

Research Integrity Policy

1.0 General

York University supports and encourages the highest ethical standards in research and scholarship. These standards include honesty, respect for others, scholarly competence and stewardship of resources. Primary responsibility for high standards of conduct in research and scholarship rests with the individuals carrying out these activities. This policy applies to staff members, faculty, students and all other research personnel associated with the University, who will be referred to hereafter in this document as the "researchers."

York University Senate or its designates (hereafter "University authorities") wish to promote understanding of the issues involved in integrity in research and scholarship as a means of preventing misconduct. The University provides an environment that encourages researchers to uphold the highest standards of integrity, accountability and responsibility. This environment is sustained through distribution of this policy; orientations of new staff and faculty; the Ethical Review Committee; the Vice President of Research and the Vice-President, Academic.

Misconduct in research is an offense which, depending on its severity, is subject to a range of disciplinary measures up to and including dismissal, or expulsion in the case of students. Allegations of misconduct shall be dealt with in a fair, unbiased and timely manner and all parties involved shall be advised of the procedures available to them. Persons against whom allegations of misconduct have been made shall be advised of the allegations, and shall be afforded the opportunity to respond.

All researchers are expected to adhere to the principles described herein. Where there is any conflict between this policy and any collective agreement, or, in the case of students, the University Calendar, such collective agreement or University Calendar shall be paramount and this policy shall be modified accordingly.

2.0 Principles and Definitions

2.1 In this document, the term "research" refers to both research and scholarship.

All researchers are responsible for conducting their research in strict observance of ethical standards. Factors intrinsic to the process of academic research, such as honest error, conflicting data or differences in interpretation or assessment of data, or of experimental design do not constitute fraud or misconduct.

2.2 Research and scholarly activities include:

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- a) course writing and course design including creation of technological materials.
- b) activities leading to the publication of books, monographs and contributions in edited books.
- c) papers in refereed and non-refereed journals, and those delivered at professional meetings.
- d) consulting work under the auspices of the University, and other professional activities involving research.
- e) participation in panels.
- f) unpublished research, including work in progress.
- g) editorial and refereeing duties.
- h) creative works and performances.
- i) any other research or scholarly activities which the University considers and which are generally considered to be research or scholarly activities by the academic community.

2.3 Student supervision and related activities are not included in the definition of research in this policy.

2.4 Fraud and misconduct in academic research means:

- a) fabrication, falsification or plagiarism.
- b) failure to acknowledge the substantive contributions of others, including students; the use of the unpublished material of others without permission; or the use of archival materials in violation of the rules of the source.
- c) failure to obtain the permission of the author before making significant use in any publication of new information, concepts or data obtained through access to manuscripts or grant applications during the peer review process.
- d) attribution of authorship to persons other than those who have participated sufficiently in the work to take public responsibility for its intellectual content.

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- e) submission for publication of articles originally published elsewhere without clear indication of details of prior publication.
 - f) unauthorized and intentional diversion of research funds from the university, federal or provincial granting agencies or other sponsors of research.
 - g) material failure to comply with relevant federal or provincial statutes or regulations for the protection of researchers, human subjects, or the health and safety of the public, or for the welfare of laboratory animals.
 - h) material failure to meet other legal requirements that relate to the conduct or reporting of research.
 - i) failure to reveal material conflict of interest to sponsors or to those who commission work, or when asked to review research grant applications or manuscripts for publication, or to test products for sale or for distribution to the public.
 - j) failure by those involved in a research project to reveal to the employer any material financial interest in a company that contracts with the employer to undertake research, particularly research involving the company's products or those of its direct competitors, or to provide research-related materials or services. Material financial interest includes ownership, holding of substantial stock, a directorship, acceptance of significant honoraria or consulting fees, but does not include routine holding of stock in a large publicly traded company or other entity.
- 2.5 Fraud or misconduct allegations against students that relate to their meeting of course or program requirements shall be dealt with under the York University Academic Honesty Policy. Any other allegations of fraud or misconduct against students shall be dealt with under this policy.
- 2.6 The "complainant" is the person or persons making an allegation of fraud or misconduct in research.
- 2.7 The "respondent" is the person or persons the complainant has accused of fraud or misconduct in research.
- 2.8 University authorities are responsible for investigating allegations of fraud or misconduct in research. Such allegations may arise from sources within or outside of the University. Whether the allegations prove to be honestly erroneous, mischievous, malicious or well founded, they have the potential to cause great harm to the person accused, to the person making them, to the University community and to research and scholarship in general. Therefore, every allegation requires prompt, effective action by University authorities.

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2.9 University authorities may take disciplinary action against employees or students who make allegations of fraud or research misconduct which are reckless, malicious, or in bad faith. Disciplinary action shall be taken in accordance with the relevant collective agreement or, in the case of students, the York University Calendar.

2.10 Whenever a person believes that fraud or misconduct has occurred, she or he is expected to report it promptly according to the procedures outlined below.

3.0 Procedures

3.1 Informal Procedures

3.1.1 As incidents of alleged fraud or misconduct in research may be resolvable through informal consultation, the person(s) concerned may consult with the Vice-President, Academic. If the complaint is not carried beyond this stage, University authorities shall maintain no written record of the names of the parties nor of the precise particulars of the allegation.

3.2 Formal Procedures

3.2.1 A formal allegation of fraud or misconduct in research should be made promptly after the discovery of the alleged misconduct. Allegations of this nature shall be made in writing, signed, dated and directed to the Vice-President, Academic, or to any of the five individuals listed in the "Disclosure" section of the York University Whistleblower Procedures document. Documents or other evidence to support the allegations must be included. Unsigned allegations will not normally be considered; however, if the Vice-President, Academic receives compelling evidence of fraud or misconduct anonymously, he or she may initiate the formal investigation process described below on the basis of this evidence.

3.2.2 The Vice-President, Academic shall notify the respondent and the respective union or association, in writing, that an allegation of fraud or misconduct has been received and that a formal investigation will be undertaken. The notice shall include a signed copy of the allegation and an invitation to respond to it in writing. The notice shall also inform the respondent of his or her right to be accompanied by a union or association official or another person of his or her choice in any meeting, hearing, or other sessions related to a formal investigation.

3.2.3 The Vice-President, Academic will normally appoint one or more impartial designate(s) (hereafter called "the investigators") to conduct a formal investigation of allegations of misconduct. The number of

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investigators will be determined by the Vice-President, Academic, depending on the specifics of the case. Normally, the investigators will be faculty members in centres or units other than those of the complainant and respondent (hereafter called "the parties"). They will have no previous involvement in the matter under investigation. If appropriate, one or more of the investigators may be external to the University.

- 3.2.4 Provided that the investigation is confidential and is governed by the principle of fairness and due process, the investigators are free to develop procedures and practices specific to the case under investigation, to collect written material and to conduct hearings.
- 3.2.5 The investigators may consult expert witnesses and solicit reports from them on the matter under investigation. The investigators may obtain any written materials relevant to the investigation, such as laboratory notebooks, manuscripts, computer files, and records of the proceedings of University committees, such as the Ethical Review Committee.
- 3.2.6 Copies of any information the investigators receive will be provided to the parties involved for their reply, subject only to the need to respect the privacy of third parties. Copies of replies will be communicated to the other party, subject to the same constraint. Further comments on any reply will be requested only where the reply raises a new matter.
- 3.2.7 In the following, "representative" refers to a person chosen by the respondent or complainant, including but not limited to a member of his or her union, faculty or student association. All parties will be informed, five days prior to the commencement of any proceedings, of who is representing any party in the dispute.
 - a) Meetings
 - i) The investigation may include one or more meetings between the investigators and the respondent. The respondent has a right to have a representative present at such meetings.
 - ii) The investigation may include one or more meetings between the investigators and the complainant. The complainant has a right to have representative present at such meetings.
 - b) Hearings
 - i) The investigation may include a hearing. Written notice of a hearing and the procedures to be followed shall be provided to all parties at least five working days in advance.

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- ii) Each of the two parties to a hearing (i.e., the complainant and the respondent) has a right to have a representative present at the hearing.

- iii) The investigators will permit the respondent or complainant to be represented by his or her delegate in his or her absence.

- iv) Unless otherwise agreed to by both parties, the investigators and all witnesses, the hearing shall be held "in camera."

- v) If the complainant or respondent fails to appear before the hearing at the appointed time, the investigators may, without further notice, proceed in his or her absence. The investigators must be notified immediately of medical or compassionate reasons for non-appearance, and, if the reasons are acceptable, may decide to adjourn the hearing.

- vi) Evidence will not be given under oath.

- vii) The two parties and/or their representatives have the right to be present throughout the hearing. Witnesses may be present only when they give their evidence orally. The investigators may allow witnesses to provide their evidence in writing.

- viii) Each of the two parties (or their representatives) shall be given the opportunity to ask questions of any witness present at the hearing, but the investigators shall have the right to disallow questions that are, in their opinion, inappropriate.

- ix) The investigators shall be responsible for the maintenance of order during the hearing.

3.2.8 Normally, the investigators shall prepare a report of their findings for the Vice-President, Academic, within two months of beginning the formal investigation. The report shall include a copy of the signed allegation, the written response of the respondent, if any, and the investigators' findings and including minority dissenting opinions, if any. The investigators shall state whether the allegation has been upheld in whole or in part or not, and the reasons for their findings. The presence of clear, cogent and convincing evidence of deliberate misconduct shall be the only basis for a finding of fraud or misconduct in research.

3.2.9 A copy of the investigators' report shall be sent to the complainant and the respondent. If the allegation of misconduct is upheld in whole or in part, or is found to be reckless, malicious or in bad faith, a copy of the report shall be forwarded to the University authority responsible for the consideration of disciplinary sanctions in accordance with the relevant collective agreement,

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employment contract, or, in the case of students, the York University Calendar. A copy of the report shall also be forwarded to the appropriate executive officer.

4.0 Disciplinary Sanctions and Other Actions

4.1 Sanctions may include but are not limited to:

- a) sanctions against a respondent(s) found to have engaged in fraud or misconduct in research.
- b) sanctions against complainants who make allegations of fraud or misconduct in research which are unfounded, reckless, malicious or in bad faith.

4.2 Sanctions will depend on the severity of the offense and may include, but are not limited to, reprimand, suspension or dismissal, in accordance with the relevant collective agreement or employment contract. In the case of students, sanctions can be as severe as expulsion, in accordance with the York University Calendar.

4.3 University authorities shall take the following steps:

- a) Where a respondent has been wrongfully accused of fraud or misconduct in research, the University shall provide written notification of the decision to all agencies, publishers or individuals who had been informed of the investigation by University authorities.
- b) The University shall provide legal counsel to employees or students who make allegations of research misconduct in good faith, should they be sued for their participation in any investigation as complainant or witness.
- c) The University shall ensure that any disruption in research, teaching or community service resulting from allegations of fraud or misconduct does not adversely affect future decisions of the University concerning the careers of those referenced in (a-b) above.

5.0 Appeals

5.1 If a person subject to disciplinary action believes that the decision was reached improperly or if he or she disagrees with that decision, an appeal or grievance as appropriate may be filed in accordance with the relevant collective agreement or, in the case of students, the York University Calendar.

5.2 No person University authorities consulted concerning a case shall be appointed to an appeal committee or an arbitration board in any subsequent appeal or arbitration dealing with the same allegations.

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5.3 A statement from University authorities that an employee was guilty of fraud or misconduct in research, with or without any formal sanctions, constitutes discipline and may be appealed or arbitrated.

5.4 If, after investigation, University authorities decide not to take disciplinary action against the respondent or if an arbitration board decides in his or her favour, University authorities shall remove all documentation concerning the allegations from the respondent's official file. The University shall, at the sole discretion of the respondent, destroy the documentation or transfer it to the respondent, except for any arbitration board report, which would be a public document.

6.0 Notification of Outside Agencies

6.1 If, after the investigation by University authorities, an arbitration board or appeal committee sustains an accusation of fraud or misconduct in research (or in the event fraud or misconduct is found and no appeal is filed), and if that research has been funded by an outside agency or has been published or submitted for publication, the Vice-President, Academic shall inform the agency or publisher concerned of the decision, as well as the relevant union or association, the complainant and respondent. In any event, if the outside agency or publisher has been informed of the proceedings before a judgement has been made, the Vice-President, Academic shall send said agency or publisher a copy of the decision of the University authorities.

7.0 Retention of Research Materials

7.1 Respondents shall only be responsible for providing access to research materials in their possession at the request of an investigating committee, appeal committee or arbitration board. Such University authorities may consult research materials stored in archives, libraries or other institutions at their own expense and according to the rules of the host institution. Every possible effort will be made to protect the confidentiality of subjects used for research.

7.2 Normally, researchers shall retain research materials that are within their personal control for five years.

7.3 If there are substantial financial costs involved retaining said research materials, these costs shall be borne by University authorities.

7.4 University authorities may indemnify employees and students, (other than those found guilty of fraud or misconduct) for any material loss resulting from the search or seizure, change of supervisory personnel, or access by third parties to the use of his or her research materials in the course of any investigation, inquiry or appeal.

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7.5 Ownership of research materials collected, created or otherwise assembled by a researcher shall be vested in the University unless ownership of said materials had been vested in the researcher or another person before its creation, collection or assembly.

Sources (as Cited by Athabasca University)

Draft Integrity in Research and Scholarship Policy Statement, Athabasca University.

Terms and Conditions Agreement Between Athabasca University Governing Council and Athabasca University Faculty Association, Athabasca University.

Policy Statement on Fraud and Other Misconduct in Academic Research, Canadian Association of University Teachers.

Model Clause, Fraud and Misconduct in Academic Research, Canadian Association of University Teachers.

"Integrity in Research and Misconduct" in *Research Policy Statement*, Simon Fraser University.