEARCH MISCONDUCT HEARINGS PANEL

59. There shall be a Research Misconduct Hearings Panel, consisting of thirty-six members: eighteen shall be tenured faculty members appointed by the Senate with consultative input from the Faculty Association; three undergraduate and three graduate students appointed by the Senate; and twelve shall be full-time staff members, who have been employees of the University for at least two years, appointed by the Board of Governors with consultative input from the appropriate staff associations. Members of the Panel shall be appointed for staggered three-year terms, once renewable, effective July 1. The Chair shall be appointed by the Senate from among the members appointed by the Senate and shall be a tenured faculty member. One Vice-Chair shall be appointed by the Senate from among the members appointed by the Senate and one Vice-Chair shall be appointed by the Board of Governors from among the members appointed by the Board of Governors.

HEARINGS COMMITTEE SELECTION

60. The Hearings Committee shall consist of three persons of appropriate background and without any reasonable apprehension of bias, one of whom shall be external to the University. If deemed necessary for complex hearings or hearings with more than one Respondent, the Hearings Committee shall be comprised of five persons of appropriate background and without any reasonable apprehension of bias, one of whom shall be external to the University.
61. When the University Secretariat receives the University Officer's Investigation Report, the University Secretariat shall forward to the Respondent and University Officer a list of the members of the Research Misconduct Hearings Panel and the list of possible external members who shall be selected in accordance with the requirements in [Appendix C](#). Both parties shall be given the opportunity to express, in writing, any objections they may have concerning any members of the Panel and to the list of possible external members.
62. After careful consideration of any such objections, the Chair or Vice-Chair of the Research Misconduct Hearings Panel shall select the members of the Hearings Committee. The Chair shall approve the Hearings Committee Chair and Hearings Committee members and, through the University Secretariat, shall so inform the Hearings Committee members, and the parties to the Hearing.
63. The internal members of the Hearings Committee shall be chosen from among the relevant and/or appropriate association/constituency members of the Research Misconduct Hearings Panel. At least one of the internal Hearings Committee members shall be from outside the Faculty and/or Department of the person against whom the allegations of misconduct have been made.
64. The University Secretariat shall ensure that all members of the Hearings Committee receive appropriate training to discharge their responsibilities.

Association Observer

65. Subject to the agreement of the Respondent, the appropriate Association shall be permitted to send an Observer to the Hearings described in [Appendix D](#). In this context, the appropriate Association is that organization recognized at McMaster University as formally representing a group of individuals. This is the Faculty Association for faculty, the relevant trade union (such as CAW or CUPE) or staff association for staff, the Librarian's Association for librarians, the Clinical Faculty Association for clinical faculty, and so on. Individuals lacking formal or recognized representation may choose either a Faculty or Staff Association Observer. The Observer shall be entitled to receive all the documentation available to the Respondent, subject to the Respondent's consent. Such an Observer shall be non-participating and subject to the "*Association Observers at Hearings for Allegations of Research Misconduct*" ([Appendix D](#)).
66. Where the report of the University Officer recommends that a Hearing be held, the Vice-President (Research and International Affairs) shall notify the appropriate granting council or agency, where required, that a Hearing will be taking place.

PROCEDURES FOR HEARINGS BEFORE THE RESEARCH MISCONDUCT HEARINGS PANEL

Parties to the Hearing

67. Parties to Hearings shall include:
- a) the University Officer who conducted the Investigation, or delegate; and
 - b) the Respondent, who is the person or persons against whom the allegation of misconduct in research has been made.

Onus, Burden of Proof and Basis of Decision

68. At the Hearing, the University Officer has the onus to present evidence, on a balance of probabilities, to satisfy the Hearings Committee that the alleged misconduct has occurred. The principles and procedures described in [Appendix A](#) (Procedural Rules for Formal Hearings) shall apply to all proceedings before the Hearings Committee. Hearings Committees shall not be charged with investigative duties.

Representation

69. Parties to the Hearing may be advised or represented by a friend, colleague, or legal counsel.

Administrative and Legal Support

70. Administrative support for the Hearings Committee will be provided through the University Secretariat. Legal counsel for the Hearings Committee shall be provided as needed through the University Secretariat.

Submissions and Disclosure

No Reasonable Basis for Any Action to Be Taken

71. If the University Officer concludes that there is no reasonable basis for any action to be taken, the University Secretariat shall, within one week of receipt, send the Investigation Report to the Complainant and request a written statement responding to the conclusions in the Investigation Report, which will be submitted to the Hearings Committee.
72. The University Secretariat shall, within one week of receipt of the Complainant's response to the Investigation Report, send the Investigation Report and the Complainant's statement to the Hearings Committee.

73. The Hearings Committee shall review the Investigation Report and the Complainant's statement and shall decide:
- a) to accept the conclusions of the University Officer that there are no grounds for a charge or there is insufficient evidence with which to proceed and the file will be closed; or
 - b) to direct the case proceed to a Hearing before a new Hearings Committee; or
 - c) there are indicia of grounds for a charge but the Hearings Committee, based on the Investigation Report, concludes that the investigation is incomplete. Before proceeding further, the Hearings Committee shall provide both the University Officer and the Respondent an opportunity to submit, within 10 business days, written reasons why they disagree with the finding of the Hearings Committee. If the Hearings Committee still believes the investigation is incomplete, a new University Officer will be assigned to continue the investigation and subsequent Investigation Report.

Adjudication without a Hearing

74. If the Respondent admits guilt they may request adjudication without a Hearing. If the University Officer is in agreement that a Hearing is not required to determine the penalty, the parties may request the Hearings Committee make a decision regarding the penalty without a Hearing.
75. If the Hearings Committee grants the request they will make a decision regarding the penalty based on the written submissions of the Respondent and the University Officer, which submissions shall be provided within 15 business days. If the Hearings Committee is of the opinion that a Hearing is required to properly determine the penalty then Hearing dates will be set.
76. Under no circumstances does the Hearings Committee have the power to prevent disclosure of the penalty to the granting agency(ies)

A Reasonable Basis Exists Upon Which to Initiate a Hearing

77. If the University Officer concludes that there is a reasonable basis upon which to initiate a Hearing, within three business days of receipt of the Investigation Report the University Secretariat shall request the Respondent provide a written response to the Investigation Report, as specified in clause 74 above.
78. The University Secretariat shall send a copy of the "*Association Observers at Hearings for Allegations of Research Misconduct*" ([Appendix D](#)) to the Respondent and request the Respondent's consent to the presence of an Observer, as provided for in clause 20 below. If the Respondent consents, the University Secretariat shall notify the relevant trade union or association of its right to send an Observer, and the appropriate trade union or association shall inform the University Secretariat who the Observer will be.

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79. Within three weeks of receipt, the Respondent shall deliver to the University Secretariat a written response to the allegations in the University Officer's Investigation Report and shall submit the following information:
- a) names of witnesses to be called;
 - b) the name of Respondent's counsel or advisor, if applicable;
 - c) any documents the Respondent wishes to submit to the Hearings Committee as evidence in support of his/her position; and
 - d) any objection to the Observer.
80. The University Secretariat shall forward a copy of this reply to the University Officer.
81. The hearing shall be conducted in accordance with the principles of procedural fairness, namely the rights to receive notice, to be heard and to know the case against one. The hearing shall follow the applicable procedural rules specified in the *Statutory Powers Procedure Act*, and set out in [Appendix A](#). The Hearings Committee shall have the right to control its own process, and, in this regard, if the Hearings Committee determines that variations to the procedures set out in [Appendix A](#) would lead to a fair, just and efficient resolution of the hearing, it has the power to make any Order in furtherance of this objective.

SANCTIONS

82. A finding of research misconduct by the Hearings Committee shall also be accompanied by a recommendation of disciplinary action. The action(s) recommended shall be proportional to the severity of the misconduct. In the event that previous findings of research misconduct exist, the severity of sanctions shall be greater. Sanctions may be used independently or in combination for any single violation and may be varied according to what the Hearings Committee considers appropriate. Regardless of the penalty assessed, the Hearings Committee does not have the power to limit disclosure of the sanctions or findings to the granting agency(ies).
83. Disciplinary action may include, but is not limited to:
- a) issuing a letter of concern to the researcher. The Tribunal will identify any additional recipients, whether the letter is to be placed in the researcher's file in the Faculty Dean's office and the retention period of the letter in the file;
 - b) instructing the researcher to correct the research record and provide proof of that this action has occurred;
 - c) instructing the researcher to withdraw all pending relevant publications;
 - d) notifying publishers of publications in which the involved research was reported;
 - e) notifying co-investigators and collaborators of the finding(s);
 - f) withdrawal of specific research privileges;
 - g) special monitoring of research work for a specified period;
 - h) requiring co-supervision of graduate students;
 - i) recommending to the AVP/Dean of Graduate Studies to restrict or remove supervisory privileges of graduate students;
 - j) issuance of reports to appropriate administrative officers and/or committees considering tenure, promotion and/or career progress/merit changes;
 - k) a recommendation of Suspension, with or without pay, for a specified period;
 - l) a recommendation that the appropriate procedures for termination of employment or removal be initiated, in accordance with existing University policies;
 - m) any other recommendation or disciplinary action as the Hearings Committee deems appropriate.

APPEALS

84. Within **14 days** of receiving a Research Misconduct Hearings Committee Report, the Respondent may make a final appeal to the Provost.
85. Grounds for such appeals shall be limited to procedural grounds, specifically that there was a violation of procedural fairness by the Hearings Committee.
86. The appeal must be made in writing and must describe in detail the purported violation of procedural fairness by the Hearings Committee.
87. Upon receipt of a notice of appeal, the Provost or designate will review the record of the original hearing and the written statement of appeal, and determine whether or not the grounds for appeal are valid. The Provost or designate will rule on the appeal **within 30 days** of its submission.
88. Should the Provost or designate determine that there are no valid grounds under these Procedures for an appeal then the appeal will be dismissed.
89. Should the Provost or designate find that there was a violation of procedural fairness because the Hearings Committee did not follow the process set out in this Policy and such procedural error materially affected the findings of the Hearings Committee, then the Provost shall inform the parties and the University Secretariat that a new hearing before a new Hearings Committee shall be initiated.
90. The new Hearings Committee shall be selected in compliance with clauses 55-58 above.
91. Nothing in this Policy is intended to limit the collective agreement rights of any institutional personnel.

APPENDIX A: PROCEDURAL RULES FOR FORMAL HEARINGS

Introduction

1. The Statutory Powers Procedure Act, R.S.O. 1980, (SPPA) establishes minimum rules by which certain Hearings Committees must proceed, to ensure that the rules of procedural fairness have been observed. These rules are divided into two separate parts: (1) the duty to give persons affected by the decision a reasonable opportunity for presenting their case, and (2) the duty to listen fairly to both sides and to reach a decision untainted by bias.
2. Hearings Committees established under this policy are guided by these principles in their procedures in order to satisfy the requirements of being fair to the parties before them. Hearings Committees have some discretion to establish the actual manner in which the hearing will be conducted.
3. The Research Integrity Policy requires that all Hearings convened under this policy follow the procedures detailed below, subject to the Hearings Committee exercising its discretion to adhere to a variation of the procedures, in the interest of procedural fairness.

Notice of Hearing

4. A hearing shall be commenced as soon as possible following the appointment of the Hearings Committee.
5. An attempt shall be made to schedule the hearing at a time and place convenient for the Hearings Committee and for the parties to the hearing. However, any party whose reasons for absence are not considered valid by the Hearings Committee's Chair, or whose absence may cause unreasonable delay, shall be notified that the Hearings Committee will proceed in that party's absence.
6. The parties shall be given reasonable, written notice of the hearing.
7. Parties to the Hearing shall be given the opportunity to submit written or other documentary evidence prior to the Hearing and any such evidence shall be made available or be accessible to the members of the Hearings Committee and to all parties prior to the Hearing.
8. Prior to the Hearing, members of the Hearings Committee shall be provided with:
 - a) the written allegation submitted to the University Officer;
 - b) the University Officer's investigation report;
 - c) the written response to the investigation report, if any, of the Respondent; and
 - d) all written or other documentary evidence submitted by the parties.

9. Members of the Hearings Committee must not hear evidence or receive representations regarding the substance of the case other than through the procedures described in this Appendix.

Closed Hearings

10. Hearings shall be held *in camera* unless either the Respondent or the University Officer requests that the hearing, or some part of the hearing, should be held in public. In the event of such an objection, the Hearings Committee shall hear representations from all parties. In making its ruling, the Hearings Committee shall consider whether matters of an intimate financial or personal nature are to be raised, whether there is an issue of public safety involved, the desirability of holding an open hearing and other relevant circumstances.

Order of the Hearing

11.
 - a) The first item of business for the Hearings Committee shall be to confirm that the hearing shall be closed, in accordance with the procedure set out in clause 11 above, or to hear and rule upon representations in favour of an open hearing.
 - b) At the outset of the hearing, the Chair shall:
 - i. identify the nature of the case;
 - ii. review the order of the hearing;
 - iii. note for the record the documentary information submitted by the parties to the hearing, including any preliminary or procedural orders;
 - iv. note the names of the witnesses for each party;
 - v. confirm the likely dates for sitting and the projected length of the hearing;
 - vi. raise, or request the parties to raise, any and all preliminary issues concerning composition of the Hearings Committee and other unaddressed procedural matters; and
 - vii. proceed to deal with any matters raised in (vi) above before the commencement of the substantive portion of the hearing, by either proceeding directly to the hearing or considering and rendering a decision on matters raised in (vi) above.
 - c) The University Officer is the first party heard.
 - i. The University Officer's opening statement shall contain:
 - (a) a brief description of his/her case, including what he/she believes is the offence; and
 - (b) what sanction he/she is submitting for the Hearing Committee's consideration.

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- d) Following the completion of the University Officer's opening statement, the Respondent may present his/her opening statement at that time, or may defer until completion of the University Officer's case.
 - e) Following the Respondent's opening statement (if presented) the University Officer presents his/her case.
 - ii. University Officer's case presents the evidence relating to the alleged research misconduct, which may include any or all of the following:
 - (c) University Officer's oral testimony;
 - (d) oral testimony of University Officer's witnesses; and
 - (e) documents or other written evidence in support of this testimony.
 - iii. Questioning of the University Officer and his/her witnesses by the Respondent and/or by the Hearings Committee occurs at the close of each person's testimony.
 - f) Following the completion of the University Officer's opening statement, the Respondent may present his/her opening statement if they elected to defer until the completion of the University Officer's case.
 - i. *Respondent's opening statement* shall contain:
 - (a) a brief reply to the University Officer's claims; and
 - (b) the main arguments of his/her/their defence.
 - ii. *Respondent's case* presents the evidence to support his/her/their defense, which may include any or all of the following:
 - (a) Respondent's oral testimony;
 - (b) oral testimony of Respondent's witnesses; and
 - (c) documents or other written evidence in support of this testimony.
 - iii. Questioning of the Respondent and his/her witnesses by the University Officer and/or by the Hearings Committee occurs at the close of each person's testimony.
 - g) The University Officer and his/her witnesses have the right to offer testimony or other evidence in reply to the issues raised in the Respondent's case.

- h) After the testimony of each witness, the Hearings Committee may, in addition to asking questions of the witness, request copies of such documents mentioned in testimony as the Hearings Committee in its discretion sees fit.

After this point in the hearing, no new arguments, evidence, or witnesses may be introduced.

- i) The parties are entitled to make closing arguments, and to summarize briefly the main points of their cases, in the following order:
 - i. University Officer
 - ii. Respondent
 - iii. University Officer
- j) The Hearings Committee may alter the order described in sub-sections (a) to (i) above in the interest of fairness to any or all of the parties.
- k) While procedural fairness is essential, the Hearings Committee reserves its right to direct, curtail or encourage the organisation of witnesses, testimony and evidence in the interests of enhancing the clarity, relevance and efficiency of the proceedings.
- l) The Hearings Committee shall first warn, then caution, and may prohibit from continuing in such a manner, any party presenting testimony, evidence, argument or materials which are, in the reasonable opinion of the Hearings Committee, irrelevant, un-provable, defamatory, vexatious or specious, or which impedes or prevents the Hearings Committee from conducting the hearing or reaching a decision.

Other Parties

- 12. If other persons, in addition to the University Officer and the Respondent, have been specified as parties to the proceedings, the procedure described in sub-sections (a) to (i) above shall be altered by the Hearings Committee to provide an opportunity for such additional parties to be heard.

Recess or Adjournment

- 13. The Hearings Committee may consider and grant a recess or an adjournment at the request of either party to allow them to review written or documentary evidence submitted at the hearing.
- 14. The Hearings Committee may grant an adjournment at any time during the hearing to ensure a fair hearing.

OTHER PROCEDURES

Evidence

15. Parties to the Hearing have the right to present evidence in support of their case to the Hearings Committee and to see any written or documentary evidence presented to the Hearings Committee.
16. The Hearings Committee has the power to require production of written or documentary evidence by the parties or by other sources.
17. The Hearings Committee has the power to rule on the admissibility of evidence.

Witnesses

18. Parties to the hearing and the Hearings Committee have the right to call, question and cross-examine witnesses.
19. Any person appearing before the Hearings Committee as a witness shall be required to give evidence under affirmation or oath.
20. The Hearings Committee has discretion to limit the testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.
21. **Parties are responsible for contacting their own witnesses; for making all arrangements for witnesses to attend the hearing; for paying any costs associated with their appearance before the Hearings Committee; and for absorbing the costs of any legal counsel attending on their behalf.**
22. The Hearings Committee Chair has the power to compel an unwilling witness to attend, and parties may contact the University Secretariat to request the Chair's assistance in this regard. The power to compel a witness is derived from the *Statutory Powers Procedure Act*. An unwilling witness may be compelled by the Chair under summons to testify where, the written request by the party for the summons, demonstrates the witness' testimony is relevant and related to the alleged facts of the case.
23. Other than parties, witnesses are present in the hearing room only during the time they are testifying.

Representation

24. Parties to the hearing have the right to be represented at the hearing by another person or to represent themselves.
25. The costs of any representation are to be borne by the party retaining such representation.
26. The Chair of the Hearings Panel may retain legal counsel for the Panel and/or for the Hearings Committee.

Recording

27. Although the hearing shall be recorded in order to obtain an accurate record of the proceedings, such recording is done for convenience purposes only and the malfunction of the recording device or subsequent loss of the recording shall not invalidate, in any way, the related hearing. The recording shall be held in confidence by the University Secretariat for a period of seven years from the last date of the hearing. Any party to the hearing may request access to the recording and the reproduction thereof, upon reasonable notice and payment of the reasonable costs associated therewith.

Similar Questions of Fact or Policy

28. If two or more proceedings before the Research Misconduct Hearings Panel involve the same or similar questions of fact or policy, the Chair of the Panel, after seeking written input from the parties, may decide:
- i. to consolidate the proceedings or any part of them; or
 - ii. to hear the proceedings at the same time; or
 - iii. to hear the proceedings one immediately after the other.

Appropriate procedures

29. Where any procedural matter is not dealt with specifically in this Policy or the Rules, the Hearings Committee may, after hearing submissions from the parties, establish an appropriate procedure.
30. Any procedural requirement contained in this Policy or in the Rules may be waived with the consent of the Hearings Committee and of all the parties.

DELIBERATIONS BY THE HEARINGS COMMITTEE

31. Following the formal hearing, the Hearings Committee shall deliberate in closed session and shall reach a decision. After deliberation and decision in closed session solely with members of the Hearings Committee is complete, the Hearings Committee may solicit the assistance of the University Secretariat and legal counsel regarding the precise form or wording of any order and reasons for judgement to support its decision.

HEARINGS COMMITTEE DECISION

32. The Hearings Committee shall report in writing to the Vice-President (Research and International Affairs) **within seven months** of receipt of the allegation; this may be extended if circumstances warrant.

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33. The Hearings Committee's Report shall be sent to:
- a) the Respondent;
 - b) the University Officer;
 - c) the Office of Academic Integrity;
 - d) the Vice-President (Research and International Affairs);
 - e) the Provost;
 - f) the Secretariat on Responsible Conduct of Research (when appropriate); and
 - g) any other party the Hearings Committee deems appropriate.
34. Within ten days from receipt of the report from the Hearings Committee the Vice-President (Research and International Affairs) shall act on the report to exonerate the Respondent, or if the allegation is upheld, to forward to the President the Hearings Committee Report and the recommendations concerning disciplinary action.
35. The report shall include:
- h) the membership of the Hearings Committee;
 - i) the background of the case, including the nature of the alleged misconduct;
 - j) a summary of the cases of the parties to the Hearing;
 - k) the Hearings Committee's majority findings;
 - l) the Hearings Committee's majority decision and the reasons for the decision. This section shall clearly indicate which allegations are supported and which are not; and
 - m) the Hearings Committee's decision on whether the public summary report will identify the Respondent or if the report will be an anonymized report that outlines the nature of the case, and the Hearings Committee's findings and decision, but will be sufficiently general that the individuals involved in the hearing cannot be identified.
36. Should one or more allegations of misconduct be supported, the report shall also recommend such disciplinary action as the Hearings Committee deems appropriate. The disciplinary action recommended by the Hearings Committee should be proportional to the severity of the misconduct. In the event that previous findings of research misconduct exist, the severity of sanctions shall be greater.

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37. It is expected that the Hearings Committee will reach a unanimous or a majority decision regarding the disciplinary action to be recommended.
 38. If the Respondent is exonerated, the Hearings Committee shall also decide on what steps the University shall take to restore the reputation and/or the research activities of the exonerated individual. In addition, the reasonable legal expenses incurred by the individual shall be borne by the University.
 39. In the case of exoneration, all appropriate steps shall be taken to protect the reputation of the accused researcher, including the issuance of statements of exoneration in consultation with the researcher.
 40. Hearing files shall be retained by the University Secretariat.
 41. The institution shall prepare a report for the SRCR on each investigation it conducts in response to an allegation of policy breaches related to a funding application submitted to a Tri-Agency entity.
 42. If the Hearings Committee determines that misconduct has occurred, the Vice-President (Research and International Affairs) shall:
 - a) subject to applicable laws, including privacy laws, report to the relevant agency or Secretariat on Responsible Conduct of Research. The report should not include information that is not related specifically to Tri-Agency funding and policies, or personal information about the researcher, or any other person, that is not material to the findings. The report shall include the following:
 - i. the specific allegation(s), a summary of the finding(s) and the reasons for the finding(s);
 - ii. the process and time lines followed for the investigation and hearing;
 - iii. the researcher's response to the allegation, investigation and findings, and any measures the researcher has taken to rectify the breach;
 - iv. the Hearings Committee's decision and recommendations; and
 - v. any actions taken by the University.
 - b) inform, as warranted, the appropriate, co-authors, collaborators, editors of journals, professional societies, appropriate University officers, etc.

The President, upon receipt of the Hearings Committee Report, shall promptly implement the recommendations of the Hearings Committee, as appropriate within the terms of existing University policies and/or contractual obligations.

Recommendation of the Hearings Committee

43. Apart from its duty under these procedures to hear and decide the matters properly brought before it, any Hearings Committee may make recommendations or suggestions to University bodies or members. Such recommendations are offered for informational purposes and shall be distinct and separate from the decision.

APPENDIX B University Officers: Guidelines

1. This Research Misconduct Investigation Panel shall consist of the following Ex Officio members and appointed members:
 - a) the Associate Deans (both Graduate Studies and Research) from all Faculties; and
 - b) Eight (8) tenured faculty members selected by the Senate Executive from the University community and appointed by the Senate for a minimum 2 year term commencing July 1. Their appointments shall be staggered by a 1-year interval so that their terms overlap.
2. All Research Misconduct Investigation Panel members must receive suitable training to discharge their responsibilities. The administration of such training is the responsibility of the Office of Academic Integrity.
3. The Academic Integrity Office is responsible for selecting the University Officer from the Research Misconduct Investigation Panel for each research misconduct case.
4. The Office of Academic Integrity shall strive to ensure the selected University Officer is free from reasonable apprehension of bias relating to the case while at the same time is likely to be most familiar with the disciplinary practices and norms of the Respondent's discipline.
5. In cases where the investigation is perceived to be very complex, in consultation with the Provost, the Office may retain the services of an external investigator of appropriate background and without a reasonable apprehension of bias.

APPENDIX C

External Hearings Committee Members: Guidelines

1. The Vice-President (Research and International Affairs) and/or Associate Vice-President (Faculty), in consultation with the University Secretariat, shall make recommendations to the Chair of the Research Misconduct Hearings Panel regarding the slate of two or more external Hearing Committee members.
2. The Chair of the Research Misconduct Hearings Panel shall approve the slate of external members and after considering any objections from the parties, shall select the external member for the Hearings Committee.
3. External committee members shall be at arms-length from all parties involved, and have no official employment or appointment status with McMaster University. Ideally, they will be recruited from other universities and be employees of these external universities in good standing.
4. The University Secretariat shall ensure that all external committee members receive appropriate training to discharge their responsibilities.

APPENDIX D

Association Observers at Hearings for Allegations of Research Misconduct

1. As described in clause 65 of the Research Integrity Policy (referred to below as the "Policy"), the relevant trade union or association is permitted, subject to the consent of the person against whom the allegation of misconduct in research is made (the Respondent), to send an Observer to the hearings. In this context, the appropriate trade union or association is that organization recognized at McMaster University as formally representing a group of individuals. This is the Faculty Association for faculty, the relevant trade union or staff association for staff (such as CUPE or CAW), the Librarian's Association or, where appropriate, the Faculty Association, for librarians, the Clinical Faculty Association for clinical faculty, and so on. Individuals lacking formal or recognized representation may choose either a faculty or staff association Observer.
2. The function of the Observer is to allow the appropriate representative trade union or association to monitor the workings of the policy. It is important that the University have full confidence in the policy. The presence of a trade union or association Observer is an additional guarantee of fairness and may provide information leading to improved policy.
3. The University Secretariat shall send a copy of these guidelines to the Respondent when a Hearing is initiated and request the Respondent's consent to the presence of an Observer as provided for in clause 59 of the Policy. If the Respondent consents, the University Secretariat shall notify the appropriate trade union or association of its right to send an Observer and the Association shall inform the University Secretariat who the Observer will be.
4. The Observer does not attend on behalf of the Respondent. The Observer nominated by the trade union or association should be an active or retired member of the trade union or association and should be at "arm's length" from the case. The Observer should avoid interacting with either of the parties. At no time should the Observer engage the parties or the Hearing Committee in any discussions regarding the matter being heard.
5. The Observer must be familiar with the *Policy on Research Ethics at McMaster University*, the *Statement on Conflict of Interest in Research* and the *Research Integrity Policy* and should carry a copy of these documents to the Hearings.
6. Seating arrangements at the Hearings are at the discretion of the Chair. The Observer may not speak without invitation from the Chair.
7. The Observer shall be provided with all the documentation available to the Respondent, subject to the Respondent's consent. This documentation shall be considered confidential and must be surrendered to the Chair at the close of the hearing hearings.
8. The Observer is not entitled to be present when the Hearings Committee members recess for discussion among themselves.

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9. The Observer shall receive a confidential copy of the document in which the Hearings Committee reports its decision to the Vice-President (Research and International Affairs).
 10. After the hearing is over the Observer should ask the parties separately, and outside of the presence of the Hearings Committee, if they were satisfied with the process followed and whether they wish to make any comment on them.
 11. The Observer shall then write a report of the proceedings for the head of the appropriate union or association. The Observer shall limit comment to procedural matters and take care not to quote either from confidential documents or confidential utterances, unless it is absolutely necessary to do so to make a point concerning procedural issues. The Observer's report should include a statement of what proportion of the Hearing the Observer attended and a description of any comments on, or expressions of dissatisfaction with, the policy by either party. The Observer's report should not be confidential, except that any quotations from confidential documents or confidential utterances should be confined to a confidential appendix to which only the Presidents of the University and of the Association should have access. If major procedural irregularities are noted by the Observer, the President of the Association should inform the President of the University.

APPENDIX E

Procedures for Determining Jurisdiction Involving Affiliated Institutions

1. McMaster's affiliated institutions are required to follow a process and guidelines for notification of an investigation that are harmonized with the McMaster University Research Integrity Policy
2. Any allegations of research misconduct received by McMaster's Office of Academic Integrity which predominately fall under the auspices or jurisdiction of McMaster University will be investigated according to University policy and procedures.
3. Where an allegation of research misconduct is made against a person who:
 - a) conducts research under the auspices of either the University and/or an affiliate;
 - b) and/or has an appointment at an affiliated institution;
 - c) and/or conducts their research at an affiliated institution;

the receiving institution will determine jurisdiction, and will determine if notice of the complaint to the other institution is required.

4. The notification process is normally as follows:

| Complaint Received by | Condition | Notify |
|----------------------------|---|--|
| University | Respondent is employee of or has primary appointment at affiliate | Affiliate's responsible officer |
| University | Research conducted in whole or in part at affiliate | Affiliate's responsible officer |
| Affiliate | University employee or student | University's responsible officer |
| Affiliate | Research conducted in whole or in part at University | University's responsible officer |
| University or Affiliate(s) | Cross appointee not included above | Other institution(s) responsible officer |

5. The jurisdiction of the University, of the affiliate, or of both to deal with an allegation of research misconduct is based on the strongest connection, as determined by the balance of:
 - a) the primary organizational affiliation of the accused;
 - b) where the research work is being conducted;
 - c) where the research work is being supervised;
 - d) where the research funding was administered;
 - e) which institution was party to the research contract;
 - f) which institution reviewed any certifications e.g. REB, Biosafety, etc.; and
 - g) if the accused is jointly supported e.g. CRC.

| Example Cases | Jurisdiction |
|---|--|
| Student or University employee or Trainee and research connection strongest to the University | University |
| Employee / Appointee of affiliate and research connection strongest to affiliate | Affiliate |
| Cross appointed or neither of above | Strongest connection or joint jurisdiction |

6. Jurisdictional Responsibilities:
 - a) communication to all parties;
 - b) appointment of investigators / committee members;
 - c) administration and reporting; and
 - d) notice of outcome of inquiry/investigation to other jurisdictions as appropriate.
7. Where a jurisdictional dispute has arisen, a senior officer of the affiliate e.g. Hospital CEO, and the University Provost in conjunction with University VP Research and counterpart at the affiliate, will attempt to resolve the jurisdictional dispute. In the absence of any agreement to the contrary, the University will proceed with the investigation according to University policy and procedures.