

GUIDE TO THE PROPER CONDUCT OF RESEARCH AT KING'S UNIVERSITY COLLEGE

This policy statement forms a broad foundation for the proper conduct of all matters pertaining to research within the College's activities and functions. As such, it applies to all of its organizational elements, faculty (including all part-time and adjunct appointments), staff, students and other personnel in training.

CODE OF GOOD RESEARCH PRACTICE

Good and innovative research cannot be conducted in an atmosphere of oppressive regulation. Honest error and ambiguities of interpretation are unavoidable as knowledge grows. There are, however, some very simple and fundamentally important steps which can be taken at all levels to help reduce the chance that research will be conducted in a way that may ultimately be viewed as suspect or fraudulent.

A. Supervision Of Trainees and Technicians

1. Each student/research trainee/technician should have a clearly designated Supervisor. It is the responsibility of the Department Chair to ensure that this is the case.
2. Each Supervisor should be encouraged to meet with research students/trainee/technicians at regular intervals to review data, progress and future plans. The Supervisor is responsible for designating replacement supervision in the event of the Supervisor's absence for extended periods of time (i.e., in excess of one month).
3. Researchers (Supervisors and trainees) should be encouraged to present findings at review sessions and seminars, in order to promote open and realistic assessment of progress.
4. The Supervisor should provide each new investigator, whatever the level, with applicable governmental and institutional requirements for the conduct of studies involving human volunteers or patients, etc. The Chair of the department should ensure that copies of these documents are provided to all new faculty members.

B. Data Gathering, Retention, and Ownership

A common denominator in most cases of alleged research misconduct has been the absence of a complete set of verifiable data. The retention of accurately recorded and retrievable results is of utmost importance for the progress of scholarly inquiry and to enable a scholar to account for the results obtained in the research he or she has conducted.

1. The procedure for recording and retention of original research data, and matters related to publication and ownership of primary research data and other products of research should be formally outlined by the Supervisor and discussed at the beginning of the project.
2. Where possible, all primary data should be recorded in clear, adequate, original and chronological form. The supervisor and all collaborators must have free access at all times to review all data and products of their collaborative research. Original data for a given study must be retained in the original form for at least five years after all work on the data has been completed (if the data form permits this, and if assurances have not been given that data would be destroyed to assure anonymity).

C. Authorship

As the need for collaborative research increases with the advancement of scientific technology and the diverse approach to the investigation of complex problems, the responsibility for multi-authored or collaborative studies has become increasingly important but also more difficult to define.

There are, however, some safeguards, which should be observed in the publication of results:

1. Where appropriate, one author must be identified as being responsible for the validity of the entire manuscript.
2. Ideally, all listed authors should have been involved in the research. Realistically, it is expected that all contributors have made a significant intellectual or practical contribution to the project, understand the significance of the conclusions and can share in the responsibility for the content and the reliability of the reported data. All listed authors must have seen and approved the paper before submission. The concept of "honorary authorship" is unacceptable.
3. There should be clearly stated guidelines discussed within each department, unit or laboratory concerning when research trainees names will appear on papers and what their responsibilities are. This policy should be discussed before the trainee begins to undertake research.
4. A copy of all publications, grant applications, abstracts, and contracts must be submitted to the Department Chair.

MISCONDUCT IN RESEARCH

A. Definitions of Misconduct in Research

Misconduct in research includes:

1. Falsification of Data: Ranging from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results;
2. Plagiarism: Representation of another's work or ideas as one's own;
3. Misappropriation of another's ideas: The unauthorized use of privileged information, such as violation of confidentiality in peer review;
4. Failure to comply with regulations: Including federal and provincial regulations and university regulations approved by the Senate of the University of Western Ontario or College regulations approved by College Council for the protection of researchers, human subjects or the public, and other legal requirements that relate to the conduct of research;
5. Other kinds of misconduct: Including violation of the regulations of granting bodies, improper use and administration of funds, equipment supplies, facilities, or other resources, falsification or misrepresentation of credentials;

or other intentionally misleading practices in proposing, conducting or reporting research. (Alleged lack of intentionality is no defense against demonstrable misconduct as defined above.)

B. Procedures for Handling Allegations of Misconduct in Research

Any allegations of misconduct in academic research must be taken seriously. The College will attempt to ensure that those making allegations in good faith are protected from reprisals but will not tolerate allegations that are frivolous, unreasonable or without foundation.

The College will endeavor to protect the identities of both the respondent and the individual making the allegations at all stages of the process, pending the final outcome. Both the respondent and the individual making the allegations are strictly bound to protect each other's identity.

If there is an allegation of misconduct involving research performed at the College but the respondent is no longer a member of the College community, the College shall nevertheless have the right to pursue the complaint under this policy. In such circumstances, the respondent shall be given reasonable notice of the complaint and the opportunity to answer the allegations as outlined in this policy. If the respondent fails to respond or make him/herself available for the proceedings, the College shall have the right to proceed without his/her involvement.

All complainants are encouraged to pursue the possibility of informal resolution under the auspices of the Department Chair before filing a formal complaint. Where no such resolution is possible, these steps will be followed:

1. The Initial Report

The initial allegation or suggestion of research misconduct may come from a variety of sources both within and without the College. In the first instance, such an allegation or suggestion should be directed to the Department Chair. Allegations must be in writing and must be signed by the person making them. Thereafter all proceedings will be limited strictly to the written allegations.

After receiving formal notification of a complaint, the Chair will provide the respondent with a copy of the complaint and inform the Dean that a complaint has been made. The respondent will be provided with adequate time to prepare a defense. Normally the respondent will furnish a written (and, if appropriate, documented) response to the allegation or suggestion within one calendar month of receiving it. The Chair may grant an extension of this deadline only upon receiving written explanation of the need for it.

If the complainant remains unsatisfied by the respondent's written answer, the complainant must inform the Chair in writing within ten working days.

2. The ad hoc Committee on Misconduct in Research

Upon receiving such written notification by the complainant, the Chair will inform both complainant and respondent that an ad hoc Committee must be established. It shall be composed of the nominee of the Chair, the nominee of the respondent, and a third party chosen by the other two members of the Committee. Each party shall name his/her nominee within 5 working days of the date when the Chair indicated the need to establish the Committee.

The ad hoc Committee must meet within 15 working days of being named and shall render a decision within 30 working days of being convened. This deadline may be extended by mutual agreement of the complainant and the respondent.

The Committee will seek to determine, normally on the basis of the documentary evidence so far provided by the complainant and respondent, whether there is any substance to the allegations. Since at this early stage in the investigation, the reputation of the accused needs to be protected, all deliberations of the Committee will be held in the strictest confidence and will not be publicized.

Based on its inquiry, the Committee shall recommend to the Dean either

a) that the complaint is frivolous, vexatious or otherwise without foundation and should be dismissed; or

b) that there is substance to the allegations and an inquiry is warranted.

The complainant, respondent, the Chair, and the Dean shall be provided immediately with a copy of the recommendation of the ad hoc Committee.

3. The Tribunal

If the ad hoc Committee recommends an inquiry, a Tribunal shall be formed within 30 working days of the Dean's receiving the Committee's recommendation. The Dean, the Chair of the Research Grants Committee, and the Chair of the Research Ethics Committee will determine the Tribunal's composition. The Tribunal shall consist of the Dean, as chair, and three other members.

In determining the composition of the Tribunal, the Dean and the Committee Chairs shall, in order to ensure competence and objectivity, take into account such factors as

1. the subject matter of the inquiry, including the desirability of the Tribunal's possessing competence in the specialized area, and also investigative and legal skills;
2. the desirability of including on the Tribunal individuals who are not members of the King's University College faculty;
3. the importance of selecting people who have had no prior involvement in the subject matter of the inquiry;
4. the importance of protecting the reputations of individuals and, to that end, ordinarily maintaining the utmost confidentiality that is practicable;
5. the adoption of a specified time period of ninety calendar days for the completion of the investigation. The ability to complete an investigation within a specified time period will depend heavily upon factors such as the volume and nature of the research to be reviewed and the degree of cooperation being offered by the subject of the investigation. The Dean may therefore choose to acknowledge formally to the Tribunal that the nature of the case may render the ninety-day time period impractical.

The respondent shall be informed of the composition of the Tribunal as soon as the Committee Chairs and the Dean have determined it. The respondent has the right to object in writing to the composition, provided the objections are submitted to the Dean within 5 working days of the respondent's being informed of the Tribunal's composition. The Dean and Committee Chairs must give all due consideration to such objections, but are not bound by the objections in determining the Tribunal's composition.

4. Actions of the Tribunal

The Tribunal will abide by the principles of natural justice, which include the following:

1. reasonable notice for all parties of the time and place of the hearings;
2. the right of all parties to be represented by counsel;
3. the right to call and examine witnesses;
4. the right to present arguments;
5. the right to cross-examine witnesses.

The Tribunal should aim to review all available research-related material and information that it considers relevant to the allegations. This review may include an audit of the research accounts of the respondent. The Tribunal should aim to review all research with which the individuals have been involved during the period of time considered pertinent in relation to the allegations (but in any case not longer than five years).

The complainant and respondent, as well as any collaborators or supervisors with a direct connection to the investigation, will be given an opportunity to review and comment on a draft of the report of the Tribunal. All such comments will be included as appendices in the final report. There must be documentation of the investigation, and it must be kept in one place, under secured conditions, with no circulating copies.

Investigations into allegations of misconduct may result in various outcomes, including

1. a finding of misconduct;
2. a finding that no culpable misconduct was committed, but serious methodological errors were discovered;
3. a finding of minor errors and/or sloppiness;
4. a finding that no fraud, misconduct or methodological error was committed.
5. Final Action

The Tribunal, after completing its own inquiry, will formulate recommendations to be carried out by the Dean.

If the allegations are substantiated, then the areas to be considered in making the recommendations should include the need to do the following (with due regard to the relative seriousness of the misconduct or methodological error identified by the Tribunal):

1. withdraw all pending involved abstracts, articles, books and papers;
2. notify editors of journals in which the research involved was reported;
3. notify all collaborators and professional associates, as well as institutions with which the individual(s) had been previously affiliated and where there is reason to believe the validity of previous research might be questionable;
4. notify provincial licensing and certification boards;
5. notify professional societies;
6. notify sponsoring and funding agents;
7. redefine the status of those involved in the misconduct, which may include
 - (1) removal from a particular project,
 - (2) a letter of reprimand,
 - (3) special monitoring of future work,
 - (4) recommendation of suspension by the Dean to the Principal,
 - (5) recommendation of termination of employment by the Dean to the Principal,
 - (6) criminal code referral.

The respondent, the complainant, and the Principal shall be notified of the Tribunal's decision within two calendar weeks, and shall each be provided with a copy of the final report.

No recommendations are to be acted upon until the final appeal process has been exhausted (see below).

If the allegations are unsubstantiated, but were found to have been made in good faith, then every effort should be made to prevent retaliatory action against the complainant. If the allegations are found to have been maliciously motivated, then it will be the responsibility of the Dean to ensure that disciplinary action is undertaken against those responsible.

FINAL APPEAL

The complainant and respondent may appeal the decision to the Principal. Such an appeal should be made in writing within one calendar month of the respondent's receiving the Tribunal's decision. Such an appeal will be restricted to the body of evidence already presented unless new evidence has become available. The grounds for an appeal that does not involve the introduction of new evidence will be limited to failure to follow appropriate procedures as outlined in this document, or any arbitrary and capricious decision-making. New evidence may also be introduced at this stage, and the Principal will

determine whether this warrants an investigation by a newly constituted Tribunal. A decision must be communicated in writing to the appellant within 30 days of receipt of an appeal. The decision on any appeal is final.

Following the completion of any final appeal, the Principal will draft a final report with copies to the Dean and to the complainant(s) and respondent(s).

Approved by Faculty Council

April 11,1995