



Senate Advisory Research Committee
Report to Senate – Meeting of January 29, 2009
Proposed Revisions to Queen's Code of Research Ethics Policy (1987)

Introduction

The Senate Advisory Research Committee (SARC) was asked to review the Queen's Code of Research Ethics policy (1987). SARC established a sub-committee, the Research Integrity Committee, for this purpose. The committee's mandate was to review and revise the Queen's Code of Research Ethics to ensure policy and procedures relating to research integrity at Queen's are compliant with the Tri-Council Memorandum of Understanding, consistent with related policies and agreements at Queen's (such as the QUFA collective agreement), encompass all those involved with research conducted under the auspices of Queen's University, and provide adequate procedures for managing allegations of misconduct in scientific or scholarly activities.

Review of the Issues

The Queen's community was notified through the *Gazette* in late 2006 of the sub-committee's intent to review and revise the Queen's Code of Research Ethics and feedback was invited. A similar notice regarding the revision of the policy was noted on the Research Services website throughout the review period. The sub-committee met in December 2006 and again in January 2007 to (a) review and discuss the Code of Research Ethics (b) identify the policies, documents and processes relevant to the revision and (c) determine the approach for revising the document.

Documents reviewed included the *Queen's University Faculty Association (QUFA) Collective Agreement*, policies and procedures at Queen's related to research and academic integrity, the *Tri-Council Memorandum of Understanding*, the *Tri-Council Policy Statement: Integrity in Research and Scholarship*, *Framework for Tri-Council Review of Institutional Policies Dealing with Integrity in Research* and policies addressing research integrity issues from other Canadian universities. The *Senate Academic Integrity Statement* and the *Senate Policy on Academic Integrity Procedures –Requirements of Faculties & Schools* were also reviewed. Dr. James Lee, the Academic Integrity Advisor to the Vice-Principal (Academic) provided significant contributions to the final drafts of the policy, promoting consistency where possible between the academic integrity policies and the Research Integrity Policy. Additionally, numerous consultations were held with various individuals involved with integrity or related university processes within the University, as well as with Legal Counsel for the University, Diane Kelly.

A draft of the policy suitable for distribution to the University community was finalized by the sub-committee and distributed to the community for comment in July 2008. Submissions were

accepted until September 30, 2008. The policy was also sent to the Tri-Councils for comment. Submissions received were reviewed by the committee and revisions to the policy were made. The draft policy finalized by the sub-committee was submitted to SARC and reviewed and approved (with agreed upon minor revisions) at the November 24, 2008 meeting.

Analysis and Discussion

Queen's University, as an institution receiving federal research funding from Tri-Council funding agencies (i.e., Social Sciences and Humanities Research Council, Natural Sciences and Engineering Research Council, Canadian Institutes of Health Research), is required to sign a Memorandum of Understanding with the Tri-Councils that binds the University to many requirements relating to research, including having a university-wide policy to address research integrity issues that is consistent with the *Tri-Council Policy Statement: Integrity in Research and Scholarship*. A comparison of Article 17 of the QUFA agreements (Fraud and Misconduct in Academic Research and Scholarly Activity) to the Tri-Council documents relating to research integrity indicated that the QUFA collective agreements contained the core components of a research integrity policy as defined by the Tri-Council. For this reason, and in order to have a policy as consistent as possible across members of the Queen's community, the expectations, definitions and procedures as outlined in the policy are substantially based on the collective agreement and in many instances use the specific language of the agreement.

The previous title, *The Code of Research Ethics* was revised to the *Senate Policy on Integrity in Research* to clearly identify the policy as a Senate policy, to better reflect the policy and procedural focus of the document, and to differentiate research integrity from the general field of research ethics which often refers to the activities governed by research ethics boards that review and approve research projects involving human subjects.

As the policy applies broadly across the Queen's community, although expectations, definitions and some procedures could be based upon the collective agreement, effort was made to ensure that when procedures would need to deviate based on the status of an individual within the University community that these were indicated. An important issue that was discussed and clarified throughout the process related to integrity issues involving students. It was clarified that integrity issues involving a student (graduate or undergraduate) relating to any course in which they are enrolled would be subject to the procedures followed by the Faculty or School offering the course.

The procedures for managing allegations of misconduct in research or scholarly activity have been substantially revised in comparison to the procedures in the existing Code of Research Ethics. In drafting the revised procedures, effort was made to ensure procedures are consistent with the Tri-Council expectations and applicable policies and agreements within the University. Timelines have been added to many of the procedures to ensure timely investigation and conclusion regarding integrity matters.

It was recognized during the review process that the Queen's University *Guidelines Concerning Publication of Research Results* (Approved by Senate November 23, 1972) required review and revision to address issues related to research integrity but not appropriate for the Research Integrity Policy. The SARC is in the process of establishing a sub-committee to review this policy. It was also recognized by the sub-committee that the University might benefit from a policy that would provide more specific protections and procedures for individuals who in good faith bring forward issues such as scientific or scholarly misconduct the University.

Conclusions/Recommendations

The Senate Advisory Research Committee recommends that the Senate approve the proposed Senate Policy on Integrity in Research.

Respectfully submitted

R. (Kerry) Rowe, Chair, SARC

SUBCOMMITTEE MEMBERS

- S. Marlin, Associate Vice-Principal (Research), Chair
- J. Deakin, Dean Graduate Studies, Ex Officio
- J. Brien, Professor, Pharmacology and Toxicology, Director of Research, FHS (replaced S. Ludwin in 2007), Ex Officio
- J. Stevenson, Professor, School of Kinesiology and Health Studies, Chair – General Research Ethics Board, Arts and Science Representative
- C. MacDougall, Assistant Professor, Civil Engineering, Applied Science Representative
- L. Winn, Assistant Professor, Pharmacology and Toxicology, Faculty of Health Sciences Representative
- M. Heroux, (past) & Mark Rosner (present), VP (External) Society of Graduate and Professional Students, Graduate Student Representative
- C. Sumbler, AMS Academic Affairs Commissioner (past); Assistant, Academic Integrity and Special Projects (present), Undergraduate Student Representative
- V. Singh, President, Postdoctoral Fellows Association, Postdoctoral Fellows Representative

QUEEN'S UNIVERSITY

SENATE POLICY ON INTEGRITY IN RESEARCH

Draft Date: January 14, 2009

Approved by the Senate _____

[Supersedes "A Code of Research Ethics] approved by Senate in October 1987]

1. INTRODUCTION

Academic integrity is an expectation fundamental to the mission of the university, whether it be in teaching or in research. The Senate Academic Integrity Statement¹, adopted in 2006, recognizes the university's commitment to upholding integrity in all scholarly work. Queen's University Senate Policy on Integrity in Research is respectful of the five core fundamental values defined in the Senate Academic Integrity Statement: honesty, trust, fairness, respect and responsibility.

Queen's University Senate Policy on Integrity in Research (hereinafter referred to as the 'Policy') outlines the expectations of members of the Queen's community with respect to the conduct of research and scholarly activities in a manner consistent with the highest standards of ethical and scientific practice. The Policy documents the University's expectations in this regard, defines misconduct in research or scholarly activities and outlines procedures to be followed when it is suspected.

The responsibilities of all members of the Queen's community include not only fulfilling the integrity expectations of this Policy, but also reporting suspected misconduct according to the procedures defined. The responsibilities of the University include promoting integrity in research and scholarship, investigating allegations of misconduct, imposing appropriate sanctions if misconduct has occurred and reporting cases of misconduct appropriately.

2. JURISDICTION

The Policy applies to those participating in research or scholarly activities at or under the aegis of Queen's University. This includes faculty (including term adjuncts, emeritus, and visiting professors), administrators, postdoctoral fellows, staff and students (including undergraduate, graduate and professional students).

A student involved in an integrity issue relating to research and associated with a course in which they are enrolled shall be subject to the procedures followed by the Faculty or School offering the course. However, if a student is involved in an integrity issue relating to research funded by a Tri-Council agency, the Tri-Council will be informed according to Section 8 below.

¹ Academic Integrity Policy Statement; Approved by Senate January 26, 2006;
<http://www.queensu.ca/secretariat/senate/policies/AcadInteg.html>

The Policy has been written to be consistent with, and complementary to, existing University policies and agreements addressing related research ethics and integrity issues. It is meant to be used in conjunction with, not as a replacement for, existing University procedures or agreements. If there is a conflict between this Policy and provisions of a collective agreement the agreement will prevail.

The Policy has also been written to be consistent with the *Tri-Council Policy Statement: Integrity in Research and Scholarship*. This is a requirement of all institutions in Canada that have signed the Memorandum of Understanding with the Tri-Council funding agencies.

The collective agreements between Queen's University and the Faculty Association² contain the core components of a scientific integrity policy as defined by the *Tri-Council Statement: Integrity in Research* and the general expectations of the University. For these reasons and in order to have a policy that is as consistent as possible across members of the Queen's community, the expectations, definitions and procedures outlined in this Policy are substantially based on these agreements and in many instances use the specific language in the agreements.

If an allegation of misconduct involves research supported by the Public Health Service (PHS) of the United States Department of Health and Human Services, the PHS policies on research misconduct as outlined in the US Federal Code of Regulations (42 CFR Part 93) will be consulted and followed to the extent possible. This Policy will prevail when its requirements are more stringent than the US Code. Existing agreements at Queen's (e.g. collective agreements) or applicable Canadian legislation (e.g. Freedom of Information and Protection of Privacy Act) will prevail when there is a conflict with the US Code or other external policies or regulations of funding agencies or other jurisdictions which are relevant to integrity issues at Queen's University.

3. EXPECTATIONS

It is expected that members of the Queen's University community will pursue research and scholarship activities in a manner that is consistent with the highest standards of ethical and scientific practice.

All members of the Queen's University community who are involved in the conduct of research are expected to:

- a. Adhere to all University ethics policies and meet the recognized ethical standards of the national granting councils, including ethical guidelines for working with animal or human subjects.
- b. Deal fairly with colleagues and students.
- c. Carry out research in an honest search for knowledge.
- d. Base findings upon a critical appraisal and interpretation according to scientific, scholarly and/or creative principles appropriate to the particular discipline or area.

² 2008-20011 FLABU, 2008-20011 SABU

- e. Make results of work accessible to the scholarly community and general public through the submission for publication, conferences, lectures, public performance and/or other appropriate means.
- f. Indicate affiliation with Queen's or other institutions as appropriate and properly attribute contributions of others.
- g. Retain research records within their personal control for a minimum of 5 years from the date of publication or other form of presentation (if appropriate for the data format), or longer if mandated by a legal requirement or an applicable funding or oversight agency. An exception to this would be when for anonymity purposes destruction of data has been approved by a Research Ethics Board at Queen's University.

Original data are normally stored in the laboratory or department of the principal investigator. In the case of collaborative research all those involved in the conduct of the research (including supervisors and students) will have access to the data. Such access may be restricted only when a request to do so is made in writing to and approved by the Vice-Principal (Research).

4. MISCONDUCT IN RESEARCH OR SCHOLARLY ACTIVITY

Misconduct in research or scholarly activity may include, but is not limited to, one or more of the following:

- a. Fabrication³ or falsification⁴ of research data or source material
- b. Plagiarism⁵
- c. Failure to appropriately recognize contributions of others; using unpublished material of others without permission; use of archival materials in violations of the rules of the archival source
- d. Failure to obtain permission of the author before using information gained through access to manuscripts or grant applications during a peer- review process
- e. Attribution of authorship to persons other than those who have contributed sufficiently to take responsibility for intellectual content
- f. Submission for publication of articles published elsewhere excepted where clearly indicated to be a republication
- g. Failure to meet relevant legal requirements for protecting researchers, human subjects, the health and safety of the public, or the welfare of lab animals
- h. Failure to meet relevant legal requirements that relate to the conduct or reporting of research and scholarly activity amount to misconduct in research

³ Definition: Making up data, results or findings and recording or reporting them (based on U.S. Office of Research Integrity definition)

⁴ Definition: Manipulating research materials, equipment or processes or changing or omitting data, findings or results such that the research is not accurately represented in the research record (based on U.S. Office of Research Integrity definition)

⁵ Definition: Appropriation of another person's ideas, processes, results or words as one's own (based on U.S. Office of Research Integrity definition)

- i. Failure to reveal conflicts of interest to the University, sponsors, commissioners of work, or when reviewing research grant applications or manuscripts for publication or to test products for sale or for distribution to the public
- j. Financial misconduct involving research funds including the misuse or misappropriation of research funds
- k. Failure to inform co-workers in a timely manner of experimental findings and developments
- l. Failure to disclose conflict or appearance of conflict of interest

Honest error, conflicting data or differences in interpretation of data, or differences in assessment of experimental design or practice do not constitute fraud or misconduct.

5. REPORTING ALLEGATIONS OF MISCONDUCT IN RESEARCH OR SCHOLARLY ACTIVITY

If a member of the Queen's community has reasonable grounds to suspect misconduct in research or scholarly activity it is expected that the member will bring forward an allegation promptly. In cases where a member of the community is unclear whether an activity or activities may constitute misconduct under this Policy the member may contact the Office of the Vice-Principal (Research) to request a referral to an advisor who will provide confidential advice regarding the matter. The advisor will be appointed by the Vice-Principal (Research) and will normally be a senior faculty member of the University with significant understanding of Queen's integrity policies and procedures.

Allegations of misconduct can come from members of the Queen's community or sources external to Queen's and must be reported to the Principal in writing, with evidence, and be signed and dated. Any administrator or other member of the Queen's community who receives an allegation must refer it to the Principal.

Allegations of misconduct received by the Principal and related to undergraduate or graduate students will be reported to the appropriate Dean to determine if the alleged misconduct is related to course work and therefore should be addressed by different processes such as those under the jurisdiction of the *Senate Policy on Academic Integrity Procedures – Requirements of Faculties and Schools*.

The University will undertake appropriate measures to support individuals who have made allegations in good faith as well as others involved in an inquiry, such as witnesses.

The University will take action against those who make unfounded allegations of fraud or misconduct that are reckless, malicious or not in good faith.

6. INVESTIGATION OF ALLEGATIONS

The University has the onus of establishing misconduct and requires objective evidence to do so. The Principal will normally delegate the review and investigation of allegations to the Vice-Principal (Research).

If the Vice-Principal (Research) reasonably believes a situation may exist that would fall under the jurisdiction of the Policy the procedures outlined in the following sections will apply.

If the alleged misconduct involves collaborative research conducted at multiple institutions the following procedures may need to be modified to facilitate joint or parallel investigation processes.

- a. The Vice-Principal (Research) shall inform the individual submitting the allegation (hereinafter referred to as the `complainant`) that the allegation has been received and will be investigated in accordance with the procedures outlined in the Policy. The Vice-Principal (Research) may request additional information from the complainant.
- b. The Vice-Principal (Research) shall within 15 working days of receipt of the allegation advise the subject of the allegation (hereinafter referred to as the `respondent`) in writing of the nature and substance of the allegation and scope of the investigation, inviting the respondent to respond by meeting with the Vice-Principal (Research) or submission of materials or both. The Vice-Principal (Research) will instruct the respondent to retain all materials relevant to the allegation until further notice.
- c. The respondent must respond within 20 working days of the date of notification by the Vice-Principal (Research). The Vice-Principal (Research) may provide suggestions of evidence to be submitted and issues to be addressed which might expedite, simplify or render an investigation unnecessary. The respondent is responsible for providing the Vice-Principal (Research) access only to research and scholarly activity materials that are in her or his possession, power or control but not to materials that are publicly available. Based on the response and evidence provided by the respondent the Vice-Principal (Research) will decide, and inform the respondent and complainant in writing, that either:
 - i. There is sufficient evidence to indicate a situation may exist that would constitute misconduct and a full investigation is necessary or
 - ii. There is insufficient evidence to warrant proceeding with an investigation. In this case all documents shall be removed from the official record of the respondent and destroyed.
- d. If a full investigation is deemed necessary by the Vice-Principal (Research), the responsibility for the investigation will be delegated to an “Investigative Committee”. Members of the Investigative Committee shall be appointed by the Vice-Principal (Research) and shall normally include:
 - i. A member of senior administration familiar with research-related policies (Chair)
 - ii. A Dean or Associate Dean from the respective Faculty or School of the respondent
 - iii. Two faculty members from Departments outside of the Department of the respondent (at least one of which is outside the Faculty of the respondent)

- iv. A member of the Queen's community with legal expertise
- v. For respondents who are not faculty, a member with the same appointment status as the respondent (eg. staff member, post doctoral fellow, student)

Emeritus faculty are eligible to serve on the Committee. If additional expertise is required on the Investigative Committee the Chair may appoint up to two additional members from within or outside the University. These members, as all others, must have no conflicting interests with the complainant or member being investigated.

The respondent shall have the opportunity to review the membership of the Investigative Committee and to comment on any members who may have a conflict of interest.

- e. The Investigative Committee will review the allegation from the complainant, the response from the respondent and evidence or materials submitted. Subsequently the Committee shall identify additional records that need to be obtained in order to complete the investigation. The respondent will be given access to all materials received from the complainant and otherwise concerning the allegation. The Chair will ensure a record is made of all documentation collected and reviewed by the Committee.
- f. The Committee will invite the respondent and the complainant to appear separately before the Committee to be heard and to provide evidence. The respondent and the complainant may be accompanied by an advisor of their choosing. The name and position of an advisor should be provided to the Committee Chair at least 3 working days prior to any meeting. If the advisor is legal counsel, five days notice must be provided.
- g. The Committee may call witnesses to appear before it. The Committee will prepare a fairly detailed report of the testimony of the complainant and any witnesses which will be forwarded to the respondent. The respondent will have 10 days to respond to the information in the report either orally or in writing.
- h. The Investigative Committee will prepare a written report of their investigation and submit it to the Vice-Principal (Research) within 90 working days of receipt of the allegation. The report will list the documents reviewed, summarize content of interviews conducted, and include key considerations and a finding with regard to whether misconduct has occurred. The report of the Investigative Committee may also contain recommendations for the review of other work of the respondent.
- i. The Investigative Committee will normally decide on a finding by consensus. If consensus cannot be reached, Committee members, with the exception of the Chair, will vote. The finding will be according to the decision of the majority. In the case of a tie the Chair will make the final decision.
- j. The respondent and the complainant will be provided with a copy of the report to review for factual errors. Requested revisions must be submitted to the Vice-Principal (Research) within 10 working days and these will be forwarded to the

Committee for consideration. A final report will be submitted to the Vice-Principal (Research) within 10 working days of receipt of the revisions.

- k. The finding of the Investigative Committee regarding misconduct is binding (unless successfully appealed according to the grounds noted in Section 8). The Vice-Principal (Research) will provide the respondent and the complainant with a copy of the final report within 10 working days of receipt of the final report.
- l. Sanctions associated with a finding of misconduct will be applied according to an applicable collective agreement if one exists for the respondent. If a collective agreement does not exist for a non-student respondent, disciplinary measures will be defined by the Vice-Principal (Research). In the case of staff, findings regarding disciplinary measures will be made in consultation with the Vice-Principal (Human Resources). In the case of students, sanctions will be determined by the Faculty Board responsible for the student.
- m. If any of the timelines defined above cannot be met the Vice-Principal (Research) must be informed and approve a revised timeline. In cases where significant delay is expected the respondent and the complainant will be informed.

7. APPEALS/GRIEVANCES

Acceptable grounds for an appeal or grievance with regard to a finding of misconduct and the disciplinary measures is unfairness in process or an unreasonable finding. If the respondent is a member of an association with a collective agreement the appeal/grievance procedures of the agreement should be followed. If the respondent is a student the *Queen's University Senate Policy on Student Appeals, Rights and Discipline* should be followed. If the respondent is not a member of an association with a collective agreement or a student, an appeal must be submitted to the Vice-Principal (Academic) normally within 15 working days of notification of the finding and sanctions.

8. REPORTING

- a. If there is a finding of misconduct, the report and letter indicating sanctions will be forwarded to the Principal and the Administrative Heads of the respondent's unit (e.g. Department Head and Dean).

If the research is funded by an outside agency or has been published or submitted for publication, the Vice-Principal (Research) will normally inform the agency or publisher concerned within 30 days of the inquiry/investigation. In the case of externally funded research, access to the research funding by the member will be suspended until further instruction from the funding agency is provided.

- b. If an allegation of misconduct was not supported the University shall protect the reputation and credibility of members wrongfully accused including written notification of findings to all agencies, publishers, or individuals who are known by the University to have been informed of the allegation or investigation.

- c. Annually, in December, a general summary report regarding internal complaints will be forwarded to the appropriate Tri-Council as required by the *Tri-Council Memorandum of Understanding*. For cases where complaints were submitted but findings not confirmed the report will be general and anonymous in nature. In the event that one of the Councils initiates a request for an inquiry/investigation, a comprehensive report of the process and findings will be submitted to the Council within 30 days of the inquiry/investigation.

9. PRIVACY AND PROTECTIONS

The University will take reasonable steps to maintain confidentiality of the investigative process, records and findings until sanctions are decided. Records concerning allegations and investigations will be kept by the Office of the Vice-Principal (Research). Personal information will be protected according to the *Freedom of Information and Protection of Privacy Act*.

If an allegation of misconduct is not supported the University will remove and destroy all documentation concerning the allegation from the respondent's official file.

The University will take reasonable steps to protect complainants who make allegations in good faith or whom it calls at witnesses. It is expected by the University that no member of the Queen's community will retaliate against a person making allegations in good faith. If retaliation is suspected it should be reported to the Vice-Principal (Research).

10. EDUCATION

Queen's University is committed to ensuring the Senate Policy on Integrity in Research and the principles contained herein are promoted throughout the research community. The Policy will be introduced at new faculty and graduate student orientation sessions each year and will be referenced in letters of appointment to all new research contract staff. The Policy will be posted on the Research and Senate Policy websites at Queen's. At a minimum a general education session regarding the Policy, which is in addition to the session at new faculty orientation, will be held annually and will be open to all members of the Queen's community.
