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**Research Integrity Policy**

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Responsible Executive:  
**Vice President (Research)**

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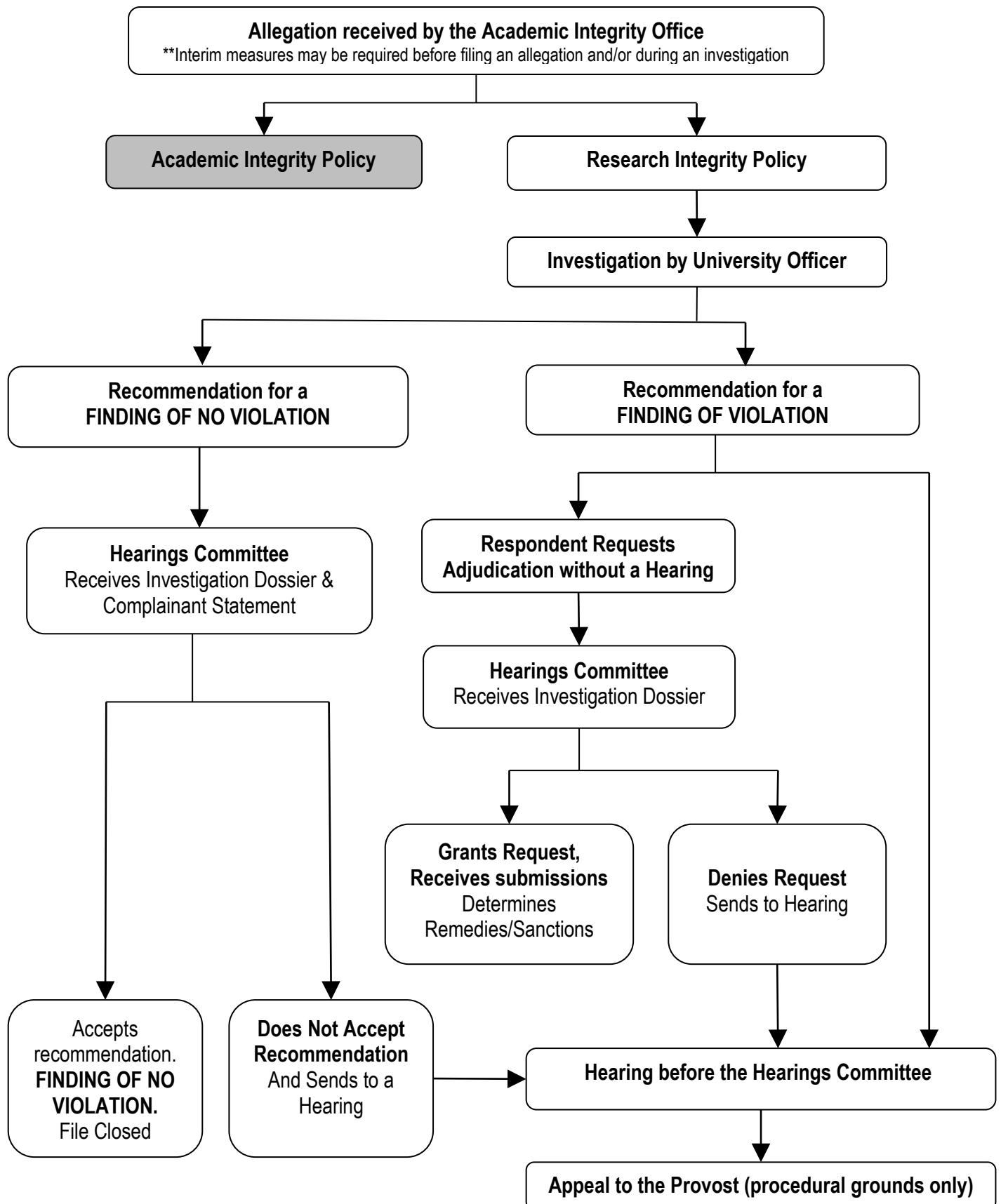
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## SECTION I: INTRODUCTION

### PREAMBLE

1. 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 and society; furthermore, it is unfair and discouraging to those who conduct their research with integrity.
2. This Policy applies to all institutional personnel. **"Institutional Personnel"** means faculty, postdoctoral fellows, graduate students, undergraduate students, 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.
3. University research requires the individual integrity of all institutional personnel. 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 by 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 an unfair disadvantage in their pursuit of knowledge. they do not withhold material that should rightly be available to all.
4. Any allegation of research misconduct will be processed in accordance with this Policy, which 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: Canadian Institutes of Health Research (CIHR); Natural Sciences and Engineering Research Council of Canada (NSERC); and e Social Sciences and Humanities Research Council of Canada (SSHRC).
5. Where institutional and/or policy jurisdiction is unclear the procedures outlined in [Appendix E: Jurisdiction](#) will be followed. Policies are already in place governing research with human and animal subjects. This document is not intended to supersede them.
6. For the purpose of interpreting this document, words in the singular may include the plural and words in the plural may include the singular.

### RESEARCH

7. Research is an undertaking, or a commitment to an undertaking, intended to extend knowledge through a disciplined inquiry or systematic investigation. 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, 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, which may take form as remixes, homages or parodies);
  - c) literary works in prose, poetry, and drama; and
  - d) contract research and consultancy contracts.
8. Students (graduate and undergraduate) are often involved in research as 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.).

## 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):
- [Academic Integrity Policy](#)
  - [Care and Use of Animals in Research and Teaching, Policy on](#)
  - [Charitable Giving Policy](#) (Donations to Research Accounts)
  - [Conflict of Interest in Research, Statement on](#)
  - [Consulting Policy and Procedures, Statement on](#)
  - [Dishonest or Fraudulent Activities Related to Funds or Property Owned by or in the Care of McMaster University](#)
  - [Financial Procedure for Research Grants](#)
  - [Fraud Policy](#)
  - [Indirect Costs Associated with Research Funding from the Private Sector, Policy on](#)
  - [Internally Sponsored Research Accounts](#)
  - [Joint Intellectual Property Policy](#) – (McMaster University, Hamilton Health Sciences and St. Joseph's Healthcare Hamilton)
  - [McMaster University Revised Policy and Regulations With Respect To Academic Appointment, Tenure And Promotion \[2012\]](#) Tenure and Promotion Policy
  - [Ownership of Student Work](#)
  - [Research Accounts Policy](#)
  - [Research Ethics at McMaster University, Policy on](#)
  - [Research Involving Human Participants, Policy Statement on](#)
  - [Research Residuals Policy](#)
  - [RMM #801 – Field Trip and Electives Planning and Approval Program](#) (Safety During Academic or Research Field Work)
  - [Tri-Agency Framework: Responsible Conduct of Research](#)
  - [Tri-Agency Policy Statement: Ethical Conduct for Research Involving Humans](#) (TCPS 2)
  - [Use of University Facilities for Non-Academic Purposes, Policy on](#)
  - [Ph.D. Supervision at McMaster University](#)

## SECTION II: ROLES & RESPONSIBILITIES

### INSTITUTIONAL PERSONNEL

10. All institutional personnel are responsible for:
- a) contributing to maintaining a culture of research integrity in all aspects of academic life;
  - b) participating in education and training programs when appropriate;
  - c) reporting incidents/concerns of potential research misconduct to the Office of Academic Integrity; and
  - d) participating in investigations under this Policy, if requested to do so.

### RESEARCHERS

11. A Researcher is involved in an undertaking to extend knowledge through a disciplined inquiry or systematic investigation.
12. Responsibilities of Researchers include<sup>1</sup>, but are not limited to:
- a) Rigour: Scholarly and scientific rigour in proposing and performing research; in recording, analyzing, and interpreting data; and in reporting and publishing data and findings;
  - b) Record-keeping: Keeping complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agreement, policies at McMaster University, laws, regulations, and professional or disciplinary standards in a manner that will allow verification or replication of the work by others;
  - c) Accurate referencing: Referencing and, where applicable, obtaining permission for the use of all published and unpublished work, including but not limited to theories, concepts, data, source material, methodologies, findings, graphs and images;
  - d) Authorship: Including as authors, with their explicit consent, all those and only those who have materially and/or conceptually contributed to, and who accept 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) Acknowledgement: Acknowledging appropriately all those and only those who have contributed to research, in addition to authors, all contributors and contributions to research, including writers, funders and sponsors; and
  - f) Conflict of interest management: Appropriately identifying and addressing any real, potential or perceived conflict of interest, in accordance with the [Statement on Conflict of Interest in Research](#).

### Applying for and Holding External Funding

13. 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

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<sup>1</sup> This language (clauses 17-23) is based on the *Tri-Agency Framework: Responsible Conduct of Research* (2011), and will be revised as required to remain consistent with that document.



accomplishments in a manner consistent with the norms of the relevant field. This includes certifying when necessary that they have no findings for a breach of responsible conduct of research policies such as ethics, integrity or financial management policies that would make them ineligible to apply for and/or hold funds from Tri-Agency funding sources or any other research or research funding organization world-wide.

14. Principal funding applicants must ensure that others listed on the application have explicitly agreed to be included.

### Management of Grant and Award Funds

15. 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.

### Requirements for Certain Types of Research

16. Researchers must comply with all applicable requirements and legislation for the conduct of research, including, but not limited to:
  - a) 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.

### Rectifying a Breach of Policy

17. Researchers who become aware they may have violated the expectations of a research policy are expected to be proactive in rectifying the situation, for example, by correcting the research record, providing a letter of apology to those affected, and/or repaying funds.

## SUPERVISORS

18. For the context of this policy there are **two types** of Supervisor which are not mutually exclusive:
  - a) an **Academic** supervisor oversees the academic work of a student, the most common example being a faculty member overseeing a graduate student's academic and research progress;
  - b) an **Employment** supervisor is any faculty or staff member acting in their capacity as **supervisors** within a Faculty, Academic Department, and/or Workplace. They oversee the work of an employee,

which includes, but is not limited to, a faculty member overseeing a Post-Doctoral fellow / technician / undergraduate or graduate student performing research in the faculty member's laboratory.

19. Supervisors are expected to be competent researchers and are expected to understand the demands of ethical conduct of research and reporting research results. Supervisors provide direction on good research practices and serve as a mentor and example through their own research activities and their supervision of others. A Supervisor's duties include, but are not limited to:
  - a) providing an adequate degree of oversight which identifies deviations from acceptable practice in a timely fashion;
  - b) taking appropriate steps to address research integrity concerns when they come to their attention;
  - c) reporting research misconduct allegations when they come to their attention;
  - d) supporting and protecting any employee or student who, in good faith, reports a potential violation of the *Research Integrity Policy*;
  - e) cooperating during Investigations, and in the implementation of Interim Measures, and/or Sanctions;
  - f) completing all required training and ensuring that the individuals under their supervision are trained appropriately on:
    - (i) the [RMM 300 Health and Safety Training Program](#);
    - (ii) the *Research Integrity Policy* and the relevant related policies; and
    - (iii) the acceptable methods for undertaking research and reporting it.
  - g) keeping records of training on the *Research Integrity Policy* for the institutional personnel under their supervision;
20. 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.

## GRADUATE STUDENTS

21. Under this policy, a person is considered a graduate student if enrolled either part-time or full-time in a graduate studies program at the time of an alleged research misconduct violation. Graduate students, having been deemed admissible to higher studies, are expected to be competent in the acknowledgement of other people's work, whether that work is in print, or electronic, or other media.
22. Graduate education concentrates on the formation of appropriate research skills and prepares students to undertake independent inquiry. All graduate students are responsible for familiarizing themselves with the definitions of research integrity and research misconduct in the University policies.

## OFFICE OF ACADEMIC INTEGRITY

23. The Office of Academic Integrity is the administrative office responsible for the receipt and processing of allegations of misconduct at the investigation stage, and for providing procedural advice and

administrative support for University Officers. This Office participates in planning, assisting and coordinating appropriate research integrity education and research misconduct prevention activities.

24. The Office of Academic Integrity assists all those conducting research under the auspices of McMaster University, with matters of research integrity, and provides policy and procedural guidance in addressing research misconduct concerns and/or allegations.

## UNIVERSITY OFFICER

25. The term “University Officer” as defined in [Appendix B](#) and used in this Policy, refers to the individual responsible, with support and resources provided by the Office of Academic Integrity, for investigating allegations of research misconduct in a timely manner, as appropriate in the circumstances.
26. The University Officer is also responsible for presenting the investigation results at the Hearing and reporting to the appropriate administrative officer any reports of reprisals or threats of reprisals that come to their attention.

## UNIVERSITY SECRETARIAT

27. 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.

## VICE-PRESIDENT (RESEARCH)

28. The Vice-President (Research) is the decision-maker responsible for determining what, if any, Interim Measures are required at any stage of a research misconduct allegation, and overseeing the communication, implementation, and review of such measures.

## ADMINISTRATION

29. The term “Administration”, as used in this Policy, refers to individuals and entities responsible for the University’s research endeavours. 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 Vice-Provost (Faculty); the Vice-President (Research); the Provost; and the Senate.
30. 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 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.

## SECTION III: POLICY VIOLATIONS

### POLICY VIOLATIONS

31. Research Misconduct <sup>2</sup> is the failure to comply with this Policy and/or any Tri-Agency policy, throughout the life cycle of a research project (from application for funding to the conduct of the research and the dissemination of research results).
32. Research Misconduct **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 could result in inaccurate findings or conclusions.
  - d) Suppression: Failing 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/or proper acknowledgement and, if required, without permission. All material, including information from the internet, anonymous material, copyright 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.

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<sup>2</sup> This language (clause 31 a-p) is based on the *Tri-Agency Framework: Responsible Conduct of Research* (2011), and will be revised as required to remain consistent with that document.

- g) Self-plagiarism and/or Redundant Publications: Republishing one's own previously published work or part thereof, including data, in the same or another language, without adequate acknowledgment of the source/original publication and/or justification.
- h) Invalid Authorship: Inaccurately attributing 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.
- i) Inadequate Acknowledgement: Failing to appropriately recognize the contributions of others in a manner consistent with their respective contributions and authorship policies of relevant publications.
- j) Mismanagement of Conflict of Interest: Failing 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*, such as:
  - (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.
- k) Abuse of Confidentiality: Failing to respect the confidentiality of information and ideas taken from grant applications or manuscripts being reviewed or discussions held in confidence.
- l) Abuse of Authority: Intimidating or exploiting subordinates in a research context that encourages, influences or coerces the subordinate to themselves commit or be complicit in an instance of research misconduct.
- m) 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.
- n) Mismanagement of Research Funds: Using research funds (internal, external, and/or Tri-Agency) for purposes inconsistent with the policies of the funding agency/sponsor/institution; misappropriating funds; contravening financial policies (including External Research Sponsor financial policies and/or

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 research funds accounts.

- o) Breaches of Agency Policies or Requirements for Certain Types of Research: Failing to meet funding agency policy requirements or, failing 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.
- p) Non-compliance with the Research Ethics Board Policies and Procedures: 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; failing to submit an amendment or revision to a research protocol involving human participants originally approved by MREB or HIREB; failing to submit an annual status report to MREB or HIREB for a research protocol approved by MREB or HIREB.

## REMEDIES AND SANCTIONS

- 33. The Hearings Committee shall order remedies and recommend sanctions based on the merits of the case and proportional to the severity of the violation. If there are mitigating and/or contextual factors in determining/implementing the remedy/sanction, the reasons shall be clearly articulated by the Hearings Committee.
- 34. The existence of any previous findings of research misconduct will be taken into account when remedies and sanctions are determined, and the severity of remedies/sanctions may be greater as a result. Remedies and sanctions may be used independently or in combination for any single violation and may be varied according to what the Hearings Committee considers appropriate.
- 35. Remedies and sanctions for research misconduct may have other consequences for the Respondent (e.g. the Tri-Agency may impose their own sanctions, such as the withdrawal of funds). These possible additional consequences shall not be a factor when deciding on remedies/sanctions; the remedies/sanctions are decided based on the merits of the case.
- 36. Regardless of the remedies ordered and/or the sanctions recommended, the Hearings Committee does not have the power to limit disclosure of the sanctions or findings to the appropriate granting council or agency.

### Remedies

- 37. Remedies may include, but are not limited to:
  - a) ordering the Vice-President (Research) to issue a letter of concern to the researcher. The Hearings Committee 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) ordering the Vice-President (Research) to issue a letter notifying any External Research Sponsors of the

findings. The Hearings Committee will identify 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;

- c) ordering the researcher to correct the research record;
- d) ordering the researcher to withdraw all pending relevant publications;
- e) ordering the researcher to notify publishers of publications in which the relevant research was reported;
- f) ordering the researcher to notify co-investigators and collaborators of the finding(s);
- g) ordering the Vice-President (Research) to issue a letter to affected parties notifying them of the finding; and
- h) recommending to the Vice-President (Research) and/or the President, any other action the Hearings Committee deems appropriate

### Sanctions

38. Sanctions may include, but are not limited to:

- a) recommending the Vice-Provost and Dean of Graduate Studies restrict (e.g. requiring co-supervision of graduate students for a specified period) or remove the faculty member's privileges for the academic supervision of graduate students for a specified period, in accordance with the policy [Ph.D. Supervision at McMaster University](#);
- b) recommending the Vice-President (Research) issue reports to appropriate administrative officers and/or committees considering tenure, permanence, and/or promotion, for inclusion in the faculty member's tenure, permanence, and/or promotion dossier, for a specified period of time;
- c) recommending the Vice-President (Research) issue reports to appropriate administrative officers and/or committees considering career progress/merit awards, and the retention period of the letter in the file;
- d) recommending the Vice-President (Research) withdraw specific research privileges from the research for a specified period;
- e) recommending the Vice-President (Research) arrange for special monitoring or modification of research work for a specified period;
- f) recommending to the Senate the rescinding of a degree;
- g) recommending to the Senate the revocation of a title;
- h) for staff or faculty **Recommendation for Suspension**, as applicable;
- i) for staff or faculty, **Recommendation for Dismissal or Recommendation for Removal**, as applicable; and
- j) **for Students only**, ordering any of the sanctions in the [Academic Integrity Policy](#). These include, but are not limited to: transcript notation, suspension, and expulsion.



## SECTION IV: PROCEDURAL GUIDELINES

### CONFIDENTIALITY

39. 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.
40. 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.
41. Public reports or statements may be issued identifying the Respondent in the following circumstances:
  - a) at the request of the Respondent when the Hearings Committee has accepted the conclusions of the Investigation Report that there has been No Violation of the Policy; or
  - b) following a Hearing, when a Respondent is exonerated and wishes that fact to be known publicly; or
  - c) following a Hearing, when the Hearings Committee has found that the Respondent has Violated the Policy.
42. Complainants and/or affected parties may receive information about the outcome and/or any sanctions/remedies that have a direct impact on them, within the constraints of relevant legislation
43. Where required by a professional licensing body, the results of the Hearing may also be communicated to that professional licensing body.
44. The University, and its employees and agents, will protect personal information and handle records in accordance with the [Freedom of Information and Protection of Privacy Act](#) and the [Personal Health Information Protection Act](#).

### PROTECTION FROM REPRISAL

45. 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 (including the University Officer, and the members of the Hearings Committee). 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 found to be making such reprisals or threats will be subject to appropriate disciplinary action.

### ADVISOR / REPRESENTATION

46. Respondents may be accompanied by an advisor or counsel at any stage of the procedures outlined in this Policy (see [Appendix H: Glossary of Terms](#)). The advisor or counsel may be present during Investigation interviews but may not participate as a representative. The advisor or counsel may represent the party at the Hearing. The costs of any accompaniment or representation are to be borne by the party.



## FRIVOLOUS OR VEXATIOUS COMPLAINTS

47. A researcher's reputation is crucial to their career, and serious consideration must be given to the possible harm to his or her reputation before making any allegation of misconduct. The University will take care to ensure that those making legitimate accusations in good faith are protected from reprisals, but will not tolerate allegations that are frivolous, unreasonable, vexatious or wholly without foundation. If such allegations are found to have been maliciously motivated, disciplinary actions against those responsible shall be initiated by the University.

## DATA GATHERING & RECORD KEEPING

48. The Office of Academic Integrity is responsible for providing a written, anonymized, public annual statistical report to the Senate and the Board of Governors.<sup>3</sup>
49. Records related to an Investigation shall be retained by the Office of Academic Integrity for seven years after last use.
50. Hearing files shall be retained by the University Secretary for seven years after last use, and may be retained longer at to the discretion of the University Secretary. The Hearings Committee's Report shall be retained permanently.

## INTERIM MEASURES

51. At any stage of a Research Misconduct allegation, it may be necessary to implement Interim Measures to safeguard the interests of the research, supervisory, and/or educational environment of the Complainant, Respondent, and Institutional Personnel. Interim Measures may also be necessary to safeguard the interests of individuals, agencies or corporations who are not the subject of an allegation, but whose interests may be directly affected by the alleged misconduct or an Investigation process. See [Appendix F: Interim Measures](#).
52. The Vice-President (Research) shall give due consideration to the effect that the filing of an allegation may have on both parties in the case of a supervisory relationship, as well as the need to preserve academic program/studies and future working relationships.

## RESPONDENT STATUS DURING AN INVESTIGATION

53. If criminal charges are laid against the Respondent, the Investigation or Hearing may be suspended, pending the outcome.
54. While under investigation and/or before a Hearings Committee has rendered a decision, a **faculty or staff** member may formally resign from the University. However, this will not prevent the continuation of the investigation or the hearing.

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<sup>3</sup> 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.

**Students: Transcripts and Registration**

55. When a charge of research misconduct is made against a student and until the case has been resolved, the student will not be issued transcripts directly but, at the student's request, transcripts will be sent to institutions or potential employers. If the student is subsequently found guilty and the conviction results in a transcript notation, the recipients of any transcripts will be so informed by the Registrar.
56. While under investigation for, or subsequent to being found guilty of research misconduct in a course(s), a student shall not be permitted to withdraw formally from that course(s).
57. While under investigation for research misconduct, a student shall be permitted to withdraw formally from the University. However, this will not prevent the continuation of the investigation or the hearing.

## SECTION V: ALLEGATIONS AND INVESTIGATION

### REPORTING AN ALLEGATION

58. All institutional personnel who are involved in research have a responsibility to report what they, in good faith, believe to be research misconduct.
59. The Office of Academic Integrity is the appropriate office to receive concerns and questions regarding potential allegations of research misconduct.
60. [Responsible Allegations](#), or information related to responsible allegations, should be sent directly to the Office of Academic Integrity, in writing.

### Anonymous Allegations

61. 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.

### Internal Audit

62. Allegations concerning research misconduct received by [Internal Audit](#), in the Office of Audit and Risk Services, and that are not being investigated by that office, will be forwarded to the Office of Academic Integrity for evaluation and possible investigation. The procedures outlined in this Policy will take precedence over others such as the [Fraud Policy](#) when the ethical use of research funding is at issue.
63. Internal Audit Investigations that reveal a potential allegation of research misconduct (e.g. misrepresentation to funding sponsor, mismanagement or improper use of research funds) will be submitted to Office of Academic Integrity to handle in accordance with the procedures below.

### Allegations

64. Allegations of misconduct may be received from within or outside the University.
65. 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. Complainants are encouraged to include all relevant information in the allegation. If new information becomes available after the allegation has been submitted, Complainants are directed to speak with the Office of Academic Integrity to determine appropriate next steps.

### Inquiry to Identify Responsible Allegations

66. Upon receipt of an allegation of misconduct the Office of Academic Integrity shall initiate an inquiry to establish whether it is a [Responsible Allegation](#), whether it is within the jurisdiction of this Policy ([Appendix E: Jurisdiction](#)) and if an investigation is required.

67. If the allegation is deemed responsible, the Office of Academic Integrity shall inform the appropriate University Officer ([Appendix B: University Officers](#)) 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.
68. In the case of Internal Audit Investigations, the appointed University Officer may conduct a further investigation or may rely on the Internal Audit Investigation. The University Officer shall be responsible for presenting the Investigation results to a Hearings Committee.
69. The Office of Academic Integrity shall, no later than **three business days** after the Investigation is commenced, notify the University Secretariat, the Vice-President (Research), and the Faculty Dean that an Investigation is underway. The University Secretariat will ensure the Audit Committee is advised of any allegations of financial wrongdoing, and the eventual outcome of the investigation.
70. The Office of Academic Integrity shall contact the Research Office for Administration, Development & Support (ROADS) to determine whether the research that is the subject of the allegation has internal, external, or Tri-Agency funding.
71. The Office of Academic Integrity shall contact the Faculty Dean to determine if the Respondent holds a position which is externally funded, or in the case of a graduate student, is in receipt of external funding.
72. If the researcher has applied for and/or received Tri-Agency or external funding for the research that is the subject of the allegation, and the Office of Academic Integrity has determined that it is a responsible allegation, that Office shall in consultation with the Vice-President (Research), send notification of the allegation to the Secretariat on the Responsible Conduct of Research (SRCR) or the External Funding Sponsor.

## INVESTIGATION PROCEDURES

73. Investigations conducted under this Policy will follow the principles of procedural fairness. The University Officer will impartially collect evidence and interview witnesses in relation to the allegation, as well as contact journals, publishers and/or co-authors, where they deem it appropriate to do so, in order to gather additional information, documentation, and any other relevant evidence.
74. In consultation with the Office of Academic Integrity the Investigator has discretion to adjust the scope and the manner in which the investigation will be conducted in compliance with this Policy and the principles of procedural fairness. If deemed necessary they may expand the scope of the investigation as the result of new allegations or information they become aware of during the investigation.
75. The University Officer shall discuss the matter with the Complainant and may request additional documentation or other relevant information.
76. 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.

77. Respondents are expected to participate in the Investigation. Lack of participation will not stop the matter from proceeding under the Policy. 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, accompanied by any relevant documentation or other information, within a reasonable period of time.
78. All Institutional Personnel are expected to meet with the University Officer if requested to do so and to participate in good faith.
79. Complainants, Respondents and witnesses have the option of being accompanied by an [Advisor](#).
80. Except for sharing information with their Advisor all those who meet with an Investigator (including the Advisor) are required to keep confidential the meeting and any information shared to ensure the integrity of the proceedings. Failure to do so could be considered a breach of confidentiality/privacy, and may result in disciplinary action.
81. An individual who was not previously identified as a Respondent but who, during the course of an investigation, is identified as a potential Respondent will be notified and given an opportunity to meet the University Officer and to respond to any allegations.
82. Where, during the Investigation or any subsequent Hearing, the University Officer has reasonable and probable grounds to believe it is appropriate that research activity be suspended, in whole or in part, or that interim measures are necessary to protect the research/supervisory environment, the University Officer shall inform the Vice-President (Research). See [Appendix F: Interim Measures](#).

## INVESTIGATION REPORT AND DOSSIER

83. The University Officer shall prepare an Investigation Report and an Investigation Dossier shall normally be issued **two months from receipt of the allegation** of misconduct.
84. The Investigation Report shall include the following:
  - a) a summary of the allegation(s) and response;
  - b) a statement on how the research is funded (internal, external, or Tri-Agency);
  - c) a list of the relevant evidence considered by the University Officer in making their recommendation;
  - d) the names of any witnesses;
  - e) factual findings;
  - f) the University Officer's determination whether they:
    - (i) **Recommend a Finding of No Violation of the Policy**, based on the evidence available (this does not preclude a University Officer from bringing a charge at a later date, should new evidence become available); or
    - (ii) **Recommend a Finding of Violation of the Policy** for some or all of the allegations, and any recommended remedies and/or sanctions.

85. The Investigation Dossier shall include:
- a) the Investigation Report; and
  - b) Appendices of all relevant evidence the University Officer considered in making their recommendation (documents, witness statements, affidavits, images, audio or visual recordings, etc.).
86. The University Officer shall submit the Investigation Report and Dossier to the Office of Academic Integrity.

## SECTION VI: REFERRAL TO THE HEARINGS COMMITTEE

### RECOMMENDATION FOR A FINDING OF NO VIOLATION OF THE POLICY

87. The Office of Academic Integrity shall give a copy of the Investigation **Report** to the Complainant. This shall be accompanied by a letter requesting the Complainant submit a written statement to the University Secretariat (within **15 business days** of receipt of the letter) responding to the University Officer's investigation report and recommended finding.
88. A copy of the Investigation **Report** shall be given to the Vice-President (Research).
89. The Academic Integrity Officer shall write a **letter summarizing** the University Officer's Recommendation and the next steps in the process, which shall be given to:
  - a) the Faculty Dean;
  - b) the Tri-Agencies and/or External Funding Sponsor, if they were previously notified of an investigation taking place.
90. A copy of the Investigation **Dossier** shall be given to the Respondent and the University Secretariat.
91. The University Secretariat shall send the Investigation Dossier and the Complainant's statement (if any) to the Hearings Committee.
92. The Hearings Committee shall deliberate and decide:
  - a) to accept the recommendation for a finding of **No Violation of the Policy**, and the file will be closed;  
or
  - b) to direct the case proceed to a Hearing before a new Hearings Committee.

### RECOMMENDATION FOR A FINDING OF VIOLATION OF THE POLICY

93. A copy of the Investigation **Report** shall be given to the Vice-President (Research).
94. The Academic Integrity Officer shall write a **letter summarizing** the University Officer's Recommendation and the next steps in the process, which shall be given to:
  - a) the Complainant;
  - b) the Faculty Dean;
  - c) the Secretariat on the Responsible Conduct of Research and/or External Funding Sponsor where previously notified, as appropriate.
95. A copy of the Investigation **Dossier** shall be given to the Respondent and the University Secretariat.
96. Within **5 business days** of receipt of the Investigation Dossier the University Secretariat shall request the Respondent to provide a written response to the Investigation Report. The University Secretariat shall

also send a copy of [Appendix D: Association Observers at Hearings](#) to the Respondent and request their consent to the presence of an Observer (see below).

97. Within **20 business days of receipt**, the Respondent shall deliver to the University Secretariat **either**:

- a) a written response to the allegations, recommended findings, remedies, and sanctions in the University Officer's Investigation Report, which shall include:
  - (i) names of witnesses to be called;
  - (ii) the name of Respondent's counsel or advisor, if applicable;
  - (iii) any documents the Respondent wishes to submit to the Hearings Committee as evidence in support of their position;
  - (iv) their decision on whether they agree to the Observer **attending** the Hearing; and
  - (v) their decision on whether they agree to the Observer **receiving** the Hearing Record.

**OR**

- b) a request to hold a [Written Hearing](#);

**OR**

- c) a request for **Adjudication Without a Hearing** as the Respondent admits guilt for all those allegations the University Officer considered to be research misconduct and is of the opinion that a Hearing is not required to determine the remedies/sanctions.

98. The University Secretariat shall forward a copy of the Respondent's reply to the University Officer.

99. If the Respondent consents to the presence of an Observer, the University Secretariat shall notify the relevant trade union or association of its right to send an Observer, and request the appropriate trade union or association provide the name of the Observer.

## WRITTEN HEARING

100. The University Secretariat shall inform the University Officer of the request for a Written Hearing and will ask the University Officer if they agree.

101. If the University Officer agrees to a Written, Hearing the University Secretariat shall inform the Hearings Committee of the request. If the University Officer does not agree, the matter shall proceed directly to an oral Hearing (Formal Hearing).

102. The Hearings Committee shall receive the Investigation Dossier and the request for a Written Hearing. If the Hearings Committee is of the opinion that an oral Hearing is required to properly determine the penalty, then Hearing dates will be set.

103. If the Hearings Committee grants the request for a Written Hearing, the matter shall proceed as outlined in [Section VII: Hearings Committee Procedural Rules](#).



**ADJUDICATION WITHOUT A HEARING**

104. A request for Adjudication Without a Hearing may only be made if the Respondent has accepted the conclusions of the Investigation Report and admits guilt, for **all** those allegations the University Officer considered to be research misconduct.
105. The University Secretariat shall inform the University Officer of the request for adjudication without a hearing and will ask the University Officer if they agree.
106. If the University Officer agrees to adjudication without a hearing the University Secretariat shall inform the Hearings Committee of the request. If the University Officer does not agree to adjudication the matter shall proceed directly to a hearing.
107. The Hearings Committee shall receive the Investigation Dossier and the written request for adjudication without a hearing. If the Hearings Committee is of the opinion that a Hearing is required to properly determine the penalty then Hearing dates will be set.
108. If the Hearings Committee grants the request for adjudication without a hearing, it shall direct the parties to make written submissions regarding remedies and/or sanctions, and to submit them to the University Secretary as outlined below:
  - a) the University Officer within **7 business days** of notification of the Hearings Committee's decision; and
  - b) the Respondent within **7 business days** of receipt of the University Officer's submission.
109. The Hearings Committee will make a decision regarding the remedies and/or sanctions based on the Investigation Dossier, and the written submissions of the Respondent and the University Officer.
110. Under no circumstances does the Hearings Committee have the power to prevent disclosure of the finding, remedies and/or sanctions to the Tri-Agency when the researcher has applied for and/or received Tri-Agency funding for the research that is the subject of the allegation and/or External Funding Sponsor, as appropriate.

## SECTION VII: HEARINGS COMMITTEE PROCEDURAL RULES

111. Hearings 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. Adjudications and Hearings shall follow the applicable procedural rules specified in the *Statutory Powers Procedure Act*, and set out in this Policy. 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 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.
112. 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.
113. Any procedural requirement contained in this Policy may be waived with the consent of the Hearings Committee and of all the parties.

### Submissions and Disclosure

114. Parties to the Hearing shall be given the opportunity to submit written or other documentary evidence prior to a 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.
115. Prior to a Hearing members of the Hearings Committee shall be provided with:
  - a) the University Officer's investigation dossier, which includes the investigation report;
  - b) the written response to the Investigation Report, if any, of the Respondent; and
  - c) all written or other documentary evidence submitted by the parties.
116. 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 Policy.

### Closed Adjudications and Hearings

117. Hearings and Adjudications 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 a request, 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.

### Parties

118. Parties to a Hearing shall include:
  - a) the University Officer who conducted the Investigation; 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**

119. The University Officer has the onus to present evidence to satisfy the Hearings Committee that, on a balance of probabilities, whether the alleged Violation of the Policy has occurred. The principles and procedures described in this section shall apply to all proceedings before the Hearings Committee. Hearings Committees shall not be charged with investigative duties.

**Representation**

120. Parties have the right to be advised or represented by a friend, colleague, or legal counsel. The costs of any representation are to be borne by the party retaining such representation.

**Administrative and Legal Support**

121. 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.

**Other Parties**

122. If other persons, in addition to the University Officer and the Respondent, have been specified as parties to the proceedings, the hearing procedure shall be altered by the Hearings Committee to provide an opportunity for such additional parties to be heard.

**Recess or Adjournment**

123. 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.
124. The Hearings Committee may grant an adjournment at any time during the hearing to ensure a fair hearing.

**Evidence**

125. 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.
126. The Parties are expected to produce all arguably relevant documents (with normal limitations of privilege, etc.), including those that may have only come to light as a result of the Investigation Report, a minimum of 10 business days prior to the Hearing.
127. The Hearings Committee has the power to require production of written or documentary evidence by the parties or by other sources.
128. The Hearings Committee has the power to rule on the admissibility of evidence.

**Witnesses**

129. Parties to the Hearing and the Hearings Committee have the right to call, question, and cross-examine witnesses. Other than the parties, witnesses are present in the Hearing room only during the time they are testifying.
130. Any person appearing before the Hearings Committee as a witness shall be required to give evidence under affirmation or oath.
131. 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.
132. **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.
133. 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.

**Recording**

134. 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**

135. 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:
  - a) to consolidate the proceedings or any part of them; or
  - b) to hear the proceedings at the same time; or
  - c) to hear the proceedings one immediately after the other.

**WRITTEN HEARINGS****Notice of Written Hearing**

136. The parties shall be given reasonable, written notice of the Written Hearing submission deadlines.

137. The notice shall include the process and timelines for submissions for the Written Hearing. Any party whose reasons for failing to participate in the process that are not considered valid by the Hearings Committee's Chair, or whose failure to participate may cause unreasonable delay, shall be notified that the Hearings Committee will proceed in that party's absence.

## FORMAL HEARINGS

### Notice of Hearing

138. A Hearing shall be commenced as soon as possible following the appointment of the Hearings Committee.
139. 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.
140. The parties shall be given reasonable, written notice of the hearing.

## ORDER OF THE HEARING

141. The first item of business for the Hearings Committee shall be to confirm the hearing shall be closed, in accordance with the procedure set out above, or to hear and rule upon representations in favour of an open hearing.
142. At the outset of the hearing, the Chair shall:
- a) identify the nature of the case;
  - b) review the order of the hearing;
  - c) note for the record the documentary information submitted by the parties to the hearing, including any preliminary or procedural orders;
  - d) note the names of the witnesses for each party;
  - e) confirm the likely dates for sitting and the projected length of the hearing;
  - f) raise, or request the parties to raise, any and all preliminary issues concerning composition of the Hearings Committee and other unaddressed procedural matters; and
  - g) proceed to deal with any matters raised in (f) 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 (f) above.
143. The University Officer is the first party heard.
- a) The University Officer's opening statement shall contain:
    - (i) a brief description of their case, including what they believe is the violation of the Policy; and
    - (ii) what sanction they are submitting for the Hearing Committee's consideration.

144. Following the completion of the University Officer's opening statement, the Respondent may present their opening statement at that time, or may defer until completion of the University Officer's case.
145. Following the Respondent's opening statement (if presented) the University Officer presents their case.
  - a) University Officer's case presents the evidence relating to the alleged research misconduct, which may include any or all of the following:
    - (i) University Officer's oral testimony;
    - (ii) oral testimony of University Officer's witnesses; and
    - (iii) documents or other written evidence in support of this testimony.
  - b) Questioning of the University Officer and their witnesses by the Respondent and/or by the Hearings Committee occurs at the close of each person's testimony.
146. Following the completion of the University Officer's case, the Respondent may present their opening statement if they elected to defer until the completion of the University Officer's case.
  - a) *Respondent's opening statement* shall contain:
    - (i) a brief reply to the University Officer's claims; and
    - (ii) the main arguments of their defence.
  - b) *Respondent's case* presents the evidence to support their defense, which may include any or all of the following:
    - (i) Respondent's oral testimony;
    - (ii) oral testimony of Respondent's witnesses; and
    - (iii) documents or other written evidence in support of this testimony.
  - c) Questioning of the Respondent and their witnesses by the University Officer and/or by the Hearings Committee occurs at the close of each person's testimony.
147. The University Officer and their witnesses have the right to offer testimony or other evidence in reply to the issues raised in the Respondent's case.
148. 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.
149. **After this point in the hearing, no new arguments, evidence, or witnesses may be introduced.**
150. The parties are entitled to make closing arguments, and to summarize briefly the main points of their cases, in the following order:
  - a) University Officer
  - b) Respondent
  - c) University Officer

151. The Hearings Committee may alter the order described above in the interest of fairness to any or all of the parties.
152. 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.
153. 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 impede or prevent the Hearings Committee from conducting the hearing or reaching a decision.

## DELIBERATIONS

154. 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, and may request information on the range of sanctions/remedies for previous cases heard under the Policy.

## DECISION

155. The Hearings Committee Report shall normally be issued **within seven months** of receipt of the allegation and **shall be sent to:**
  - a) the Respondent;
  - b) the University Officer;
  - c) the Office of Academic Integrity;
  - d) the Vice President (Research);
  - e) the Provost;
  - f) the President;
  - g) the Secretariat on the Responsible Conduct of Research where previously notified and/or External Funding Sponsor as appropriate.
156. Where the Hearings Committee deems appropriate, Complainants and/or affected parties may receive information about the outcome and/or any sanctions/remedies that have a direct impact on them, within the constraints of relevant legislation
157. Where required by a professional licensing body, the results of the Hearing may also be communicated to that professional licensing body.
158. In the case of multiple Complainants and/or Respondents the Hearings Committee Report may, at the discretion of the University Secretariat, be summarized or redacted before being given to the Secretariat

on Responsible Conduct of Research, or any additional party not identified in clause 155 above. This will occur when the University Secretariat has determined it is necessary to do so in order to protect the privacy of individuals (witnesses, other Complainants or Respondents), about whom the recipient of the report is not entitled to receive information.

159. It is expected the Hearings Committee will reach a majority decision regarding the remedies and/or sanctions to be ordered/recommended.
160. The report shall include:
  - a) the membership of the Hearings Committee;
  - b) the background of the case, including the nature of the alleged misconduct;
  - c) a summary of the cases of the parties to the Hearing or the submissions for Adjudication;
  - d) the Hearings Committee's majority findings;
  - e) 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
  - f) any ordered and/or recommended remedies and/or sanctions.
161. Should the Respondent be exonerated:
  - a) the Vice-President (Research) shall within ten business days from receipt of the Hearings Committee report act to exonerate the Respondent. The Vice-President (Research) shall consult with the Respondent regarding the appropriate steps to protect the reputation of the Respondent, including the issuance of statements of exoneration; and
  - b) the Hearings Committee may recommend to the President that the reasonable legal expenses incurred by the individual Respondent shall be borne by the University.
162. Under no circumstances does the Hearings Committee have the power to prevent disclosure of the finding, remedies and/or sanctions to the Tri-Agency when the researcher has applied for and/or received Tri-Agency funding for the research that is the subject of the allegation.
163. If the Hearings Committee determines that misconduct has occurred, the Vice-President (Research) may inform, as warranted and in consultation with the University Secretariat, the appropriate co-authors, collaborators, editors of journals, professional societies, appropriate University officers, etc., within the parameters of the remedies/sanctions set out by the Hearings Committee.

## OTHER RECOMMENDATIONS

164. 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.



## SECTION VIII: APPEALS

165. Within **20 business days** of receiving a Research Misconduct Hearings Committee Report, the Respondent may make a final appeal to the Provost.
166. Grounds for such appeals shall be limited to procedural grounds, specifically that there was a violation of procedural fairness by the Hearings Committee.
167. The appeal must be made in writing and must describe in detail the purported violation of procedural fairness by the Hearings Committee.
168. Upon receipt of a notice of appeal, the Provost or designate will review the Hearing Record and the written statement of appeal, and determine whether or not the grounds for appeal are valid. The Provost or designate may also review the audio recording of the hearing. The Provost or designate will rule on the appeal **within 30 business days** of its submission.
169. Should the Provost or designate determine there are no valid grounds under these appeal procedures for an appeal then the appeal will be dismissed.
170. Should the Provost or designate find 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.
171. The new Hearings Committee shall be selected in compliance with the [Hearings Committee Selection](#) clauses above.
172. Nothing in this Policy is intended to limit the collective agreement rights of any institutional personnel.

## APPENDIX A: RESEARCH MISCONDUCT HEARINGS PANEL

1. 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 shall be undergraduate and three shall be 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, renewable three-year terms, 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.
2. The Chair of the Panel may delegate their authority under this Policy to one of the Vice-Chairs. The Chair has the authority to appoint, on an ad hoc basis, faculty, staff and students who are not members of the Panel to serve on Hearings Committees as auxiliary Panel members (see [Appendix H: Glossary of Terms](#)).

### HEARINGS COMMITTEE SELECTION

3. The Hearings Committee shall be a tribunal normally consisting of three persons of appropriate background and without any reasonable apprehension of bias. If deemed necessary by the Chair, for complex hearings or hearings with more than one Respondent, the Hearings Committee shall be comprised of five persons of appropriate background.
4. The Hearings Committee composition shall comply with the following:
  - a) members of the Hearings Committee shall be chosen from among the relevant and/or appropriate association/constituency members (or auxiliary members) of the Hearings Panel;
  - b) if the researcher has applied for and/or received **Tri-Agency funding** for the research that is the subject of the allegation, the Hearings Committee shall be comprised of **two members of the Hearings Panel, and one member external to the University** (see [Appendix C](#)).
5. When the University Secretariat receives notice of an Investigation, they shall inform the Chair that a Hearings Committee needs to be established. The Chair shall propose the membership of the Hearings Committee. If an auxiliary member of the Hearing Panel is proposed as a member of the Hearings Committee the Chair shall include an explanation as to why the Chair has proposed an auxiliary member.
6. The University Secretariat shall forward to the Respondent and University Officer the proposed membership of the Hearings Committee. Both parties shall be given the opportunity to express, in writing, any objections they may have concerning the proposed membership of the Hearings Committee.
7. After careful consideration of any such objections, the Chair shall either confirm the members of the Hearings Committee, or propose a revised membership. The Panel 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.
8. The University Secretariat shall ensure that all members of the Hearings Committee receive appropriate training to discharge their responsibilities.

## 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;
  - b) the Vice-President (Administration); and
  - c) a minimum of ten tenured faculty members selected by the Senate Executive from the University community and appointed by the Senate for a minimum 2-year term normally commencing July 1. Their appointments shall be staggered by a 1-year interval so that their terms overlap.
2. The Office of Academic Integrity is responsible for selecting the University Officer from the Research Misconduct Investigation Panel for each research misconduct case.
3. Internal Audit may conduct an Investigation on behalf of the Vice-President (Administration). The Vice-President (Administration) may retain counsel to represent them before the Hearings Committee, and may call members of Internal Audit as witnesses.
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 familiar with the disciplinary practices and norms of the Respondent's discipline.
5. When deemed necessary, the Office of Academic Integrity, in consultation with the Vice-Provost (Faculty), may retain the services of an external investigator of appropriate background and without a reasonable apprehension of bias, who will be the University Officer.
6. The Office of Academic Integrity may transfer a case to a new University Officer where necessary. The original University Officer may be called to testify as a witness.

## APPENDIX C: EXTERNAL HEARINGS COMMITTEE MEMBERS

### GUIDELINES

1. The Vice-President (Research) and/or Vice-Provost (Faculty), in consultation with the University Secretariat, shall make recommendations to the Chair of the Research Misconduct Hearings Panel regarding the proposed external Hearings Committee member.
2. The Chair of the Research Misconduct Hearings Panel 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 all external committee members receive appropriate training to discharge their responsibilities.

## APPENDIX D: ASSOCIATION OBSERVERS AT HEARINGS

1. The relevant trade union or association is permitted, subject to the consent of the Respondent, to send an Observer to the hearings. In this context, the appropriate trade union or association (Association/Union) 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 UNIFOR), the Librarians' 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 Association/Union to monitor the workings of the Policy. It is important that the University have full confidence in the Policy. The presence of an Association/Union Observer is an additional guarantee of fairness and may provide information leading to an 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 the Policy. If the Respondent consents, the University Secretariat shall request the appropriate Association/Union to provide the name of the Observer.
4. The Observer should be an active or retired member of the Association/Union and should be at "arm's length" from the case. The Observer does not attend on behalf of the Respondent and should avoid interacting with any 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*.
6. Seating arrangements at the Hearings are at the discretion of the Chair. The Observer may not speak without invitation from the Chair. The Observer is not entitled to be present when the Hearings Committee members recess for discussion among themselves.
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.
8. The Observer shall receive a confidential copy of the Hearings Committee Report.
9. 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 the process.
10. The Observer shall write a report of the proceedings for the head of the appropriate Association/Union. They shall limit comment to procedural matters and take care not to quote either from confidential documents or utterances, unless it is absolutely necessary to do so to make a point concerning procedural issues. The 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 report should not be confidential, except that any quotations from confidential documents/utterances be confined to a confidential appendix to which only the Presidents of the University and of the Association/Union should have access. If major procedural irregularities are noted by the Observer, the President of the Association/Union should inform the President of the University.

## APPENDIX E: JURISDICTION

1. The same 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.
2. Where there is a substantial overlap of jurisdiction between the *Academic Integrity Policy* and the *Research Integrity Policy*, the Academic Integrity Officer in consultation with the University Secretariat may determine that the allegation should be considered by an appropriate joint Hearings Committee.
3. When an allegation is made regarding research that was not conducted under the auspices of McMaster University, the Office of Academic Integrity shall, in consultation with the University Secretariat, determine whether the allegation should be referred to the institution where the research was conducted, with a request to be informed of the outcome of the other institution's investigation.
4. Nothing in this Policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the University and its employee groups. In the event that the provisions of this Policy contradict any such collective or contractual agreement, the collective or contractual agreement governs, to the extent of the contradiction.
5. To the extent this Policy affects the terms and conditions of employment of faculty of the University, it may be subject to discussion and approval in accordance with the University policy entitled, The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty, revised by the Board of Governors on October 20, 1988 (the 'Joint Administration/Faculty Association' policy).
6. Proceedings under this Policy may be carried out prior to, simultaneously with civil or criminal proceedings, at the discretion of the Vice-President (Research).
7. Any alleged mismanagement of research funds will be dealt with under this Policy.
8. In cases where the Vice-President (Research) determines that processing an allegation under this Policy might prejudice another internal (e.g. Internal Audit Investigation) or external process they may suspend these proceedings indefinitely or pause the investigation pending the outcome of these other proceedings.

### PROCEDURES FOR DETERMINING JURISDICTION INVOLVING AFFILIATED INSTITUTIONS

9. 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.
10. 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.
11. The receiving institution will determine jurisdiction and if notice of the complaint to the other institution is required, 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;

12. 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	Cross appointee not included above	Other institution's responsible officer

13. 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

14. 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.
15. Where a jurisdictional dispute has arisen, a senior officer of the affiliate, e.g. Hospital CEO, and the University Provost in conjunction with University Vice-President (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.

## APPENDIX F: INTERIM MEASURES

### INTERIM MEASURES FOR THE PROTECTION OF RESEARCH/ SUPERVISORY/ EDUCATIONAL INTERESTS

1. At any stage in the proceedings under this Policy, it may be necessary to implement Interim Measures to safeguard the interests of the research, supervisory, and/or educational environment of the Complainant, Respondent, Institutional Personnel, and or clinical subjects (human or animal).
2. Interim Measures may also be necessary to safeguard the interests of individuals who are not the subject of an allegation or external research sponsors, but whose interests may be directly affected by the alleged misconduct or an Investigation process.
3. The Vice-President (Research) shall give due consideration to the effect that the filing of an allegation may have on both parties in the case of a supervisory relationship, as well as the need to preserve academic program/studies and future working relationships. Where appropriate, the Vice-President (Research) may contact the appropriate administrator in line with the reporting structure of the party (e.g. contacting the Associate Dean or Department Chair where the student is under the supervision of the person alleged to have engaged in research misconduct, to make arrangements 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.<sup>4</sup>)
4. The Vice-President (Research) shall decide and oversee the communication and implementation of Interim Measures. The Vice-President (Research) may work with the appropriate Vice-Provost to determine appropriate Interim Measures.
5. Internal Audit shall notify the Vice-President (Research) when conducting an investigation related to research funds under the Fraud Policy, who shall determine if Interim Measures are necessary.
6. [Persons in Authority](#) may impose appropriate and provisional Interim Measures, before a formal allegation of Research Misconduct has been filed, if they deem the situation to require immediate action for the reasons stated in clause 1 above. They **shall notify** the Vice-President (Research) and the Office of Academic Integrity **within 48 hours** of having implemented these measures.
7. Notwithstanding any Interim Measures, the person in authority shall report an allegation of research misconduct to the Office of Academic Integrity **within 10 business days** of any interim measures being implemented.
8. The Vice-President (Research) may decide to continue these measures and/or may implement other measures consistent with this Policy, and with the established policies and procedures and by the terms of existing contracts of employment or collective agreements; the McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion; and/or the Graduate Work Supervision Guidelines.

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<sup>4</sup> The University of Winnipeg has a similar protection from reprisal statement which it has shared with McMaster University for use in this policy.



9. The Vice-President (Research) shall inform the Office of Academic Integrity of the date on which Interim Measures have been implemented, and will provide the name of the person in authority who implemented them.
10. Where, during the Investigation or any subsequent Hearing, the University Officer has reasonable grounds to believe it is appropriate that Interim Measures need to be implemented, or that previously imposed Interim Measures need to be modified, they shall immediately notify the Vice-President (Research) of their recommendations.
11. The Vice-President (Research) 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) or elsewhere) and providing for maintenance of sensitive research materials and equipment. Supervised access by the Respondent and the University Officer to such material will be permitted for preparing a defense or carrying out the Investigation. Where appropriate the Vice-President (Research) 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.
12. The Vice-President (Research) shall endeavor to minimize harm through the implementation of Interim Measures that are reasonable and necessary in the circumstances. For example, due consideration shall be given to other researchers' access to the equipment in question and/or research results, whether it is necessary to continue or modify the research if it involves human or animal subjects, the possible need for changes to the supervision of students, and to the start-up costs of any research activities that are suspended, etc.
13. When there are reasonable grounds to believe it is appropriate that Interim Measures be implemented, and where one or more granting agency has an interest in the Research, the Vice-President (Research), following consultation with the external research sponsor, may take immediate action to protect the administration of the funds. These actions may include:
  - a) suspending the research activity in whole or such part as the Vice-President (Research) shall specify;
  - b) making any order with respect to the funding of the research activity as the Vice-President (Research) considers reasonable and necessary in the circumstances; and
  - c) independently, or at the external research sponsor's request, taking immediate action to protect the administration of the external sponsor's funds. Immediate actions could include freezing grant accounts, and/or requiring a second authorized signature on all expenses charged to the researchers' grant accounts.
14. In the event an employee is directed to an administrative leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of an applicable collective agreement [e.g. where the employee is faculty or The Management Group (TMG)], the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an interim measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved. During such period, the person can continue to access relevant University support services.

15. The Vice-President (Research) may exercise the foregoing authority notwithstanding that the investigation may not be complete and/or that the Respondent has not responded.
16. Interim Measures will be reviewed by the Vice-President (Research) on an ongoing basis, at a minimum of once per month, throughout the process to ensure they remain necessary and appropriate in the circumstances. Interim measures are temporary and do not extend beyond the Hearings Committee's decision.
17. Interim measures shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.

## APPENDIX G: TRANSCRIPT NOTATIONS

1. When a grade of “F” in a course has been levied against a student found guilty of research misconduct, the notation “Grade of F assigned for research misconduct” shall appear on the student’s transcript opposite the course. Provided there are no subsequent findings against the student, the notation will be removed, and the record of the violation destroyed, upon the shorter of:
  - a) five years\* after the effective date of the penalty; or
  - b) two years\* after graduation.
2. The Academic Integrity Officer will provide to the University Registrar, by the end of each term a list of notations to be removed. \*Notations will be removed on either April 30, August 31, or December 31 following completion of the relevant time period noted above.
3. When a student is suspended, the notation will read: “Suspended by the Senate for research misconduct for \_\_\_\_ months effective (date suspension starts).” A student may petition Senate for removal of such a notation subject to the following conditions:
  - a) if the student returned to McMaster University:
    - (i) at least 2 years must have elapsed since the effective date of the suspension; and
    - (ii) the student must have been cleared to graduate.
  - b) if the student did not resume studies at McMaster University:
    - (i) at least 5 years must have elapsed since the effective date of the suspension.
4. When a student is expelled, the notation will read: “Expelled by the Senate for research misconduct (effective date)”.
5. If at some later date the student is reinstated, an additional notation will read: “Reinstated by the Senate (effective date)”.
6. Such notations may be removed from a student’s transcript on petition to Senate, but not before five years after the effective date of the expulsion.
7. When a student’s degree is rescinded, the notation will read: “Degree rescinded by the Senate for research misconduct (effective date)”. Such notations are permanent.

## APPENDIX H: GLOSSARY OF TERMS

### **Advisor**

A person of the individual's choice who acts in an advisory role during the investigation process (e.g. friend, family member, union representative, legal counsel). The Advisor may be present during Investigation interviews but may not participate as a representative. The Advisor may represent the individual at a Hearing before a Hearings Committee.

### **Auxiliary Panel Members**

The Chair of the Board-Senate Research Misconduct Hearings Panel has the authority to appoint, in exceptional circumstances and on an *ad hoc* basis, faculty, staff and students who are not members of the Board to serve on Hearings Committees as supplementary Panel Members.

### **Balance of Probabilities**

Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to make a Finding of Violation of the Policy have a greater likelihood of being true than not.

### **Confidentiality**

Refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft.

### **Complainant**

The individual coming forward with an allegation. The Complainant may be called as a witness at the Hearing. The Complainant is not a party to the Hearing.

### **Dossier**

A file containing detailed records on the Investigation, including all of the evidence and witness statements.

### **Employee**

Where applicable, employee is used to refer to staff (see below) and faculty (see below).

### **Expulsion**

Expulsion applies to student Respondents and is the loss of all academic privileges at the University for an indefinite period.

### **External Research Sponsor**

An external research sponsor is the external entity that is funding the research, for example, the Tri-Agencies, government sponsors, foundations, industry partners, community partners, etc.

### **Faculty**

Faculty are defined as those academic teaching staff and senior academic librarians who are members of the McMaster University Faculty Association.

**Frivolous or Vexatious Complaints**

A complaint may be considered frivolous if it does not have any serious purpose or value; is of little or no weight, worth, or importance. A complaint may be considered vexatious if instituted without sufficient grounds and only to cause annoyance to the Respondent.

**Hearing (Open/Closed)**

An open hearing is where spectators and members of the public may be present. A closed hearing is closed to all but those who have a specific right to be present.

**Hearing Record**

All evidence submitted for the Hearing, including the Investigation Dossier and the Respondent's submissions.

**Hearings Committee**

A Hearings Committee is usually comprised of three members of the Research Misconduct Hearings Panel who are appointed with the authority to judge the case. A Hearings Committee may also be referred to as a Tribunal.

**Interim Measures**

Steps that are taken in order to safeguard the environments of Complainants and Respondents. Interim measures shall not be construed as evidence of either guilt or a finding of violation of the Policy, or as an affirmation of innocence or finding that no violation of the Policy has occurred.

**Person in Authority**

Examples of Persons in Authority: Workplace supervisor, Dean, Associate Dean, Assistant Dean, department Chair, academic supervisor, etc.

**Recommendation for Removal**

A recommendation for removal of a faculty Respondent shall be dealt with in accordance with Section VI of the [McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion](#) and the common law where applicable.

**Recommendation for Suspension**

A recommendation for suspension of a faculty Respondent shall be dealt with in accordance with Section V of the [McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion](#) and the common law where applicable. Suspension involves relieving the Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits as recommended by a Tribunal and determined by the President.

**Respondent**

The individual or entity about whom allegations have been made.

**Responsible Allegation**

A Responsible allegation is accompanied by sufficient information to enable the assessment of the allegation and the credibility of the facts and evidence on which the allegation is based, without the need for further information from the Complainant (4.3.3 [Tri-Agency Framework: Responsible Conduct on Research](#))

**Staff**

Employees of the University including The Management Group (TMG), Unionized Employees, non-teaching staff, Temporary/Casual, Sessional Faculty, Post-doctoral Fellows, and Clinical Faculty. Graduate students employed as Teaching Assistants may be treated as an employee, depending on circumstances (see the definition of “Worker” under the Occupational Health and Safety Act).

**Students**

A student is any individual recorded by the University Registrar as enrolled in an educational course of study recognized by the Senate and for whom the University maintains education records.

**Supervisor**

A person who has charge of a workplace or authority over a worker. See the Ministry of Labour guide [Who is a Supervisor under the Occupational Health and Safety Act](#).

**Support**

The provision of resources appropriate to the individual and the circumstances. This may include access to the Student Wellness Centre, Employee Family Assistance Program, McMaster Students Union (MSU). Support resources does not include the provision of legal counsel.

**Suspension**

Relieving the staff Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits. Suspensions shall be dealt with in accordance with established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable. For a student Respondent, suspension is the loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return.

**Written Hearing**

A Written Hearing is a hearing held through the exchange of documents, whether in written form on paper or by electronic means.

## APPENDIX I: RESOURCES

### RESOURCES (UNIVERSITY & COMMUNITY)

Institutional Personnel may make use of the available resources below.

#### Guidance about the Research Integrity Policy and/or the Academic Integrity Policy

- [Office of Academic Integrity](#)

#### Guidance about University Policies and/or Procedures

- [University Secretariat](#)

#### Independent Resource

- [Ombuds Office](#) (provides an independent, impartial, and confidential process through which members of the University community may pursue a just, fair and equitable resolution of a University related concern.)

#### Support for Staff and Faculty

- Union or Association
- [Employee/Labour Relations](#)
- [Employee and Family Assistance Program](#) (access to professional counsellors, legal guidance and other supportive services available to staff and faculty)

#### Support for Students

- [Student Wellness Centre](#) (personal counselling and medical services)
- [MSU Peer Support Line](#) (24 hour a day telephone support line, including legal advice and counselling)
- [Graduate Students Association Health & Dental Plans](#) (health benefits include access to psychological counselling on campus or in the community)

#### Support for the University Community

- [Faculty of Health Sciences Professionalism Office](#)
- [Chaplaincy Centre](#)

#### Support in the Broader Community

- [Good2Talk](#) (24/7 phone support for students offered by professional counsellors)
- [John Howard Society](#) (for individuals in conflict with the law)
- [Elizabeth Fry Society](#) (for individuals in conflict with the law)