



## **RESPONSIBLE CONDUCT OF RESEARCH**

### **Applied Research and Innovation – Procedure 11.2**

#### **GENERAL STATEMENT**

Lakeland College is committed to ethical conduct in all its scholarship and research initiatives. This requires careful supervision of research, including that conducted by students, competent use of methods, adherence to ethical standards of the discipline; and the refusal to engage in or condone instances of fraud or misconduct. Academic dishonesty of any kind is not condoned and may be subject to disciplinary action.

This document sets out the Lakeland College policy on integrity in research including authorship, acquisition, storage, ownership and disposition of data, confidentiality, and research supervision. The definitions, principles and guidelines included in this procedure are intended to provide direction in the establishment of practices for maintenance of high standards of integrity in research and scholarship.

The Vice President, Academic, with support of the Applied Research Office, has responsibility for the interpretation and implementation of this Procedure.

This Procedure applies to any person conducting research under the auspices of Lakeland College.

#### **GUIDELINES**

Any researcher acting under the auspices of Lakeland College shall:

- Display intellectual integrity, conducting research with honesty and integrity ensuring intellectual competence in research.
- Utilize resources efficiently and honestly, ensuring good value for the use of such resource.
- Utilize of grant monies as outlined in grant agreements; respecting all requirements and guidelines in agreements for funds provided by funding organizations.
- Follow other College Procedures especially those related to research including ensuring requirement for research involving human participants, animals, or biohazards are adhered to.

#### **1.0 Conflict of Interest**

The College encourages the use of skills and expertise in support of the community at large. This may lead to positions of conflict of interest. Conflicts of Interest typically occur when the interest of the Researcher and the interests of the College or research sponsor are in conflict. While it is impossible to document all situations in which conflict of interest may occur, some examples are when Researchers:

- accept material or financial benefit from a non-College organization for favoring or promoting that organization by virtue of their College position;
- accept an executive appointment, employment or shares in any non-College organization which might reasonably expect them to disclose confidential or proprietary information to which they have access by virtue of their College appointments; or
- undertake to influence College business to advantage the interests of a family member or friend.

### 1.1 Disclosure

The onus is upon the Researcher to disclose all actual and potential conflicts of interest. Such disclosure should be in writing and directed to the Applied Research Office.

### 1.2 Resolution

1.2.1 If conflict of interest is identified following disclosure, the Researcher, in consultation with the Applied Research Office, should try to develop a plan to manage the conflict.

1.2.2 In the event that a Researcher is dissatisfied with the position taken by the Applied Research Office with respect to the proposed arrangements for management of the conflict of interest, the matter will be adjudicated by the appropriate Vice-President Academic, Research & Innovation.

## 2.0 Misconduct in Research and Other Intellectual Activities

The following are examples of failure to respect the principles of integrity in research and scholarly activity. Research Misconduct is not limited to the examples given here – they are provided for illustrative purposes only:

- falsification, distortion, or fabrication of data;
- use of funds for purposes other than those for which they are granted, taking into account the freedom of action which may be permitted by the granting agency;
- plagiarism, theft of ideas, or appropriation of another's work;
- failure to recognize adequately the contribution of a co-researcher or of another person who has collaborated on research or who has contributed substantially to its conduct;
- any measure taken to block the work of other researchers;
- complicity in the misconduct of others;
- abuse of power in research activities affecting collaborators, students, members of the College community or others;
- bias in the evaluation of grant applications, publications, or candidacies; or in giving expert testimony or advice in regulatory matters, or in court cases; and
- material failure to comply with relevant statutes or regulations for the protection of researchers, human subjects/participants, or the health and safety of the public, or for the welfare of laboratory animals, or material failure to meet other relevant legal requirements that relate to the conduct of research.

## 3. Authorship

3.1 Authorship must be attributed to any persons who make a significant scholarly contribution to the work.

3.2 The criterion for co-authorship of a manuscript or other publication arising from research is that the co-author has made a significant intellectual or practical contribution to the publication. This policy should be discussed with all research personnel including students, and technical personnel as early as practical in the course of any research project. The concept of "honorary authorship" is unacceptable.

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- 3.3 Where appropriate, one author should be identified as being responsible for the validity of the entire manuscript or authored object. Normally this would be the principal investigator or the corresponding author.
- 3.4 All public and private funding sources, and other significant support or contribution should be acknowledged in the resulting publications.

#### 4. Data

- 4.1 "Data" as used here includes the methods used to obtain results, the actual results themselves, and the analysis and interpretations made by researchers of those results.
- 4.2 Regardless of ownership of copyright, if any, in data; and subject to exceptions based on a duty of confidentiality or other acceptable and previously agreed reasons; after publications based on data are released, the data must be made available to any party presenting a reasonable request to examine data.
- 4.3 Subject to exceptions based on promises to destroy data to ensure anonymity all original data must be retained for a reasonable time. Normally a minimum of 5 years should be considered.
- 4.4 Data should be accessible to all collaborators on a research project at all times unless specifically restricted under the terms of a research funding agreement with a third party, or for reasons of confidentiality. In such cases the data must be made available to all collaborators in sufficiently detailed form to enable them to verify to their own satisfaction the evidence and analysis on which conclusions are based, and the reasonableness of the conclusions.

### 5.0 Reporting and Addressing Research Misconduct

#### 5.1 General

- 5.1.1 All time limits in these procedures may be extended at the discretion of the Vice President Academic, for good reason(s). A formal record shall be kept of the reason(s) for any extension of time. The Respondent will be advised of both the extension of time and the rationale.
- 5.1.2 Lakeland College is responsible for receiving, investigating, documenting and judging, within an established time period, allegations of misconduct involving research conducted under its auspices.
- 5.1.3 Allegations of misconduct may involve past or present grantees, researchers, scholars, trainees, assistants, employees, students, or others working in research enterprises, as well as private individuals, organizations and partners involved in collaborative research projects. The procedures below apply to all allegations and complaints of misconduct against any person holding an appointment or position administered by or related to Lakeland College, and also apply with such variations as are necessary to complaints against others conducting research under the auspices of Lakeland College. Allegations against students are governed by the College's policies dealing student rights and responsibilities and student discipline.
- 5.1.4 Lakeland College will engage mechanisms consistent with due process and natural justice, and thus as further described below will:
  - a) allow accused persons full opportunity to respond to allegations;
  - b) provide an opportunity for the persons making the allegation to comment on the findings of the inquiry and the investigation, and ensure that any comments they make become part of the record;

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- c) report the results of the investigation to both the accused persons and the persons making the allegation;
- d) report the results to the federal granting Agencies according to Tri-council policy guidelines; and
- e) inform the accused persons of any actions or sanctions that have been decided on as a result of the investigation.

## 5.2 Protection of Interests

5.2.1 Whatever their source, motivation or accuracy, allegations of misconduct have the potential to harm the persons accused, the persons making the allegation, Lakeland College, and research and scholarship in general. Therefore, at any stage of an investigation, the Vice President, Academic is responsible for promptly notifying the Councils and Granting Agencies funding the scholarly activity in the event of:

- a) an immediate need to protect:
  - funds or equipment,
  - the interests of the person making the allegation,
  - the interests the persons accused,
  - the interests of research participants, or
  - the interests of the co-investigators and associates.
- b) reasonable indication of a possible criminal violation (in which case the funding Councils and/or Granting Agencies must be informed within seven (7) working days of the College receiving the information); or
- c) the likelihood that the alleged incident will be reported publicly.

5.2.2 As far as reasonable, and given the need for due process in conducting investigations, the Vice President, Academic is responsible for protecting:

- a) the privacy of the person(s) accused and of the person(s) making the allegations;
- b) person(s) deemed to have made responsible allegations;
- c) person(s) who have cooperated with institutional investigations; and
- d) person(s) who have alleged that Lakeland College has inadequately responded to an allegation of misconduct.

5.2.3 If charges of misconduct have been dismissed, the Vice President, Academic will extend efforts to protect or restore the reputation or credibility of any person(s) wrongly accused or implicated, by:

- a) ensuring that copies of documents and related files provided to third parties have been destroyed;
- b) ensuring that all references to the allegation of misconduct are expunged from the personnel files of persons wrongly accused;
- c) ensuring that all persons who have been interviewed or otherwise informed of the charges are notified in writing that the charges have been dropped; and

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- d) consulting those wrongly accused regarding actions that might be taken on their behalf to restore their reputations, such as publicizing the final outcome in forums in which allegations may have previously been published.
- 5.2.4 Persons identified in cases of misconduct are reciprocally obliged to maintain confidentiality and to cooperate with the proceedings of an inquiry or investigation.
- 5.2.5 Anyone implicated in an investigation of an integrity case cannot be guaranteed anonymity should that case be brought to court. Certain portions of the documentation dealing with an allegation of misconduct may be accessible to third parties according to applicable access and privacy legislation.
- 5.2.6 It is expected that every precaution be taken by any person to ensure that an allegation does not taint a researcher's reputation, until misconduct is proven. All persons who receive or learn of an allegation of research and/or scholarly misconduct are enjoined to protect, to the maximum extent possible, the privacy of the persons accused, the persons making the allegation, and any other affected individuals. Discussion on any cases should therefore be restricted to those who need to know the details in order to determine whether there is cause for further action.
- 5.2.7 The Vice President, Academic is responsible for ensuring administrative consistency in all cases of alleged misconduct in order to protect both the integrity of the adjudication processes and the individuals implicated in a case.
- 5.2.8 Accused persons, as well as the informants and witnesses affected by inquiries and investigations are all entitled to fundamental fairness throughout the proceedings. Whatever the outcome, the Vice President, Academic shall take all reasonable steps to mitigate the consequences of the process for individuals who have been unintentionally adversely affected by it.

### 5.3 Reporting Procedures

Allegations of research and scholarly misconduct may arise from anonymous or identified sources within or outside the College; the allegations may be well founded, honestly erroneous or mischievous. Whatever their source, motivation or accuracy, such allegations have the potential to cause great harm to the persons accused, to the accuser, to the College, and to research and scholarship in general.

- 5.3.1 All faculty researchers, students, research assistants and employees have an obligation to report to the Vice President, Academic any circumstances which they believe involve a breach of this Lakeland College Procedure. Complaints received by other individuals or administrators must be channeled to the Vice President, Academic.
- 5.3.2 The Vice President, Academic will take reasonable steps to protect against retribution or coercion of individuals who report misconduct.
- 5.3.3 A formal complaint must be made in writing; signed and dated before the Vice President, Academic takes any steps against the individual whose conduct is the subject of allegations of misconduct. A complaint may be formulated by any person who has reviewed the relevant information.
- 5.3.4 A complaint in writing will contain sufficient detail to enable the Respondent to understand the matter under review. The complaint will identify the person(s) who made the allegations if the Vice President, Academic deems that the identification is necessary to evaluate the evidence in the complaint. However, no such person will be identified unless that person has expressly so agreed.

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- 5.3.5 Anonymous allegations will not normally be considered. However, if the evidence is compelling, the Vice President, Academic may elect to initiate a preliminary investigation.
- 5.3.6 Upon receipt of a written complaint, the Vice President, Academic shall conduct a preliminary review of the complaint, seeking information from relevant sources. Within five (5) working days of receiving the complaint, the Vice President, Academic shall discuss the nature of the complaint with the Respondent. The Respondent shall be informed of his or her right to have a third party present at this meeting (and any future meetings).
- 5.3.7 The Vice President, Academic may attempt to resolve complaints that do not warrant an investigation (e.g. carelessness) by meeting with the relevant parties and providing a decision in writing. The complaint will be considered resolved through an informal process when the Complainant and the Respondent confirm that it has been resolved to their satisfaction (resolution, in this context, implies that the complaint is withdrawn and the Complainant and the Respondent unreservedly accept any additional resolution matters).
- 5.3.8 The Vice President, Academic may, at her or his discretion, determine that the complaint is without foundation and dismiss the complaint. The Vice President, Academic will immediately notify the Complainant and Respondent, providing written justification of the decision. The Complainant may appeal the dismissal of the complaint, in writing, to the Vice President, Academic, whose decision regarding complaint dismissal is final.
- 5.3.9 If the Vice President, Academic is unable to resolve the complaint and determines that an investigation is warranted, he or she will refer the complaint to a committee for investigation within ten (10) working days of the receipt of the complaint.

#### 5.4 Investigation Procedures

- 5.4.1 When referring the complaint to a committee the Vice President, Academic shall appoint committee members to conduct an investigation, shall advise the Respondent of the composition of the Committee, and shall also advise any person who is identified in the written complaint or who was identified to the Respondent during the preliminary investigation of the complaint. The committee shall be appointed and individuals notified within ten (10) working days of the receipt of the complaint.
- 5.4.2 The Committee to conduct an investigation will consist of three (3) independent persons with relevant experience in the area of research and scholarship involved in a particular case. At least one person external to the College shall be appointed. In addition, the Respondent or Committee may request that a representative of the Executive of the Faculty Association of Lakeland College be present as a participating but non-voting member of the Committee to conduct an investigation, provided this individual is not in any conflict of interest situation with either the Respondent or the Complainant.
- 5.4.3 The Complainant and Respondent will be given an opportunity to comment on the composition of the Committee to conduct an investigation and any objection shall be made to the Vice President, Academic within seven (7) working days. The Vice President, Academic's disposition of any such objection will be final.
- 5.4.4 The Committee will oversee the process of gathering information and conducting interviews with relevant parties. All interviews will be documented. The privacy of all individuals will be protected according to applicable privacy laws. Proceedings will be recorded and held confidential to the parties involved in the dispute process and determination, under the jurisdiction of the Office of the Vice President, Academic. Reports and records will be kept by the Vice President, Academic for five years from the date the final decision is communicated and access to these records will be by application to the Vice President, Academic. Access to the information shall comply with applicable access and privacy legislation. The Investigation Committee shall invite the Respondent, accompanied by an advisor if the Respondent so desires, to address it and make submissions in writing prior to its seeking or obtaining any other information or submissions. Thereafter, the

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Respondent may attend other meetings of the Committee only by invitation of the Chair until the Committee has received all the information or submissions it deems appropriate.

- 5.4.5 To conduct an investigation, the Committee shall provide the opportunity for a person who made an allegation leading to the complaint, accompanied by an advisor, if desired, to address it in person or in writing. If that person chooses to participate in the process and to be kept informed of the status of the investigation, the Committee may comply with the request. Moreover, if that person chooses to participate in the process, that individual will also agree to respect the confidentiality of the process.
- 5.4.6 Prior to making its decision, the Committee shall advise the Respondent in sufficient detail of the evidence being considered by the Committee and shall invite the Respondent and advisor, if desired, to meet with it and respond to that evidence orally and/or in writing.
- 5.4.7 Prior to receiving evidence from any person not already identified in the complaint in writing or identified to the Respondent during the preliminary investigation, the Committee shall advise that person that it may be necessary in the interests of justice to reveal that person's identity to the Respondent.
- 5.4.8 Within ninety (90) calendar days of being appointed, the Committee shall complete its investigation and shall report its reasoned decision in writing to the Vice President, Academic. That reasoned decision will at all times be the confidential property of the Vice President, Academic. The Chair of the Committee shall also send a copy of the reasoned decision to the Respondent and the Complainant at the same time as it is forwarded to the Vice President, Academic.
- 5.4.9 The Committee's reasoned decision (hereafter deemed an investigation report) shall include:
- a) a description of the allegations investigated;
  - b) a list of the individuals responsible for conducting the investigation;
  - c) a review of the steps taken to prevent real or apparent conflicts of interest in the investigation;
  - d) the methods and procedures used to gather information and to evaluate the allegation;
  - e) a summary of the records compiled;
  - f) the conclusions of the investigation; and
  - g) a description and explanation of any sanctions recommended.
- 5.4.10 The Committee is authorized to make decisions regarding misconduct, and their reasoned decision will be binding on the College, Respondent and Complainant.
- 5.4.11 The Vice President, Academic will advise the President and any person identified to the Respondent of the complaint's outcome. No person shall use any of the reasoned decision or outcome information for any purpose other than for these procedures or for a related purpose.
- 5.4.12 If the investigation was requested by a Granting Council or Funding Agency, the Chair of the Committee shall send a full copy of the investigation report to the Granting Council or Funding Agency within thirty (30) days of the conclusion of the investigation, whether or not misconduct is concluded to have occurred.

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- 5.4.13 If the investigation was initiated within Lakeland College, and the Committee concludes that misconduct has occurred in research funded by a Granting Council or Funding Agency, the Chair of the Committee shall send a full copy of the investigation report to the Granting Council or Funding Agency within thirty (30) days of the conclusion of the investigation.
- 5.4.14 Funding Councils and/or Granting Agencies will have an opportunity to review the investigation report in order to ensure that the process is consistent with the College's integrity policy, and to determine whether the findings and conclusions of the investigation are based on solid evidence and reasonable arguments.
- 5.4.15 On reviewing the report, funding Councils and/or Granting Agencies may request clarification or additional information or a subsequent follow-up to ascertain whether the recommendations contained in the investigation report have been implemented.
- 5.4.16 Should the report continue to be deemed unsatisfactory, funding Councils and/or Granting Agencies may request that the College conduct a further investigation, either with the same or a different investigation committee. If the final report of this continued or new investigation fails to confirm misconduct, the case will be closed and all information pertaining to the case shall be destroyed.
- 5.4.17 Where misconduct is confirmed, the Vice President, Academic shall be responsible for the protection of agency funding by informing the appropriate personnel to withhold any payments or disbursements of Agency funds, if such action is deemed appropriate.
- 5.4.18 Whenever an investigation concludes that misconduct warranting dismissal is substantiated, appropriate arrangements will be made to ensure that all other scholarly activity previously undertaken by the Respondent at Lakeland College is evaluated to determine its integrity.

## 5.5 Appeal Procedures

The Respondent or Complainant may submit a written appeal to the Vice President, Academic within one (1) week of the communication of the decision of the Committee. The Vice President, Academic shall review the written appeal and the final report of the Committee, and render a decision within five (5) business days of the receipt of the appeal. The decision of the Vice President, Academic will be final and binding.

## 5.6 Definitions

- Advisor** - is any person selected by a Respondent.
- Allegation** - is information in any form forwarded to the Vice President, Academic relating to possible misconduct in research or scholarly activity.
- Complaint** - is a written, signed allegation of misconduct forwarded to the Vice President, Academic containing sufficient detail to enable the Respondent to understand the allegations.
- Complainant** - is an individual who signed a written Complaint.

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- Investigation** - is a formal examination and evaluation of relevant facts to determine whether misconduct has occurred, and if so, to assess its gravity and propose subsequent action.
- Respondent** - is a person in respect of whom the Vice President, Academic has received information relating to possible misconduct in research or scholarly activity.
- Researcher** - is any person conducting research under the auspices of Lakeland College.
- Tri-Council** - the Natural Sciences and Engineering Research Council (NSERC), the Social Sciences and Humanities Research Council (SSHRC) and the Canadian Institutes of Health Research (CIHR).

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