







4.3 Any oral or anonymous allegation of misconduct in research by a UW Person received by a chair, director, dean, vice-president or other administrative officer of the university is to be forwarded to the Vice-President, ~~XXXXXX~~ who may investigate informally to determine whether the allegation may have substance. In all such inquiries, care must be taken to ensure that those contacted understand that the process is both informal and confidential, and that no inference should be made concerning the validity of the allegation. If there is no evidence that the allegation has substance, the university shall destroy all documentation concerning it. If the allegation has substance, it will be investigated only if a signed and dated allegation is submitted. Oral or anonymous allegations shall not constitute a sufficient basis either for a formal investigation or for disciplinary action.

4.4 (a) An allegation of misconduct in scholarly research shall be submitted in writing to the Vice-President, ~~XXXXXX~~ who is to determine whether the allegation may have substance and whether an investigation is to be undertaken.

☐ The Vice-President, Research ~~XXXXXX~~ may choose to notify the subject of the allegation (the "Responding UW Person") in writing of the nature of the allegation and that s/he is to retain all materials relevant to the allegation and invite the Responding UW Person to respond by meeting with him/her and/or submitting a written response. Any such meeting or submission shall take place within ten working days of the notification.

☐ The Vice-President, ~~XXXXXX~~ shall determine whether:

- i) there is sufficient evidence to merit a full investigation; or
- ii) there is insufficient evidence to merit a full investigation and any material collected is to be destroyed.

The complainant shall be informed in writing of the decision as shall the Responding UW Person if s/he was notified under (b). In the event that it is determined that there shall be no investigation, the Vice-President, Research and International must inform each individual to whom concerns and allegations were disclosed that there is no basis for an investigation.

4.5 If a full investigation is determined appropriate and the Responding UW Person was not notified of the allegation under 4.4(b) the Vice-President, Research and International shall notify the Responding UW Person in writing of the nature of the allegation and that s/he is to retain all materials relevant to the allegation. If the Responding UW Person admits the breach, the Vice-President, Research and International may choose to forgo establishing an Investigation Committee and instead report the matter in accordance with 4.8.

4.6 The Vice-President, Research and International shall establish a three-person Investigation Committee, comprised of two internal members and one external member who has no current affiliation with the university. Members of the Investigation Committee will be selected so that the Committee has appropriate expertise. Committee members shall not have had any prior connection with the particular matter nor have had a close professional or personal relationship with the Responding UW Person. No person consulted by the university concerning the case shall be appointed.

The Responding UW Person may propose three possible internal Investigation Committee members and three possible external members in accordance with the above criteria. The Vice-President, ☐ ~~XXXXXX~~ will consider any names put forward by the Responding UW Person. If the Vice-President, Research and International is considering appointing someone not put forward, the Responding UW Person

shall be given an opportunity to challenge in writing the names proposed by the other with respect to the criteria or for bias, apprehension of bias or perceived conflict of interest. The Vice-President, Research and International shall determine any challenge. Upon establishing the Investigation Committee, the Vice-President, Research and International shall name one of the members as the Committee Chair.

4.7 The Investigation Committee is to determine whether, on a balance of probabilities, the Responding UW Person committed an act of research misconduct. It shall conduct its proceedings in accordance with the principles of natural justice. It will review the allegation and any material submitted, may obtain additional material (and will provide any such material to the Responding UW Person), will give the complainant and the Responding UW Person an opportunity to appear before it to provide evidence, and may call witnesses to provide evidence.

Upon completion of the evidence gathering, the Committee will provide a report of the relevant facts to the Responding UW Person who will have ten working days to submit a written response if s/he chooses to do so.

After the expiry of the ten working days the Investigation Committee shall decide by majority vote on the basis of the evidence submitted to it whether misconduct occurred. Any finding of misconduct in research shall be based only on clear, compelling, written, and documented evidence.

The Chair of the Investigation Committee shall submit a report to the Vice-President, Research and International and the Responding UW Person within 120 days of the date on which the allegation was received by the Vice-President, Research and International. The report shall set out, at a minimum, the specific allegation(s), the Responding UW Person's response, a summary of the finding(s) and reasons for the finding(s). If misconduct was found, the report may also comment on its extent and seriousness and include recommendations of the committee regarding rectification.

The report of the Investigation Committee will be maintained in a confidential and secure manner, with limited access, in the office of the Vice-President, Research and International.

The decision of the Committee is final and binding on the Responding UW Person and the university unless successfully appealed under the applicable university policy or procedure.

4.8 Within five working days of receipt of a report that misconduct was determined to have occurred, the Vice-President, Research and International will provide a copy of the report:

a. In the case of a student, to the appropriate associate dean who will make a decision as to what discipline or other action, if any, is appropriate and will send a copy of the report and communicate that decision in writing to the student and the Vice-President, Research and International. Normally such a decision will be made within one month of receipt of the Investigative Committee's report.

b. In the case of any other UW Person, to that person's supervisor who will make a decision as to what discipline or other action, if any, is appropriate and will send a copy of the report and communicate that decision in writing to the UW Person and the Vice-President, Research and International. Normally such a decision will be made within one month of receipt of the Investigative Committee's report.

## **5. Reporting**

5.1 Subject to any applicable privacy laws, if an allegation involves significant financial, health and safety or other risks, the Vice-President, Research and International will immediately notify the SRCR.

5.2 If an allegation concerns an activity about which the SRCR was notified, the Vice-President, Research and International shall, within two months of receipt of the allegation, advise the SRCR whether or not an investigation is being undertaken.

5.3 If an investigation is undertaken in response to an allegation of policy breaches related to a funding application submitted to an Agency or to an activity funded by an Agency, within seven months of completion of the investigation, the Vice-President, Research and International shall submit to the SRCR a report including the following information:

- (a) The specific allegation(s), a summary of the finding(s) and reasons for the finding(s);
- (b) The process and timelines followed;
- (c) The researcher's response to the allegation, investigation and findings and any measures the research has taken to rectify the breach;
- (d) The Investigation Committee's decision and any recommendations for rectification; and
- (e) Actions taken by the university.

5.4 The report submitted under 5.3 shall not include:

- (a) information that is not related specifically to Agency funding and policies; or
- (b) personal information about the Responding UW Person or any other person that is not material to the university's findings and its report to the SRCR.

5.5 Where the source of research funding is unclear, the SRCR has the right to request information and reports from the university and the university is required to comply.

5.6 Neither the university nor a UW Person may enter into confidentiality agreements that prevent the university from reporting to the Agencies.

5.7 If the university investigation sustains an accusation of misconduct in research, and if that research is funded by an outside agency or has been published or submitted for publication, the Vice-President, Research and International shall, before the decision or report becomes public, inform the agency or publisher concerned and the Responding UW Person of the outcome of the investigation. If the complainant has a legitimate interest in the outcome, the Vice-President, Research and International will advise the complainant of the outcome of the investigation, subject to applicable laws, including privacy laws.

5.8 Through reports to Senate, the Vice-President, Research and International will make public statistical annual reports on confirmed findings of breaches and actions taken, subject to applicable laws, including privacy laws.

## **6 General**

6.1 The university shall take such steps as may be necessary and reasonable to:

- (a) not make public or allow to be made public by its officers, employees or other persons within its control any statement suggesting that a UW Person is guilty of misconduct in research as well as refute publicly any statements so made, unless any appeal process in connection with such discipline has been concluded;

(b) protect the reputation and credibility of UW Persons wrongfully accused of misconduct in research, including written notification of the decision to all agencies, publishers, or individuals who were informed by the university of the investigation;

(c) protect the rights, position, and reputation of any UW Person or faculty member who, in good faith, makes an allegation of research misconduct, or whom it calls as a witness in an investigation, including the provision of legal counsel and the payment of other reasonable legal and related costs should the UW Person be sued for her/his participation in any such investigation or arbitration proceedings;

(d) minimize disruption to the scholarly activities of the UW Person or faculty member making the allegation and of any third party whose research may be affected by the securing of evidence relevant to the allegation during the course of the investigation; and

(e) ensure that any disruption in research, teaching, community service and work activities resulting from allegations of misconduct in research does not adversely affect future decisions concerning the careers of those referenced in (b), (c), and (d) above.

6.2 If the university decides after investigation not to take disciplinary action against the UW Person named in the allegations or if an appeal is decided in her/his favour, the university shall remove and destroy all documentation concerning the allegations from the UW Person's file.