

## Corporate Policy

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| <b>POLICY NUMBER:</b>         | <b>AS-2105-2007</b>   |
| <b>POLICY TITLE:</b>          | <b>Integrity in Research and Scholarship</b>                                |
| <b>OWNER:</b>                 | <b>Vice President – Technology, Apprenticeship &amp; Corporate Training</b> |
| <b>APPROVED BY:</b>           | <b>Senior Leadership Team</b>   |
| <b>EFFECTIVE:</b>             | <b>September 12, 2007</b>   |
| <b>REFERENCE:</b>             |   |
| <b>LINKS TO OTHER POLICY:</b> | <b>AC705 - Academic Honesty<br/>CR907 - Intellectual Property</b>           |

### BACKGROUND

Mohawk College's Strategic Plan articulates a vision focused on inspiring learning, leadership and citizenship, and mission and values statements centred on providing quality programs and services. A commitment to the highest standards of integrity in research and scholarship is an important strategy in realizing these goals. Within the Mohawk community, honesty, respect for others, scholarly competence and stewardship of resources serve as the hallmarks of academic integrity. Mohawk provides an environment that encourages its members to uphold these standards, recognizing that ultimately, the primary responsibility for high standards of conduct in research and scholarship rests with the individuals carrying out these activities. Promoting the standards and issues involved in integrity in research and scholarship provides a valuable means of preventing violations of these standards.

### Definitions

The following terms and definitions, whether used in the singular or plural, will apply in this policy.

**Complainant:** The person filing or making an allegation of misconduct in research or scholarship, according to this policy.

**Respondent:** The person alleged to have committed misconduct in research or scholarship, according to this policy.

**Members of the Mohawk Community:** In this policy, the term refers to all staff and students, and all other research personnel associated with Mohawk, regardless of status. In reference to students, the term includes, but is not limited to full-time, part-time, and visiting students. In reference to staff, the term covers all three classifications of staff (administration, faculty, and support) and any employment or affiliation status that may be found at Mohawk, which includes, but is not to be limited to full-time, part-time, and contract. As it specifically relates to faculty, the status covered by the term also includes, but is not limited to sessional and visiting faculty.

**Purpose:** This policy outlines the principles consistent with integrity in research and scholarship and outlines procedures for investigating violations of these principles (or allegations of misconduct) in research and scholarship carried out by members of the Mohawk community.

**Scope:** This policy applies to all staff, students, and other personnel associated with Mohawk College, who are engaged in research in any capacity, including authorized external researchers whose research is facilitated by the College

Students who are alleged to have engaged in misconduct in academic research solely in their capacity as students, and in respect only to work related to the completion of course or program requirements, will be governed by the College's Academic Honesty policy.

## **POLICY STATEMENTS**

### **1. Principles of Integrity in Research and Scholarship**

- Mohawk's researchers and scholars will be responsible for adhering to the college policy on Intellectual Property and upholding the following principles:
- (a) acknowledging the substantive contributions of collaborators and students; using unpublished work of other researchers and scholars only with permission and with due acknowledgement; and using archival material in accordance with the rules of the archival source;
  - (b) obtaining the permission of the author(s) before using new information, concepts or data originally obtained through access to confidential manuscripts or applications for funds for research or training that may have been seen as a result of processes such as peer review;
  - (c) using scholarly and scientific rigour and integrity in obtaining, recording and analyzing data, and in reporting and publishing results;
  - (d) ensuring that authorship of published work includes and is limited only to those who have materially contributed to, and share responsibility for the contents of the publication; and
  - (e) revealing to sponsors, universities, journals or funding agencies, or other institutions any material conflict of interest, financial or other, that might influence their decisions on whether the individual should be asked to review

manuscripts or applications, test products or be permitted to undertake work sponsored from outside sources.

## **2. Misconduct**

Actions that violate or are inconsistent with the principles outlined above will be considered misconduct and will result in sanctions ranging from warning or reprimand to expulsion or dismissal, as appropriate to the circumstances. Such actions may include, but are not limited to any or all of the following dishonest behaviours:

- (a) Falsification or fabrication of data;
- (b) Plagiarism, (i.e. copying a large body of copyrighted material without acknowledging the author and the source);
- (c) Wilful misrepresentation and misinterpretation (for any reason) of findings resulting from the conduct of research and scholarly activities;
- (d) Failure to acknowledge the relevant contributions of others in the authorship of papers or invention disclosures (e.g., student or co-worker contribution of an idea that leads to a concrete improvement of results, time spent collecting and analyzing data or written contributions to articles/papers);
- (e) Failure to honour the confidentiality that the researcher promised or that was included as a condition of the contract as a way to gain valuable information from a party internal or external to Mohawk;
- (f) Failure to adhere to terms and conditions of contracts with a third party (in most cases external to Mohawk) that is sponsoring the research;
- (g) Failure to report to the college an involvement in research involving human participants, bio-hazardous materials or animals (all of which are governed by other policies);
- (h) Failure to disclose conflict of interest.

Misconduct does not include honest errors, differences in opinion or different interpretations of scientific discoveries.

Information concerning a finding of misconduct will be communicated by the VP, Technology, Apprenticeship & Corporate Training to applicable stakeholders of the research project (e.g., sponsoring agencies) in accordance with their requirements.

## **3. Investigating Allegations of Misconduct**

Allegations of misconduct may arise from anonymous or identified sources within or outside the institution. The allegations may be well founded, honestly erroneous or mischievous. Whatever their source, motivation or accuracy, such allegations have the potential to cause great harm to the persons accused, to the accuser, to the institution, and to research and scholarship in general. Therefore, Mohawk College will take prompt action and treat allegations seriously and in a manner that is impartial and accountable to the members of its community and the broader academic community. Investigations into misconduct will be guided by

the principle of fairness to all parties, according to the procedures outlined in Appendix A of this policy. The respondent and complainant will have adequate opportunity to know any evidence presented by any party and to respond to that evidence, if he or she so chooses.

#### **4. Appeals**

Staff have the right to file an appeal regarding a decision or sanction related to misconduct, consistent with the procedures outlined in Appendix A of this policy.

Students wishing to appeal a decision or sanction are subject to the Appeal procedures outlined in the Academic Honesty Policy.

#### **5. Promoting Awareness**

The College will ensure that research-related policies and procedures are easily accessible to new hires and to all members of the college community, and specifically distributed to any staff, students and external researchers who are considering a college-sanctioned research project. In addition, at the outset of their projects and at appropriate intervals during the project, research teams will be provided with counselling and guidance on the standards of integrity, accountability and responsibility expected in the conduct of their research.

### **MONITORING**

The Vice President – Technology, Apprenticeship & Corporate Training is responsible for reviewing this policy according to the schedule established by the Director, Corporate Services or more frequently if feedback from the college community indicates the need for changes.

### **POLICY REVISION DATE**

### **ATTACHMENTS**

**Appendix A - Procedures**

### **SPECIFIC LINKS**

## APPENDIX A

### Procedures for the Implementation of Policy CR146

#### Procedures for Determining Misconduct

##### P1. Initiating an Inquiry

- (a) An allegation of misconduct in research or scholarship must be received in writing by the Vice President – Technology, Apprenticeship & Corporate Training within six months of discovery of the alleged misconduct, whether it is submitted directly to the Vice President or channelled through other administrators. Allegations received by the Vice President after six months of discovery of an alleged misconduct will not normally be considered, except under compelling circumstances.
- (b) Description of the alleged misconduct should be as specific and thorough as possible and must be signed and dated by the complainant. All documentary evidence that supports the allegation must be included with the initial submission to the Vice President – Technology, Apprenticeship & Corporate Training. Anonymous allegations will not normally be considered. However, if compelling evidence is received, the investigation process may be initiated.
- (c) Within 10 days of the receipt of an allegation in writing, the VP – Technology, Apprenticeship & Corporate Training is authorized to decide if the circumstances: (i) do not warrant an investigation, (ii) can be resolved without an investigation, or (iii) warrant an investigation. The VP, at her/his sole discretion, may consult with any individuals she/he considers useful to inform this decision (which may include the President). Any consultation will be made in strict confidence, without disclosure of the circumstances or identities of the individuals accused of misconduct or alleging misconduct.
- (d) If the complaint is not carried beyond this stage, no written record of the names of the parties involved or of the specifics of the allegation will be maintained.
- (e) If the VP – Technology, Apprenticeship & Corporate Training determines that an investigation is warranted, she/he will notify the parties involved (i.e. the complainant, respondent and any sponsor or funding agency associated with research in which an allegation of misconduct will be investigated) within 10 working days of this determination. Within this time period, the VP will also:
  - designate an *ad hoc* committee to conduct the investigation, hereinafter referred to as *the Committee*, and
  - in a situation where a research project may be on-going, notify internal and external stakeholders that further funding provided by a sponsor or funding agency will not be released until the investigation has been concluded.

## **P2. Composition of the Committee**

The VP – Technology, Apprenticeship & Corporate Training may appoint as many members to the Committee as she/he considers appropriate for the circumstances of the allegation, but the Committee will consist of no fewer than 3 members. Members may include any Mohawk staff member, except for staff from the same Department as the respondent (to avoid real or perceived conflict of interest.) The VP may also appoint one or more individuals external to Mohawk who have expertise relevant to the circumstances of the allegation.

### **P2.1 General Guidelines for Committee Procedures**

The investigation into misconduct is confidential and is governed by the principle of fairness. Within this framework, the Committee is free to develop procedures and practices that are appropriate to the circumstances of the allegation under investigation. The Committee may hold meetings, conduct hearings (more detailed guidelines for meetings and hearings are outlined below), and collect written material relevant to the investigation, such as laboratory notebooks, manuscripts, computer files, and records of the proceedings of Mohawk committees. The Committee may also consult expert witnesses and solicit reports from them on the matter under investigation. However, the Committee will exercise its discretion in establishing procedures in these activities within the following parameters:

- (a) before any determination is made, the person against whom the allegation is made will have:
  - full disclosure of the allegation,
  - full disclosure of the individual presenting the allegation,
  - full disclosure of evidence presented in the case, and
  - an opportunity to answer in full;
- (b) the Committee will conduct proceedings in a timely manner; and
- (c) the proceedings will remain confidential, to the extent possible, to protect the identities of the respondent and complainant, and all individuals involved in an inquiry/investigation.
- (d) When allegations are discovered to be unfounded, the Committee will make recommendations to the VP – Technology, Apprenticeship & Corporate Training for any necessary actions to restore the reputation of the individual(s) wrongly accused of misconduct of research or implicated in misconduct of research.
- (e) The Committee will make recommendations as necessary and appropriate to the specific situation to protect person(s) who have made a responsible accusation.

### **P2.2 Guidelines for Meetings**

- (a) The investigation may include one or more meetings between the Committee and the respondent. A written record of the meeting(s) (or minutes) will be

maintained. The respondent may have a representative present at such meetings.

- (b) The investigation may include one or more meetings between the Committee and the complainant, for which a written record of the meeting (or minutes) will be maintained. The complainant may have a representative present at such meetings.

### **P2.3 Guidelines for Hearings**

- (a) The investigation may include a hearing, which will be determined by the Committee within 10 working days of its appointment. Written notice of a hearing and the procedures to be followed shall be provided to all parties at least 5 working days in advance of a hearing.
- (b) The two parties to a hearing (i.e., the complainant and the respondent) may each have a representative present at the hearing.
- (c) In exceptional circumstances, the Committee may permit the respondent or complainant to be represented by his/her delegate in his/her absence.
- (d) Unless otherwise agreed to by the complainant, the respondent, the Committee, and all witnesses, the hearing will be videotaped.
- (e) If the complainant or respondent fails to appear before the hearing at the appointed time, the Committee may proceed in his/her absence without further notice. If there are medical or compassionate reasons for non-appearance, the Committee must be notified immediately. The Committee will determine the acceptability of such reasons and whether the hearing should be adjourned.
- (f) Evidence will not be given under oath.
- (g) The two parties and their representatives may be present throughout the hearing. Witnesses may be present only when they present their evidence orally; the Committee may permit witnesses to provide their evidence in writing.
- (h) Each of the two parties shall be given the opportunity to ask questions of any witness present at the hearing, but the Committee shall have the right to disallow questions that in their opinion are inappropriate.
- (i) The Committee will be responsible for the maintenance of an orderly procedure in the hearing.
- (j) The videotape recording of a hearing is intended for use only by the Committee for reference in developing the report for the VP – Technology,

Apprenticeship & Corporate Training and for appeal. The videotape will be treated as confidential to the extent permitted by law.

#### **P2.4 Determination of Allegations & Possible Actions/Sanction**

The Committee will endeavour to complete its investigation and report on its finding to the VP – Technology, Apprenticeship & Corporate Training as quickly as feasible and appropriate, but normally within 60 working days from the time of the Committee's selection.

The report developed for the VP will outline the Committee's findings regarding whether or not misconduct occurred, which will be based on the criterion of clear and convincing evidence. The Committee's finding will be binding on the institution and will be communicated in a written report, submitted to the VP – Technology, Apprenticeship & Corporate Training. Specifically, the Committee's report will include the following elements:

- the names of Committee members and explanation of their selection;
- a description of the methods used by the Committee for the investigation;
- the names of persons who were interviewed or who provided information in the investigation;
- a statement of the Committee's finding regarding whether or not misconduct occurred;
- a statement of the Committee's reasons for the finding; and
- recommendations from the Committee for sanctions or actions that may be taken, which may include, but are not limited to:
  - sanctions against a respondent found to have engaged in misconduct,
  - actions to protect or restore the reputation of the respondent, if wrongfully accused,
  - actions to protect a complainant found to have made a responsible accusation,
  - sanctions against a complainant found to have made an irresponsible or malicious allegation.

The VP – Technology, Apprenticeship & Corporate Training will have the sole authority and discretion to impose sanctions or take actions as recommended by the Committee or to determine other sanctions or actions that she/he considers appropriate in the circumstance. The VP – Technology, Apprenticeship & Corporate Training will communicate the sanctions and/or actions to be taken and provide a copy of the Committee's draft report to the complainant, and respondent within 15 working days of receiving the Committee's written report. Both the complainant and the respondent will have an opportunity to provide comments on the draft report before it is made final. The report will be finalized and distributed to the complainant, and respondent within 10 working days of distribution of the draft report.

The funding agency(ies) will also receive a full copy of the final report within 30 days of completion of the investigation.

Sanctions will depend on the severity of the offence and may include, but are not limited to reprimand, suspension and dismissal (employees) or expulsion (students). If sanctions or actions are components of the final decision, the sanctions or actions will be imposed by the VP – Technology, Apprenticeship & Corporate Training unless another party is designated to do so by existing Mohawk policy, collective agreement, or legislation. In such a case, the report will be transmitted to that party in order to carry out the action.

### **P2.5 Appeals**

If the person sanctioned by a decision believes the decision was reached improperly or disagrees with that decision, she/he may file an appeal or grievance, as appropriate, according to the terms of the appeal or grievance mechanism applicable to that person. If no such mechanism is in place, an appeal may be filed with the President within 15 working days of the receipt of the report.

If an appeal is received at the President's office, the President will review the final report and may consult with the VP – Technology, Apprenticeship & Corporate Training, the Committee and all other parties involved in the investigation, including witnesses, the complainant, and the respondent, before determining an appeals mechanism for the case, which will be consistent with the principles and procedures in this policy.

Upon completion of appeal proceedings, the decision rendered will be final and binding on all parties, whether the decision is made by the President or delegated by the President to a group responsible for hearing the appeal.

### **P2.6 Record Keeping**

All documents involved in the investigation will be kept in a confidential file in the office of the VP – Technology, Apprenticeship & Corporate Training, for a minimum of 3 years following the finding of misconduct or dismissal of the allegation. All information and records relating to an action taken under this policy will be handled by Mohawk in compliance with provincial and federal privacy legislation.

## **P3. Institutional Guidelines**

### **P3.1 Data Gathering, Storage and Retention**

The management of accurately recorded and retrievable results is essential to any research project. Accordingly:

- (a) All primary data should be recorded promptly in clear, adequate, original and permanent form and should not leave the academic department. The Principal Investigator, together with the appropriate Mohawk personnel, will arrange for secure and confidential storage. The duration of the storage will be for seven years. If the Principal Investigator leaves Mohawk during this period, Mohawk will maintain these files for the remainder of the period. Alternative arrangements for copies to be kept by Mohawk must be made by the Principal Investigator.
- (b) All co-investigators will have free access to all original data and evidence, and other products of the research, at all times. With the knowledge and authorization of the Principal Investigator, any member of the research team may make copies of the primary data for her/his own use. Authorization to make copies may not be withheld without a valid reason, which must be communicated in writing to the VP – Technology, Apprenticeship & Corporate Training.
- (c) Provision of material products, such as software prepared during research, substances, or equipment, to third parties for non-commercial research purposes within or outside the research units requires the approval of the Principal Investigator.

### **P3.2 Authorship**

The attribution of authorship in all research publications must accurately reflect the intellectual contributions of all members of a research team.

### **P3.3 Eligibility**

- (a) The co-authors of a publication are all those persons who have made significant intellectual contributions to the results. An administrative relationship to the investigation does not, by itself, qualify a person for co-authorship. Authorship decisions should not be affected by whether participants were paid for their contributions, or by their employment status. The author who submits a manuscript or report for publication is responsible for including all appropriate co-authors, for sending each co-author a draft copy of the manuscript for comment, and for obtaining consent on co-authorship, including the order of names.
- (b) Purely formal association with a research project, such as the directorship of a laboratory or an administrative position in a department, does not constitute authorship, but may be recognized in an acknowledgement. General supervision of the research group, technical help, data collection, or critical reviews of manuscripts or reports prior to publication are not sufficient for authorship, but may be acknowledged in a separate paragraph. There will be no honorary co-authorship. Authorship must be based entirely on significant intellectual, professional or immediate supervisory contribution. Other contributions should be indicated in a footnote or in an acknowledgements section.

### **P3.4 Student Contributors**

- (a) In student/professor collaborations as co-authors of a joint publication, both should:
  - (i) make a significant scholarly contribution that is creative and intellectual in nature, and
  - (ii) be integral to the completion of the paper or report.
  
- (b) A student should be granted due prominence on the list of co-authors for any multiple-authored article or report that is based primarily on the student's own work, according to the commonly accepted practice in the field.

### **P3.5 Resolution of Conflict**

In the event of a conflict between co-authors on technical content, number of co-authors, or order of names in co-authorship, every attempt should be made to resolve the matter informally. The VP – Technology, Apprenticeship & Corporate Training may be required to mediate if informal resolution strategies fail.