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|  DALHOUSIE UNIVERSITY <i>Inspiring Minds</i> Scholarly Misconduct Policy | <i>Policy Sponsor:</i> Vice-President Research | <i>Approval Date:</i> Senate: June 11, 2012 Board of Governors: June 22, 2012 |
| | <i>Responsible Unit:</i> Research Services | <i>Revisions:</i> Senate: April 11, 2016 Board of Governors: June 22, 2016 |

A. Background & Purpose

Scholarship is vital not only to the University but also to the larger community in which the results of research and other scholarly activities are circulated and applied. It can help to advance society, enrich culture, and improve quality of life. More fundamentally, it serves the basic mission of universities in general: the advancement of knowledge through free inquiry. The University thus takes seriously its responsibility to support a positive scholarly environment.

Accordingly, all members of the University are expected to aspire to the highest standards of honesty, integrity and ethical behaviour in all aspects of scholarly conduct, and each member must adhere to the generally accepted standards of scholarly conduct in his or her field or discipline.

The purpose of this Policy is to identify activities that breach generally accepted standards of scholarly conduct and provide a process for dealing with allegations of scholarly misconduct in an appropriate and timely manner.

B. Application

Except as otherwise set out in this section B, this Policy and Procedures applies to any person who conducts research or who is engaged in research or scholarly activity at, on behalf of, in connection with, or under the auspices of the University.

In projects involving human research that are subject to review by one of Dalhousie's Research Ethics Boards, the Procedures apply only to matters referred by one of Dalhousie's Research Ethics Boards to the Vice-President Research under the Policy on the Ethical Conduct of Research Involving Humans. Otherwise, such matters will be addressed under the latter policy.

In projects involving animal research that are subject to review by one of Dalhousie's institutional animal use and care committees, the Procedures apply only to matters referred by the Chair of one of such committees where:

- a) the scope of the misconduct alleged goes beyond animal care issues;
- b) the researcher refuses to cooperate with an institutional animal use and care committee;
- c) the researcher has engaged in repeated misconduct;
- d) provincial or federal authorities have been engaged in the matter; or

- e) any other circumstance that an institutional animal use and care committee deems appropriate.

Otherwise, such matters will be addressed by the applicable institutional animal use and care committee.

This Policy and Procedures DO NOT apply to situations

- a) where misconduct is alleged against a student in relation to work submitted by that student for academic credit (such matters are addressed through the Faculty Discipline Procedures Concerning Allegations of Academic Offences); or
- b) the research project is supported by the United States Public Health Service (such matters are addressed through another Senate policy specifically tailored for that purpose).

C. Definitions

1. In this Policy:

- a. "Complainant" means a person who makes an allegation of Scholarly Misconduct.
- b. "Respondent" means person against whom an allegation of Scholarly Misconduct is directed, or who may be implicated in an allegation of Scholarly Misconduct (ex: co-investigators) or who becomes the subject of an investigation.
- c. "Scholarly Activity" means research or other academic activity that is undertaken at, on behalf of, in connection with, or under the auspices of the University.
- d. "Scholarly Misconduct" means conduct set out in Schedule "A" of this Policy.
- e. "Secretariat on Responsible Conduct of Research" means the body responsible for administering policies of the Tri-Agency.
- f. "Tri-Agency" means the Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council, and the Social Sciences and Humanities Research Council, or any one of them as context requires.
- g. "Tri-Agency Research" means a research project funded by the Tri-Agency.

D. Policy

1. Members of the University community share in the responsibility for ensuring adherence to generally accepted standards of scholarly conduct in relation to all Scholarly Activity.
2. It is expected that no person will engage in Scholarly Misconduct in relation to Scholarly Activity.

3. In the case of collaborative or team research, the Principal Investigator or project leader shall take reasonable measures to ensure that the members of the research group or team are aware of and comply with this Policy. Principal Investigators who fail to exercise reasonable care in directing and supervising research may share in the responsibility for the Scholarly Misconduct of members of the research group or team.
4. In the case of research conducted by students, supervisors shall take reasonable measures to ensure that students conducting research are aware of and comply with this Policy.
5. Where a member of the University community has reasonable grounds to believe that Scholarly Misconduct is occurring or has occurred in the University and is not being addressed under University policy, he or she is under a positive obligation to report the matter promptly under this Policy.
6. All members of the University community are required to cooperate in any investigation process initiated under this Policy.
7. There will be no retaliation against any person on account of an allegation or an expressed intention to make an allegation under this Policy or on account of evidence or assistance given in relation to a proposed allegation under this Policy. Any concerns regarding possible retaliation shall be brought to the attention of the Scholarly Integrity Officer. Disciplinary action in response to retaliation will be addressed in accordance with applicable disciplinary processes.
8. Any communication or information gathered in any case is confidential except to the extent that disclosure is necessary to effectively implement this Policy, including an informal resolution, or to undertake any disciplinary or remedial steps arising from a decision made under this Policy. Disciplinary action in response to a breach of confidentiality will be addressed in accordance with applicable disciplinary processes.
9. An allegation made in bad faith (with a conscious design to mislead or deceive, or with a malicious or fraudulent intent) may constitute grounds for disciplinary action against the Complainant, which will be addressed in accordance with applicable disciplinary processes.

E. Administrative Structure

1. Authority: This Policy falls under the authority of the Vice-President Research.
2. Scholarly Integrity Officer: There shall be a Scholarly Integrity Officer who is responsible for promoting the practice of scholarly integrity at the University and administering this Policy. The Scholarly Integrity Officer will be appointed by the Vice-President Research, in consultation with the Vice-President Academic and Provost, usually for a three-year term. The Scholarly Integrity Officer will not typically serve more than two terms consecutively.
3. Scholarly Integrity Investigators: There shall be six Scholarly Integrity Investigators who will be responsible for conducting investigations into Scholarly Misconduct as set out in this Policy. Two shall be appointed by the Vice-President Research in consultation with the Deans of Medicine,

Dentistry, Health Professions, and Graduate Studies. Two shall be appointed by the Vice-President Research in consultation with the Deans of Science, Computer Science, Agriculture, Engineering, and Graduate Studies. Two shall be appointed by the Vice-President Research in consultation with the Deans of Architecture and Planning, Management, Law, Arts and Social Sciences, and College of Continuing Education, Graduate Studies and the University Librarian. The Scholarly Integrity Investigators shall serve for staggered three-year terms. They may not serve more than two terms consecutively.

4. Scholarly Integrity Committee: There shall be a Scholarly Integrity Committee comprising the six Scholarly Integrity Investigators and the Scholarly Integrity Officer, which shall meet at least once a year to discuss any issues arising from this Policy.
5. Conflicts of Interest: Where the Vice-President Research is unable to discharge his or her responsibilities under this policy in relation to a particular allegation due to a potential conflict of interest, as defined by the University Policy on Conflict of Interest, his or her responsibilities under this Policy may be assigned to the Vice-President Academic or designate. Where the Scholarly Integrity Officer is unable to deal with an allegation of Scholarly Misconduct, his or her responsibility under this Policy for the purpose of the allegation in question may be assigned to one of the Scholarly Integrity Investigators.
6. Record-keeping: Records of all allegations, investigations, and decisions made under this policy will be kept separate from all other university records and will be maintained and stored securely and confidentially under the care and control of the office of the Vice-President Research.
7. Annual Reporting by the Vice-President Research: At the end of each academic year, the Vice-President Research will deliver an annual report to Senate which will include
 - a. The number of inquiries received by the Scholarly Integrity Officer;
 - b. The number of allegations received;
 - c. A representation of the allegations received by kind of misconduct;
 - d. A representation of the allegations by kind of outcomes (e.g., dismissal of allegations, informal resolution, formal investigation);
 - e. A representation of formal investigation outcomes (e.g., dismissal of allegations or finding of misconduct); and
 - f. A representation of the penalties applied as a result of misconduct.
8. Policy Review: This Policy will be reviewed no later than by the end of the third year of its operation.

F. Procedures

1. Confidential Consultation: If a person is uncertain whether an activity or activities constitute Scholarly Misconduct, he or she may contact the Scholarly Integrity Officer to discuss the matter on a confidential basis.
2. Who may make allegations: Allegations of Scholarly Misconduct may be made by any person within or outside of the University who has reasonable grounds to suspect that Scholarly Misconduct is occurring or has occurred, and is not being addressed under University policy.

3. Filing Allegations of Scholarly Misconduct: Allegations of Scholarly Misconduct must be made in writing to the Scholarly Integrity Officer as promptly as possible upon becoming aware of the alleged Scholarly Misconduct. Allegations should include supporting documentation.
4. Anonymous Allegations: There may be exceptional situations where an individual has a reasonable concern that his or her career or personal safety may be compromised by raising an allegation of Scholarly Misconduct. Such persons may initiate a confidential conversation with the Scholarly Integrity Officer or submit an anonymous written allegation to the Scholarly Integrity Officer. Whether or not an anonymous allegation can proceed in the absence of an identified Complainant will be determined by the Scholarly Integrity Officer, in his or her sole discretion, having regard to all of the circumstances of the case and the evidence available.
5. Process advice: The Scholarly Integrity Officer will provide any person alleging Scholarly Misconduct (the "Complainant") with a copy of this Policy and will explain the processes for dealing with allegations under this Policy.
6. Initial Assessment: Within 10 business days of receipt of the allegation, the Scholarly Integrity Officer shall make an initial assessment of the allegation. The Scholarly Integrity Officer may request further information from the Complainant or others if required to assist in the assessment. The Scholarly Integrity Officer may do one or more of the following:
 - a. Conclude that the allegation does not establish sufficient evidence to warrant further consideration, and advise the Complainant that the matter will be discontinued.
 - b. Conclude that there is sufficient evidence of possible Scholarly Misconduct to warrant further consideration;
 - c. Conclude that the allegation(s) may raise an issue of illegal activity and notify the appropriate authorities;
 - d. Redirect or refer all or part of the allegation to other bodies or offices to deal with aspects of the allegation that are beyond this scope of this Policy
7. Extraordinary Interim Remedies: In extraordinary circumstances, where the Scholarly Integrity Officer has reasonable basis to believe that evidence necessary to assess the allegation of Scholarly Misconduct will not be appropriately preserved, that there is a risk of harm to life, or that there is a risk of financial impropriety or mismanagement, the Scholarly Integrity Officer may, with or without notice to the Respondent, cause the appropriate administrative officers to:
 - a. locate, collect, inventory and secure all of the relevant original research records, or copies if the originals are unavailable, to prevent the loss, alteration or fraudulent creation of records; and/or
 - b. place under trusteeship the Respondent's research facility, research records, and research funds.
8. Notifying the Respondent: If the Scholarly Integrity Officer concludes that there is sufficient evidence of possible Scholarly Misconduct to warrant further consideration, the Scholarly

Integrity Officer shall provide the Respondent with a copy of the Allegation, and a copy of this Policy.

9. Representation: Respondents may have representation, through a bargaining agent or otherwise, if they choose to do so.
10. Notifying the Secretariat on Responsible Conduct of Research: The Scholarly Integrity Officer will provide the Secretariat on Responsible Conduct of Research with a copy of the allegation where the allegation relates to Tri-Agency Research and where it involves significant financial, health and safety or other risks.
11. Informal Resolution: Prior to initiating an investigation, the Scholarly Integrity Officer will explore the possibility of informal resolution. Attempts at informal resolution may be made at any stage of the process.
12. Investigation: If informal resolution is not reached within 10 business days of notifying the Respondent, the Scholarly Integrity Officer shall initiate an investigation. The investigation shall be concluded (including the delivery of the investigation report set out in section 11) within 60 days of its initiation, in accordance with the following process:
 - a. The Scholarly Integrity Officer will provide the Respondent(s) 20 working days to provide to the Scholarly Integrity Officer his or her written response to the allegation.
 - b. The Scholarly Integrity Officer will appoint an Investigation Committee comprising two of the Scholarly Integrity Investigators. In exceptional circumstances, or where the allegation relates to Tri-Agency Research, a third member external to the University with relevant expertise will also be appointed.
 - c. The Scholarly Integrity Officer will provide the Investigation Committee with a copy of the Allegation, the Response, and will provide guidance on the process.
 - d. The Investigation Committee will meet with the Complainant(s) to give him or her an opportunity to present his or her allegation and to identify other relevant information and witnesses.
 - e. The Investigation Committee will then meet with the Respondent(s), to give him or her an opportunity to address the allegation and to identify other relevant information and witnesses.
 - f. The Investigation Committee may meet with any other individuals whom they deem relevant to the allegation, and may request access to, or production of, any data, records, or equipment that they deem relevant to the allegation.
 - g. The Investigation Committee may meet subsequently with the Complainant(s) and/or the Respondent(s) in light of information they have received in the course of the investigation.

- h. Each interview will be summarized in writing by the Investigating Committee in the form of an interview report, which will be forwarded to the interviewee for confirmation that the report fairly summarizes the interview.
 - i. Where the investigation uncovers information that suggests significant breaches of this Policy beyond what was contained in the initial allegation, the Investigation Committee shall refer those matters back to the Scholarly Integrity Officer for further direction.
- 13. Investigation Report: The Investigation Committee will review all of the information gathered in the course of the investigation and submit a draft investigation report to the Scholarly Integrity Officer within 30 days of completion of the investigation, that includes:
 - a. A summary of the allegation(s);
 - b. A summary of the response;
 - c. An analysis of the evidence relevant to the matters raised;
 - d. Findings of fact with respect to the allegation(s) together with supporting reasons;
 - e. A determination of whether there has been Scholarly Misconduct; and
 - f. Where Scholarly Misconduct is found, an assessment of the severity of the Scholarly Misconduct, and a review of any mitigating factors.
- 14. Review by Scholarly Integrity Officer: The Scholarly Integrity Officer will review the draft report to ensure that it is clear and that it meets the requirements of the Policy, and in so doing, may seek further clarification from, or investigation by, the Investigation Committee before the investigation report is finalized.
- 15. Comments by Parties: Within two working days of receipt of the final investigation report, the Scholarly Integrity Officer will provide a copy of the final investigation report, which may be partially redacted to address any privacy or security concerns, to the respondent for comment. The respondent will have 15 working days to provide written comments to the Scholarly Integrity Officer. In appropriate circumstances, as determined by the Scholarly Integrity Officer, the complainant will be extended the same privilege.
- 16. Consideration by Vice-President Research: The Scholarly Integrity Officer will forward the investigation report and the comments by the Respondent, and Complainant, if applicable, to the Vice-President Research. The Vice-President Research may request additional information or clarification from the Scholarly Integrity Officer if necessary to make a determination.
- 17. Outcomes: The Vice-President Research may do one or more of the following:
 - a. Accept or reject the findings of the Investigation Report, in whole or in part;
 - b. Forward the Investigation Report to the appropriate university body for consideration of disciplinary or non-disciplinary action;
 - c. Determine an administrative non-disciplinary remedy within the authority of the Vice-President Research, and provide corresponding direction and support;
 - d. Notify as appropriate any relevant third parties such as funding agencies, publishers, licensing boards, research ethics boards etc.

18. Communication of Decision: The Vice-President Research will report in writing the outcome of the case to the Respondent in ways that appropriately address any privacy and security issues. Where the Complainant has a legitimate interest in the outcome of an investigation, the Vice-President will report in writing to the Complainant in ways that appropriately address any privacy or security concerns. Where the Vice-President Research rejected the findings of the Investigation Report in whole, or in large part, this determination, together with underlying reasons, shall be forwarded for review to the University Secretary, General Counsel and two members of the Senate Academic Programs and Research Committee appointed by the Senate Planning and Governance Committee, to ensure transparency of the process.
19. Appeal of Decision: A Respondent may appeal the decision of the Vice-President Research by filing a written notice of appeal to the Chair of Senate within 30 days of the delivery of the decision. The Chair of Senate shall request that the Senate Planning and Governance Committee establish an *ad hoc* Committee comprised of three faculty members with relevant expertise in the research or scholarly area under consideration to hear the appeal. The sole grounds for an appeal are that there was a substantial procedural error in the application of this Policy, or that the Vice-President Research lacked jurisdiction to make the decision under consideration.
20. Extension of Time Limits: Any time limit set out in this Policy may be extended at the discretion of the Scholarly Integrity Officer where there is a bona fide reason to do so and where those affected by the allegation will not be unduly prejudiced.

Schedule A

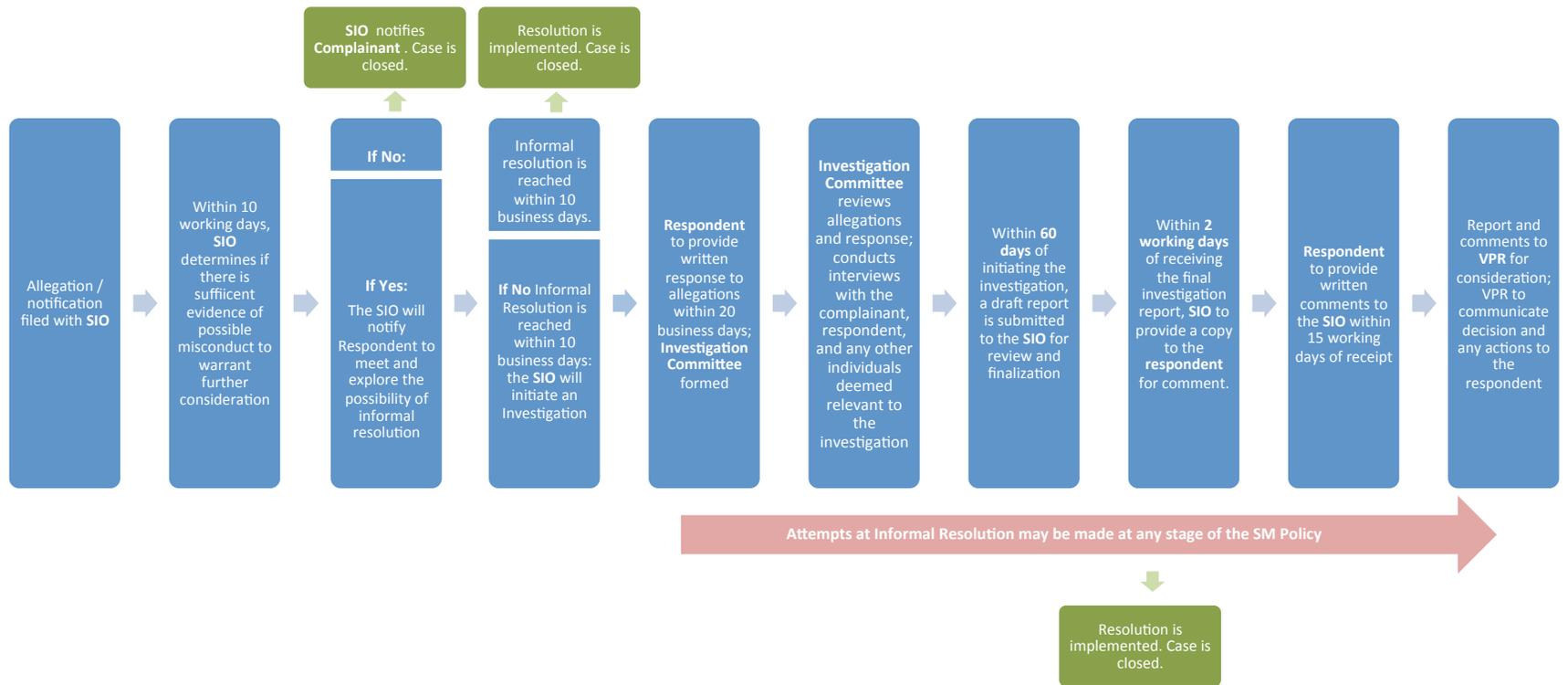
“Scholarly Misconduct” includes any conduct that constitutes a breach of generally accepted standards of scholarly conduct within the relevant research or scholarly community for conducting, proposing, performing, reporting, supervising or reviewing research or other scholarly activity. Scholarly Misconduct does not include honest errors or differences of interpretation or judgment relating to data or results that are reasonable in light of the circumstances in which they are made or reached.

Examples of Scholarly Misconduct include, but are not limited to:

- a. Fabrication - fabrication of research data, source material (including other researchers’ scholarship), methodology, or results;
- b. Falsification - falsification of data, source material, or results, including any manipulation of numbers, graphs, texts, transcripts, and images, that is not reported or that distorts the conclusions of a study;
- c. Plagiarism - using another’s words or ideas as one’s own;
- d. Financial misconduct - using research funds for purposes contrary to the funding agency’s or sponsor’s express requirements; misappropriation of research funds;
- e. Disregard for University research-related policies and regulations:
 - failure to meet University research-related policies (e.g., policies that protect researchers, human subjects, the health and safety of the public, the welfare of lab animals and those dealing with biohazards or radioactive materials);
 - failure to obtain the appropriate approvals before conducting research
 - failure to meet relevant legal requirements on the conduct or reporting of scholarly activity;
- f. Misrepresentation of authorship and credit:
 - failure to appropriately recognize contributions of others (e.g., denying authorship credit to someone who has contributed substantively to the intellectual content of a manuscript or not recognizing contributions of a co-inventor in a patent application);
 - submission for publication of one’s articles published elsewhere (e.g., publishing, as original research, one’s previously published data or research) except where clearly indicated to be a re-publication;
 - attribution of authorship to persons other than those who have contributed sufficiently to take responsibility for the intellectual content (e.g., giving authorship credit to someone who has not contributed substantively to a manuscript);
 - use of others’ unpublished materials without permission;
 - misrepresentation of professional credentials and experience;
- g. Deliberate impairment or interference with the progress of research:
 - selective reporting of reliable and relevant research results with the intent to mislead;
 - abuse of personal or institutional power to pressure researchers into misrepresenting research results;
 - undue delay of the publication of research results;
 - sabotage of the research work or materials of others;

- deliberate misleading of colleagues about the results and interpretation of a study;
 - interference with a misconduct investigation;
- h. Withholding of research information:
- omission of key aspects of methodology in papers or proposals to wilfully hamper replication by colleagues;
 - undue withholding of data, research materials, or key aspects of methodology from the research community;
 - failure to inform collaborators in a timely fashion of experimental findings and developments;
- i. Misrepresentation or mismanagement of conflicts of interest
- failure to comply with University Policy on Conflict of Interest in relation to a research project;
 - failure to disclose actual or appearance of conflict of interest to institutions, sponsors, commissioners of work, or publishers (e.g., journal editors) when submitting research grant applications or manuscripts for publication, or testing products for sale or distribution to the public;
 - lack of proper disclosure of involvement with firms with an interest in the outcomes of the research;
 - inappropriate alteration or suppression of research results to favour the interests of the funding provider, be it commercial or not-for-profit, such as government or a private foundation
- j. Abuse of peer review:
- failure to disqualify oneself from process once potential conflict of interest becomes known;
 - failure to preserve the privacy and intellectual property rights of the persons whose work one is reviewing;
 - failure to obtain permission of the author before using information gained through access to manuscripts or grant applications during the peer review process;
- k. Abuse of supervision:
- failure to follow University Policy on Conflict of Interest once potential conflict of interest becomes known;
 - failure to preserve the privacy and intellectual property rights of students and assistants;
 - failure to obtain permission where appropriate from a student or assistant before using information gained through access to manuscripts, data, or grant applications;
 - failure to address violations of university policies in the conduct of supervised research

Scholarly Misconduct Process-Flowchart**



** Note that this flow chart illustrates a typical Scholarly Misconduct process; special provisions (eg, illegal activity, need for extraordinary interim measures, RCR Secretariat notification) are not indicated. Please refer to the Policy for details.