



<b>Breach of Research Integrity Procedure</b>	
<b>Parent Policy:</b> Integrity in Research, Scholarly Activity, and Scholarship Policy	
<b>Category:</b> Academic-Administrative	<b>Approval Date:</b> May 11, 2022
<b>Procedure Owner:</b> Vice President Academic and Provost	<b>Effective Date:</b> May 11, 2022
<b>Procedure Administrator:</b> Associate Vice President, Teaching, Learning and Research	<b>Review Period:</b> 5 Years
<b>Associated Documents:</b> N/A	

## PURPOSE

The purpose of this procedure is to:

1. specify the required action to be followed in response to alleged breaches of the Integrity in Research, Scholarly Activity, and Scholarship Policy;
2. ensure the Polytechnic's adherence to the *Tri-Agency Framework: Responsible Conduct of Research (2021)* (Tri-Agency Framework); and
3. promote good faith, confidential, timely, and appropriate response to complaints.

**PROCEDURE** (\*Significant content in this policy is taken verbatim from or based on that in the *Tri-Agency Framework: Responsible Conduct of Research (2021)*.)

### ***Making a Complaint***

1. A complaint concerning a breach of the Integrity in Research, Scholarly Activity, or Scholarship-related Policy will be made in writing to the institution where the respondent who is suspected of the breach is currently employed, enrolled as a student, or has a formal association.
2. The complaint will be sent directly to the institution's designated point of contact. Red Deer Polytechnic's point of contact is the Vice President, Academic and Provost (VPAP).
3. The complaint will include the following information:
  - a. complainant's name;
  - b. complainant's contact information;
  - c. a description of the alleged breach;
  - d. supporting evidence relating to the alleged breach;

- e. the approximate date(s) of the alleged breach; and
  - f. the name(s) of the respondent(s) suspected of the breach.
4. The Polytechnic will protect the privacy of the complainant and respondent as far as is possible.
  5. The Polytechnic will protect, to the extent possible, the complainant making an allegation in good faith or providing information related to an allegation from reprisals in a manner consistent with relevant legislation.

### ***Receiving a Complaint***

1. The VPAP is the designated point of contact at the Polytechnic to
  - a. receive confidential enquiries, allegations of policy breaches and information related to complaints;
  - b. hold the official complaint file in accordance with the Polytechnic's records management policies;
  - c. provide reporting as required by the Tri-Agency Framework;
  - d. inform the respondent that a complaint has been received; and
  - e. provide the respondent with a copy of the written complaint, the Integrity in Research and Scholarship Policy, the Breach of Research Integrity Procedure, and the Tri-Agency Framework.
2. If the VPAP is
  - a. unable to fulfill their responsibilities with respect to a particular complaint, or
  - b. the subject matter of a complaint is such that it would be inappropriate for them to manage the matter for reason of real, potential or perceived conflict of interest or any other reason,

the VPAP will ask the President to appoint an interim designated member of senior administration to manage the complaint, such as the Associate Vice President, Teaching, Learning and Research.
3. The VPAP, or designate, may delegate some or all of their responsibility under this Procedure, either generally or with respect to a particular complaint. Any delegation under section 2 regarding a particular complaint will be made with notice to the parties.
4. Where the Polytechnic receives a complaint relating to conduct that occurred at another institution (whether as an employee, a student, or in some other capacity), the VPAP will
  - a. contact the other institution's designated point of contact and jointly determine which institution is best placed to conduct the inquiry and investigation, if warranted; and
  - b. inform the complainant and respondent which institution will be the point of contact for the complaint.
6. The VPAP will notify the relevant granting Agency or the Secretariat on Responsible Conduct of Research (SRCR) immediately if a complaint relates to activities funded by a Tri-Council Agency that may involve significant financial, health and safety, or other risks. The notification will include the name of the respondent and the nature of the allegations.

7. The VPAP will consider anonymous complaints if accompanied by sufficient information to enable an assessment of the allegations and the credibility of the facts and evidence on which the complaint is based without the need for further information from the complainant.
8. In exceptional circumstances, the Polytechnic may independently, or at the Agency's request, take immediate action to protect the administration of Agency funds including
  - a. freezing grant accounts;
  - b. requiring a second authorized signature on all expenses charged to the researcher's grant accounts; or
  - c. other measures as appropriate.

### ***Initial Inquiry***

1. Upon receipt of a written complaint, the VPAP will conduct a preliminary review of the information in the complaint to
  - a. establish whether the complaint describes allegations which fall within the definition of misconduct in the Integrity in Research, Scholarly Activity, and Scholarship Policy and the Tri-Agency Framework;
  - b. identify which institutional or funding agency policy may have been breached;
  - c. assess the nature and seriousness of the complaint; and
  - d. determine whether an investigation of the complaint, or any portion of the complaint is warranted.
2. Within ten business days of the VPAP's receipt of the complaint, the VPAR will contact the respondent and provide them an opportunity to respond in writing or via a meeting at which official notes are taken. The respondent may have a third party present at this meeting and any future meetings.
3. At the conclusion of the initial inquiry, and no later than two months following the receipt of the complaint, the VPAP must complete an inquiry report summarizing
  - a. the specific allegations, the findings and the rationale for any related decisions;
  - b. the process and timeline for the inquiry;
  - c. the respondent's response to the allegation and, if applicable, any steps taken to rectify any breach;
  - d. the VPAP's decision to dismiss the complaint, or any portion of the complaint; and
  - e. the VPAP's decision that a formal investigation into the complaint, or any portion of the complaint, is necessary.
4. The report will be provided to the complainant and respondent.
5. If the SRCR has been notified of an allegation (as per section 6 of "Receiving a Complaint" above), the VPAP will inform the SRCR whether or not the Polytechnic is proceeding with a formal investigation.
6. The Polytechnic will submit inquiry reports to the SRCR within two months of receipt of an allegation.

7. If an investigation is warranted, the Polytechnic has an additional five months following the end of the inquiry to conduct an investigation and submit its report to the SRCR. The Polytechnic therefore has a total of seven months from the date of receipt of an allegation that results in an investigation to report to the SRCR. These timelines may be extended in consultation with the SRCR if circumstances warrant, and with periodic updates provided to the SRCR until the investigation is complete. The frequency of the periodic updates will be determined jointly by the SRCR and the Polytechnic.

### ***Formal Investigation***

1. If the VPAP determines that an investigation into the complaint or any portion of the complaint is warranted, the VPAP will appoint a minimum of three individuals to form a committee to conduct the investigation and decide whether a breach occurred.
2. The committee will conduct the investigation in accordance with the principles of procedural fairness and natural justice, ensuring the respondent is informed of the details of the allegations, the evidence relied upon by the committee, and is given an opportunity to respond to the allegations.
3. The committee will ensure the complainant is given an opportunity to give evidence in support of the allegations.
4. The VPAP will consider the skills and expertise necessary to conduct the investigation. The committee will include individuals who are without conflict of interest, whether real, potential or perceived.
5. Each committee member will self-examine for any real or apparent conflict of interest and will declare any conflicts of interest to the Chairperson (or VPAP if the Chairperson makes a declaration).
6. The decision of the Chairperson or VPAP regarding any conflicts of interest is final.
7. The committee must consist of a minimum of two individuals employed at the Polytechnic and at least one external member who has no current affiliation with the Polytechnic.
8. The committee will select a Chairperson from among its members.
9. The Chairperson will provide to the respondent written notice of the following:
  - a. details of the complaint being investigated;
  - b. a committee has been appointed to investigate the complaint in accordance with the Integrity in Research, Scholarly Activity, and Scholarship Policy and the Breach of Research Integrity Procedure;
  - c. the name of each committee member;
  - d. the request that the respondent immediately identify to the Chairperson if they have any objection to any member of the committee based on reasons of conflict of interest or other sources of potential bias;
  - e. the respondent will have an opportunity to respond to the complaint and may seek advice and representation in doing so;
  - f. the matter may be considered without the respondent's involvement for failure to respond; and

- g. applicable collective agreements and other Polytechnic policies or procedures that may be relevant.
- 10. The committee may
  - a. question witnesses, the respondent, and the complainant, in person, in writing or via phone, virtual conferencing, email, or, in urgent or extenuating circumstances, multiplatform message application;
  - b. review evidence; and
  - c. consult with relevant Polytechnic departments, taking into account confidentiality.
- 11. The committee will prepare an investigation report containing a decision supported by the majority of committee members. If the committee is unable to reach such consensus, the Chair will advise the VPAP.
- 12. In reporting to the SRCR, the Polytechnic's investigation report will omit
  - a. information that is not related specifically to agency funding and policies;
  - b. personal information about the respondent, or any other person, that is not material to the Polytechnic's findings and its report to the SRCR.
- 13. The investigation report will contain
  - a. a brief statement of the facts;
  - b. reference to specific allegations;
  - c. a summary of the process and key timelines in the investigation;
  - d. a summary of key evidence directly relating to each allegation, including any response from the respondent;
  - e. reference to the strength or weakness of the evidence;
  - f. a determination whether a breach is likely to have been committed, with reasons for the determination;
  - g. a description of any remedial measures to be taken, if applicable; and
  - h. a recommendation to the VPAP about what recourse the Polytechnic should take.
- 14. The VPAP will provide a copy of the investigation report to the respondent within ten days of receiving it from the committee.
- 15. Taking into account applicable privacy laws, the VPAP will provide to the complainant a summary of the investigation report including the decision reached by the investigation committee and any recourse to be taken, if applicable. A summary may also be provided to all such individuals the VPAP believes necessary to
  - a. decide upon and implement discipline, mitigation steps, or remedial measures;
  - b. protect or restore the reputation of the respondent for allegations determined to be unfounded;
  - c. comply with legal, regulatory or contractual requirements of any applicable funding agency or the SRCR;
  - d. outline the measures being taken to improve processes, including training, as a result of the allegation.

16. Subject to any applicable laws, including privacy laws, and section 12 of “Formal Investigation,” any summary or report that the Polytechnic provides to a funding agency or the SRCR will include the details set out this Procedure (section 13 of “Formal Investigation”).
17. Where an inquiry or investigation relates to activities funded by a Tri-Council Agency, the respondent, and the Polytechnic, may not enter into confidentiality agreements or other agreements that prevent the Polytechnic from reporting to the Agencies through the SRCR.
18. In cases where the source of funding is unclear, the SRCR reserves the right to request information and reports from the Polytechnic.

### ***Remedial Measures***

1. Taking into account the severity of the breach, the Polytechnic may make decisions regarding remedial measures in accordance with applicable collective agreements, policies, and applicable law.
2. The agencies may address an allegation of a breach of an agency policy on the part of the Polytechnic pursuant to an agreement between the agencies and the Polytechnic. The agreement may also address recourse that the agencies may exercise, commensurate with the severity of a confirmed breach.

### ***Records***

1. The VPAP retains an official record of materials generated during the investigation in accordance with the Polytechnic’s record management policies.
2. Any hard copy and electronic records generated, other than those that form the official record, will be destroyed.

### ***Review or Compliance Audit***

1. The Polytechnic may be subject to an Agency review, or compliance audit or require the Polytechnic to conduct an independent review or audit with respect to an institutional or funding agency policy breach.
2. The Agency will consider the investigation already planned, underway or completed by the Polytechnic. The Agency will also consider the investigation findings.

### ***Awareness and Education***

1. Subject to applicable laws, including privacy laws, the Polytechnic is responsible for:
  - a. promoting awareness of what constitutes the responsible conduct of research, including agency requirements and the consequences of failing to meet them, as well as the process for addressing allegations, to all those engaged in research activities at the Polytechnic;
  - b. communicating its policy on the responsible conduct of research within the Polytechnic, and posting annually on its website information on confirmed findings of breaches of its policy (e.g., the number and general nature of the breaches);

- c. reporting annually to the SRCR on the total number of allegations received involving agency funds, the number of confirmed breaches and the nature of those breaches; and
- d. communicating within the Polytechnic that the VPAP is the central point of contact responsible for receiving confidential enquiries, complaints and information about breaches of Agency policies.

### ***Appeals***

1. A respondent will make a written request for appeal to the VPAP within ten days of the respondent receiving the investigation report.
2. The VPAP will review the appeal and may consult with such others as they feel necessary.
3. The VPAP will either
  - a. allow the appeal and overturn the finding of a breach, or
  - b. dismiss the appeal and uphold the finding of a breach.and provide written reasons for the decision within ten days of the VPAP receiving the appeal request.
4. The VPAP's decision will be final.
5. Where the finding of a breach is overturned under section 3(a), the VPAP will provide written notice to the funding agency or the SRCR, as applicable.