

*The UNIVERSITY of WESTERN ONTARIO*  
**POLICIES and PROCEDURES**

## **7.0 POLICY AND PROCEDURES FOR THE CONDUCT OF RESEARCH**

Classification: Research

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### **PREFACE**

- 1.00 This statement of policy reaffirms the traditional standards for the proper conduct of research and scholarship at the University. As such, it applies to faculty (including all part-time and adjunct appointees), staff, students, and other personnel in training.
- 2.00 The primary responsibility for high standards in the conduct of research rests with the researchers themselves. However, there are several kinds of reasons why it is appropriate to define, promulgate, and enforce a code of behaviour for the proper conduct of research. First, the University has an obligation to ensure as far as possible that research is conducted ethically and morally. Second, the societal complexities of modern research are increasingly falling under various aspects of the law. Especially given the investment of resources required for much modern research, it would be irresponsible not to monitor research from a legal point of view. Third, the best interests of individuals are served by their conducting research in such a way that, in recognizing the rights of others, they can expect others to recognize theirs.

No one can expect to receive credit for research, for example, or to benefit from the system that makes significant research possible, unless one upholds the standards of that system and the rights of others within that system. An analogous case can be made at the institutional level. In order to participate in the extramural research community and to enjoy the support of that participation, the University must demonstrate its willingness to conduct its research according to a code of proper behaviour. This document articulates this code of behaviour while it respects the right of university scholars and researchers to conduct their research freely.

- 3.00 All university personnel should be aware of issues related to the responsible conduct of research and their broader societal implications. Thus, each department, unit, and laboratory has an obligation to inform personnel of these guidelines and to encourage education and discussion of related issues through courses, seminars, or written material.

### **GUIDELINES FOR THE CONDUCT OF RESEARCH**

- 4.00 Good, original, and innovative research cannot be conducted in an atmosphere of oppressive regulation. Honest mistakes and ambiguities of interpretation are unavoidable features of the pursuit of new knowledge and should not be considered misconduct in research. There are, however, some simple and fundamentally important steps that can be taken to reduce the chance that research will be viewed as suspect or fraudulent.

#### **5.00 Fundamental Rules of Research Conduct**

- 5.01 Researchers are expected to maintain the highest standards of integrity. Academic dishonesty, as illustrated by the following examples, is serious misconduct:

(a) *Fabrication or falsification of evidence*: Ranging from the fabrication to the deceptively selective reporting of evidence with the intent to falsify results;

(b) *Plagiarism*: Representation of another's work as one's own;

(c) *Misappropriation of another's work*: The unauthorized use of privileged research information, e.g. through violating confidentiality in peer review;

(d) *Other*: Violation of the regulations of granting bodies; improper use of funds, equipment, supplies, facilities, or other resources; falsification or misrepresentation

of credentials; or other intentionally misleading practices in proposing, conducting, or reporting research.

## 6.00 **Other Elements of Proper Research Conduct**

6.01 In defining recommended research practice, it is recognized that methods and procedures may vary across disciplines to a greater or lesser degree. The suggestions outlined in this section may be most appropriate for those in the scientific disciplines but should be adhered to in all disciplines to the fullest extent of their relevance.

### 6.02 **Research with Human and Animal Subjects**

Research involving human and animal subjects is governed by federal and provincial regulations, and regulations approved by the University Senate, for the protection of researchers, human subjects, the public, and for the welfare of the animals used in research. Researchers are expected to adhere to such regulations. Allegations of a breach of these regulations will be dealt with according to the procedures established therein and will not normally involve the procedures associated with this policy.

All research involving human subjects conducted by UWO faculty, staff or students must be approved by a UWO-sanctioned review board. Two review boards have been established by Senate for the purpose of reviewing all such research: in the health sciences, and in the humanities/social sciences. Researchers should contact the Office of Research Ethics for information.

All research, teaching and testing involving animals conducted by UWO faculty, staff, students or post-doctoral fellows must be approved by a UWO-sanctioned review board. The Animal Use Subcommittee has been established by Senate for the purpose of reviewing all such research.

All faculty, staff, students and post-doctoral fellows who are involved with research, teaching and testing using animals are encouraged to take the course offered by the Department of Animal Care and Veterinary Services (ACVS). More information is available from the ACVS.

### 6.03 **Supervision of Trainees and Technicians**

(a) Each student, research trainee, or technician should have a designated supervisor. It is the responsibility of the graduate program chair, department chair or director to ensure that this is the case.

(b) The ratio of trainees to supervisors should be such that adequate interaction is possible to ensure meaningful scholarly exchange, to allow for a reasonable understanding of the status of work in progress at all stages, and to permit timely appraisal of all aspects of a trainee's performance.

(c) Each supervisor should meet with research students, trainees, and technicians at regular intervals to review data, progress, and future plans. The supervisor is responsible for designating replacement supervision in the event of the supervisor's absence for extended periods (for example, more than a month).

(d) The supervisor should provide each new investigator, at whatever level, with applicable governmental and institutional requirements for the conduct of studies involving human volunteers, patients, or animals, and those relating to the use of radioactive or other hazardous substances. Departmental chairs should ensure that copies of these documents are provided to all new faculty members.

### 6.04 **Data Recording, Retention, and Ownership**

The procedure for recording and retaining original research data, and matters related to access, use, publication, and ownership of primary research data and other products of research, should be outlined by the supervisor and discussed at the beginning of a project.

(a) *Record-keeping*: Good record-keeping is important. When possible, all primary data should be recorded in clear, adequate, original, and chronological form.

(b) *Retention of records*: Original data for a given study should be retained in the unit of origin for at least five years after the work is published or otherwise publicly presented (if the form of the data permits this, and if assurances have not been given that data would be destroyed to assure anonymity).

(c) *Access to data*: Supervisors and collaborators should have unrestricted access to all data and products of their collaborative research.

(d) *Ownership*: Entitlement to ownership of primary data, software, and other products of research can vary according to the circumstances under which research is conducted. A shared understanding about ownership should be reached among collaborators, especially between supervisors and their graduate students, before the research is undertaken.

#### 6.05 **Authorship**

With the rise of collaborative research, multi-authored publications have become increasingly common and entitlement to and order of authorship more difficult to determine. There are, however, some considerations that should be taken into account.

(a) When appropriate, one author should be identified as being responsible for the validity of the entire manuscript or authored object.

(b) All authors listed should have been involved in the research. Each is expected to have made a significant intellectual or practical contribution, understand the significance of the conclusions, and be able to share responsibility for the content and reliability of the reported data. All authors listed should have seen and approved a manuscript before submission. The concept of "honorary authorship" is unacceptable.

(c) There should be guidelines developed and discussed within each department, unit, or laboratory, regarding conditions of authorship for research trainees. These guidelines should be discussed with the trainees before the research is begun or they become involved in it.

#### 6.06 **Conflict of Interest**

The conduct of research and credibility of results can be undermined by even the appearance of a conflict of interest. A researcher should reveal to his or her immediate supervisor any actual or potential conflict of interest, financial or otherwise, between him or herself, the sponsor of research, or any other interested party. It is also appropriate to inform interested parties, such as granting agencies, journals, or the School of Graduate and Postdoctoral Studies, of any conflict of interest that might influence applications for research funding, review of manuscripts, or examination of theses.

### **PROCEDURES FOR RESOLVING DISPUTES AND ALLEGATIONS OF MISCONDUCT**

#### 7.00 **General**

7.01 Throughout this policy, the term 'formal complaint' shall refer to a complaint of a breach of this policy laid under the University disciplinary procedure governing the respondent. All complaints that have not yet reached the stage of a formal complaint, including those being mediated, shall be referred to as 'allegations.'

7.02 Allegations falling under this policy may include disputes or disagreements that are unlikely to result in formal complaints and for which formal adjudication is both inappropriate and unnecessary. It is recognized that an informal resolution of such situations may be achieved to the satisfaction of all parties through involvement of the individual responsible for receiving formal complaints under the disciplinary procedure governing the respondent. In other cases, resolution of such allegations

may be facilitated by the mediation procedures included in this policy. Failing such resolution and after the respondent has been notified in accordance with articles 8.02 and 15.00, the individual responsible for receiving formal complaints, in consultation with the individual to whom she or he reports, shall determine whether or not an allegation warrants proceeding to formal adjudication, subject to the rights of the complainant outlined in article 10.06.

- 7.03 When the individual responsible for receiving complaints determines that original data would be necessary for fair adjudication, no formal complaint can proceed if the relevant data have been destroyed or discarded in circumstances consistent with Article 6.04(b) of this policy. After being notified of an allegation or formal complaint, the respondent shall not destroy or discard any potentially relevant data or other form of information, even if doing so would be in accordance with Article 6.04(b).
- 7.04 Any individual found to make a frivolous or vexatious allegation or formal complaint under this policy may be subject to disciplinary action.<sup>1</sup>

## 8.00 Intake Procedure

- 8.01 All allegations of breach of this policy made to any university employee in a position of authority, in a supervisory position, or in a position as counsellor, shall be referred to the individual responsible for receiving formal complaints under the discipline procedure governing the respondent. All allegations must be in writing and signed.
- 8.02 Upon receipt of a written allegation, the official responsible for receiving formal complaints must provide the respondent with a copy of the allegation and written notice of any request to pursue mediation or to proceed with a formal complaint within ten (10) days of the receipt of the written allegation. The notice will include the name of the complainant and all material particulars of the complaint so as to enable the respondent to respond. From this point forward, the respondent is to be provided with particulars of the complaint, on a continuing basis, from the official handling the complaint.
- 8.03 Allegations originating with external agencies, institutions, or individuals in appropriate positions of authority (e.g. journal editors) shall be treated as formal complaints.
- 8.04 The individual responsible for receiving formal complaints under the discipline procedure governing the respondent shall notify the University Secretariat, in writing, when a formal complaint is filed. Neither the names of the complainant and respondent, nor any details of the complaint, shall be given to the Secretariat. The purpose of this notice is to enable the Secretariat to compile general statistics.

## 9.00 Mediation Procedure

- 9.01 Complainants shall be encouraged by all University personnel to explore the possibility of informal mediation before filing a formal complaint or taking any other adjudicative steps. If a complainant and respondent wish to participate in mediation, notice must be given to the individual responsible for receiving a formal complaint within four weeks after the respondent was informed of the allegation.
- 9.02 At the request of the complainant and the respondent, the individual responsible for receiving a formal complaint will contact the University Secretariat to arrange for mediation. Upon receipt of such a request, the University Secretariat will have four weeks in which to coordinate with the complainant and respondent the appointment of a mediator.
- 9.03 The mediator conducting the mediation:
- (a) will be acceptable to the parties to the mediation, failing which the mediation cannot take place;

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<sup>1</sup> "Vexatious" as used in this policy is understood to mean *without reasonable or probable cause or excuse*.

(b) will be selected by the parties either from their own list of candidates or from a list of names kept by the University Secretariat; and

(c) will be drawn either from inside or outside of the University.

9.04 It is a condition of mediation that it be conducted in the following manner:

(a) *Voluntary*: Parties enter into mediation voluntarily and may withdraw at any time;

(b) *Rules*: After consultation with the parties, the mediator will establish the rules of procedure for carrying out the mediation, including any rules respecting the observance of confidentiality during the mediation process;

(c) *Good Faith*: Parties will deal with the mediator in a full, frank, and honest way and will approach the mediation with a spirit of good will in the hope of resolving their differences;

(d) *Adjudication*: The mediator will neither be asked, nor permitted, to adjudicate the dispute;

(e) *Termination*: The mediator may terminate mediation at any time that he/she believes that the mediation has no reasonable prospect of resolving the dispute;

(f) *Reporting*: The mediator will report, in writing, to the University Secretariat, without details or reasons, that:

- the mediation has been successful, and any agreement reached has been implemented; or
- the mediation has not resulted in agreement between the parties and has been terminated by one or both parties; or
- the mediation has no reasonable prospect of success and has been terminated by the mediator.

The University Secretariat will immediately advise the parties of the contents of the mediator's report.

(g) *Privilege*: The mediator will not be called upon by any official within the University, or any adjudicator, to reveal any detail of the allegation or of the mediation. Discussions between the parties and the mediator will be treated as discussions carried out with a view to effecting settlement and thus privileged to the full extent permitted by law.

## 10.00 **Adjudication Procedure**

10.01 Formal complaints of breach of this policy are to be adjudicated in accordance with the disciplinary and grievance procedures established under the University collective agreement, employment agreement, personnel policy, or regulations that govern the respondent to the complaint.

10.02 When there is a conflict between the discipline and grievance procedures contained in a University collective agreement, employment agreement, personnel policy, or regulations, and the procedures contained in this policy, the procedures contained in the collective agreement, employment agreement, personnel policy or regulations govern.

10.03 When University collective agreements, employment agreements, personnel policies, or regulations are amended, the procedures as amended govern the adjudication of the formal complaint under this policy.

10.04 The University, and the relevant employee groups, are to review and revise, as necessary, the disciplinary and grievance procedures established under the University collective agreements, employment agreements, personnel policies, or

regulations to ensure that these procedures provide fair treatment for respondents facing discipline for breach of this policy.

10.05 Formal complaints of breach of this policy made against student respondents are dealt with by the chair and dean of the department and faculty in which the student respondent is registered and, on appeal, by the Senate Review Board Academic (SRBA) in accordance with SRBA regulations and procedures for hearing academic appeals.

10.06 Every complainant has the right:

(a) to appeal to the next level of the University administrative hierarchy, up to and including the President, or designate, who is required to respond in a timely manner; and/or

(b) to exercise any appellate or grievance rights granted to the complainant under any University regulation or discipline or grievance procedure.

Every complainant has the right to appeal within six weeks at each level. Once the complainant has exhausted the appeal levels in (a) and (b) above, the respondent then has the right to appeal the final decision using the appropriate mechanisms.

10.07 Every respondent has the right to appeal or grieve any disciplinary measure under the provisions of the collective agreement, employment agreement, personnel policy, or university regulation governing the respondent.

10.08 All formal complaints made under this policy must be in writing and signed.

10.09 Any proceedings in relation to a formal complaint shall be confidential unless one of the parties to the proceeding requests that the proceeding be open to the public. If such a request is made, the proceeding shall be open to the public unless there are compelling reasons that the proceeding remain closed for reasons of public safety, privacy of personal information, or undue prejudice to the proceeding, some other proceeding, or a party or member of the public.

10.10 All formal complaints shall be adjudicated as expeditiously as possible and the parties notified promptly of the results of the adjudication. The final adjudication cannot impose confidentiality of the decision on the parties.

10.11 When adjudication results in the upholding of a formal complaint initiated by an external agency, institution, or individual in an appropriate position of authority, a full report of the adjudication, including the findings and sanctions, will be made to the relevant agency, institution, or individual.

### **LIMITATION PERIODS, CONFIDENTIALITY, DOCUMENT RETENTION**

11.00 When no mediator is appointed to conduct mediation, a formal complaint of breach of this policy must be made to the individual responsible for receiving complaints under the discipline procedure governing the respondent within six weeks of the discovery of the evidence leading to the formal complaint. Following expiry of this six-week period, no mediator can be appointed and no formal complaint can be made, except as provided for in the subsections of Article 13.00.

12.00 When a mediator is appointed to conduct mediation under this policy, a formal complaint must be made to the individual responsible for receiving complaints under the discipline procedure governing the respondent within six weeks of the date of the mediator's report to the University Secretariat under 9.04(f) above. No formal complaint can be laid following expiry of this six-week period.

### **13.00 Complaints Involving Faculty Members, Post-Doctoral Fellows, and Students**

13.01 When the complainant is enrolled in a course being offered by the respondent at the time of discovery of the evidence leading to a formal complaint, the complaint must be made within six weeks of the final grade in the course being communicated

officially to the complainant. This six-week limitation will not apply if the complainant and respondent have agreed to pursue mediation under Article 9.00.

- 13.02 When the complainant is a student or post-doctoral fellow in an advisory relationship with the respondent at the time of discovery of the evidence leading to a formal complaint, the complaint must be made within two years of the discovery, or not later than six weeks after the advisory relationship is terminated, whichever comes first. These limitations will not apply if the complainant and respondent have agreed to pursue mediation under Article 9.00.
- 13.03 In either of these cases, when the complainant and respondent have agreed to pursue mediation, the six-week limitation will begin on the date of the mediator's report to the University Secretariat that the mediation has been unsuccessful, as provided in Article 12.00, or on the date when the University Secretariat determines that the mediation cannot take place [Article 9.03(a)].
- 13.04 A former student-teacher or advisory relationship will not affect the limitation period prescribed in Article 11.00 when the evidence leading to a formal complaint is discovered after the period of the relationship has ended.
- 14.00 The individual responsible for receiving formal complaints against the respondent will notify the complainant at their first meeting that the confidentiality of the allegation or complaint cannot be guaranteed once the complainant has decided to proceed to mediation or with a formal complaint.
- 15.00 The respondent's superior officers in the University will *not* be notified by any University officer or mediator of the existence of any allegation or complaint against the respondent under this policy prior to notification of the respondent, unless such notification is necessary to ensure public safety or order.
- 16.00 When the parties elect mediation, the respondent's superior officers will *not* be notified of the allegation and mediation by any University official, or the mediator, so as not to compromise the mediation.
- 17.00 When no formal complaint is laid within the limitation periods set out in Articles 11.00, 12.00, and 13.00 above, all files or records relating to the allegation kept by University officials will be destroyed within seven (7) days of the expiry of the limitation period, except as outlined in Article 18.00.
- 18.00 When mediation has ended, all files or records kept by the mediator relating to the mediation will be destroyed within seven (7) days of the mediator's report to the University Secretariat, with the exception of any settlement agreement arrived at as a result of mediation. Such an agreement will be transmitted to, and retained by, the University Secretariat for a period identified within the settlement agreement, or, if no such period is identified, for one year.
- 19.00 When a formal complaint is dismissed under the relevant discipline or grievance procedure, the respondent may make a request to the University Secretariat for an order that all files or records relating to the complaint, kept by any University official, be destroyed. Upon receipt of such a request, the University Secretariat will order the files or records destroyed immediately if no further appeal or grievance rights exist under the relevant discipline or grievance procedures, or immediately upon the expiry of any limitation period for filing an appeal or grievance if no appeal or grievance is filed.
- 20.00 The University Secretariat will publish a complete statement of its filing and record keeping procedures regarding complaints and mediations associated with this policy.

## **REVIEW**

- 21.00 It will be the responsibility of the President to initiate a review (as distinct from a revision) of this policy and its procedures within five years of its latest substantial revision, and to report to Senate and the Board of Governors, through the University Research Board, providing recommendations as may be appropriate. In this review, the President will consult with the employee groups and the students in the University.