DISCUSSION SUMMARY:
To be eligible to receive Tri-Agency funding, the University of Saskatchewan is required to have a Responsible Conduct of Research (RCR) Policy that meets the minimum requirements of the Tri-Agency Responsible Conduct of Research Framework. USask has signed the Agreement on the Administration of Agency Grants and Awards by Research Institutions and is required to apply its RCR Policy to all research conducted under its auspices or jurisdiction.

The existing USask Policy was approved in 2013 and does not meet the minimum requirements of the 2016 Tri-Agency Framework. Section 6.0 Breaches of this revised Policy is revised to match the breaches in the RCR Framework. The revised policy now also meets the requirements for yearly public institutional reporting and a central point of contact at a senior administrative level, the Associate Vice President Research (AVPR) to receive all confidential enquiries, allegations of breaches of policies, and information related to allegations. The revised policy also clarifies that student breaches are handled under the RCR Policy as required by the Tri-Agencies.

In addition, after eight years of implementing the 2013 Policy, experience has shown the need to address a number of issues. Consultation on a revised policy began in August 2019 with discussion with University administrators who had experience with implementing the 2013 Policy, former hearing board chairs and the University of Saskatchewan Faculty Association (USFA). These consultations brought out the following issues that were raised multiple times:

- **the need to address potential conflicts of interest** – In the 2013 policy, a Senior Administrator could be responsible for submitting an allegation, managing an inquiry, managing a hearing and also determining discipline. In the revised policy, the potential for conflicts of interest is reduced since the AVPR is only responsible for the inquiry and investigation, the Senior Administrator is responsible for discipline for employee groups as determined by collective agreements. Student discipline would be determined by the Hearing Board as required by the University of Saskatchewan Act.

- **the need for an improved process for Students** - The 2013 policy required two hearing boards when investigating a breach by a student. It is extremely difficult for a student to endure two hearing boards, so the revised policy allows the allegation to be heard and if
needed, discipline to be decided with one hearing board. **Hearing boards involving students will be revised and include student perspective.** Student supports are also addressed by centralized management of the Policy and Procedures and relationship building with the CGPS, GSA and Student Affairs to ensure supports for students are in place.

The following concerns, which were raised multiple times by many, are addressed by changes to the Policy which centralize the management of the RCR Policy and Procedures with the AVPR. The OVPR has allocated additional resources to support effective implementation, communication and education.

- **The need for clarification of the roles and responsibilities in the Policy to make the process more transparent** - rather than inquiries and investigations being handled by senior administrators in each of the Colleges, these will be handled by a single point of contact - the AVPR - who will manage the Inquiry and Investigation stages of the Procedures. Potential consequences would still be determined by the Senior Administrator.

- **Clarity on how to initiate a complaint** - addressed by a single point of contact (AVPR) and supported by website development and improved education and communication on the Policy and Procedures.

- **Inconsistent application of the Policy, Procedures and discipline for students and faculty** - addressed by having management of the RCR Policy and Procedures for both faculty and students in one office. Discipline will be managed as required by collective agreements and the University of Saskatchewan Act.

- **Need for reduction in the length of time for the Procedures to be completed** - addressed by dedicated support to complete the Procedures in a timely way and revising timelines to adhere to the Tri-Agency Framework.

- **The need for support for Senior Administrators and Hearing Board Chairs** – addressed by the creating of a RCR Specialist Position reporting to the AVPR who supports investigation procedures and reporting to University and the Tri-Agencies.

- **Challenges in finding Hearing Board Chairs and Members** – addressed by creating a group of Hearing Board Chairs and Members who will have experience and education to serve in these roles.

- **Centralized management of the Policy in a single office** will also address concerns about where to access advice, information and education; correct implementation of collective agreement processes; improved use of University resources and supports; and clarity on the intersection of university policies.

Consultation on drafts of the Policy raised the following major issues:

- **The need to retain the hearing board as part of the procedures rather than move to an investigation committee similar to other U15 Universities** - addressed by retaining the Hearing Board to conduct an investigation of an allegation.

- **The need to define which student activities are considered research so allegations that a student has breached either the Student Academic Misconduct Regulations or the RCR Policy are addressed under the appropriate policy.** This is important as there are specific hearing board composition, timelines and reporting requirements for allegations of an RCR breach required by the Tri-Agencies - addressed by creation of a standard operating procedure in consultation with CGPS and the Associate Deans Academic that defines research to facilitate an allegation being heard through the correct Policy.

- **Reduction of the required number of people on a hearing board to reduce administrative burden** - addressed by reducing the number of people on a hearing board to between 3 and 5.
• **Reduction of Conflicts of Interest** that may arise when inquiries, investigations and appeals are all handled by the OVPR - addressed by having appeals addressed by the Governance Office.

• **Concerns that the breaches in the Policy do not reflect the full range of Research, Scholarly and Artistic work undertaken by researchers at USask** – the RCR Policy is required to reflect the breaches in the Tri-Agency RCR Framework as a condition of funding. These breaches are broadly defined in an attempt to encompass the range of research activity and are informed through national consultation processes. Every hearing board is required to include at least one subject matter expert to ensure that disciplinary perspectives are heard and considered. As well, the revised policy empowers the AVPR to consult with experts at the Inquiry stage. In recognition of this issue and with extensive consultation with legal opinions and faculty relations, new language has been inserted into the revised policy.

• **Concerns that the Policy does not reflect new initiatives at USask on Indigenization and Equity, Diversity and Inclusion** These are emerging initiatives and consultation is ongoing to consider how to better reflect them in this Policy, and other policies dealing with administrative justice practices.

**CONSULTATION:**
Consultation has included the following individuals, groups and committees:

An initial consultation to seek advice on revisions to the 2013 RCR Policy was held with the following:

**University Administration**
- Anthony Vanelli, Provost and Vice President Academic
- Jim Basinger, Acting Vice Provost Faculty Relations, former AVP Research
- Mary Buhr, Dean, College of Agriculture and BioResources
- Trever Crowe, Acting Dean, College of Graduate and Postdoctoral Studies
- Beth Bilson, University Secretary
- Amanda Storey, Academic Programs/Student Hearings and Appeals Coordinator
- Ana Crespo-Martín, Labour and Faculty Relations Specialist, Human Resources

**Previous Hearing Board Chairs**
- Brent Cotter, Faculty Member, Law, former Dean of Law.
- Jack Gray, Vice Dean Research, College of Arts and Science.

**USask Grievance Committee**
- Fran Walley, Vice Dean, College of Agriculture and BioResources

**USFA Representatives**
- Patricia Farnese, Faculty Member, Law, Senior Grievance Officer, USFA (2 meetings)
- Maureen Fryett, Professional Officer, USFA
- Sina Adl, Faculty Member, College of Agriculture and BioResources, Executive Committee Member, USFA
- Doug Chivers, Chair, USFA.
Following this round of consultations, a revised RCR policy was prepared. Consultations on the revised policy began in January 2020 as follows:

<table>
<thead>
<tr>
<th>Office / Organization</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance Office</td>
<td></td>
</tr>
<tr>
<td>Amanda Storey</td>
<td>15 Apr 2020 (email)</td>
</tr>
<tr>
<td>Amanda Storey</td>
<td>07 Dec 2020</td>
</tr>
<tr>
<td>Chelsea Willness, Jacque Thomarat</td>
<td>01 Dec 2020</td>
</tr>
<tr>
<td>Chelsea Willness, Jacque Thomarat, Amanda Storey</td>
<td>11 Feb 2021</td>
</tr>
<tr>
<td>Access and Privacy Officer (Rayelle Johnson)</td>
<td>10 Mar 2020 (email)</td>
</tr>
<tr>
<td>Committees of Council</td>
<td></td>
</tr>
<tr>
<td>Research, Scholarly and Artistic Work</td>
<td>30 Jan 2020</td>
</tr>
<tr>
<td></td>
<td>10 Dec 2020</td>
</tr>
<tr>
<td></td>
<td>29 Apr 2021</td>
</tr>
<tr>
<td>Policy Oversight Committee</td>
<td>05 Feb 2020</td>
</tr>
<tr>
<td></td>
<td>18 May 2021</td>
</tr>
<tr>
<td>Centres’ Subcommittee</td>
<td>07 Dec 2020</td>
</tr>
<tr>
<td>Governance Committee</td>
<td>11 May 2020</td>
</tr>
<tr>
<td>VP Research Office</td>
<td></td>
</tr>
<tr>
<td>VPR Executive Committee</td>
<td>29 Jan 2020</td>
</tr>
<tr>
<td></td>
<td>17 Feb 2021</td>
</tr>
<tr>
<td></td>
<td>14 Apr 2021</td>
</tr>
<tr>
<td>Associate Deans Research Forum</td>
<td>26 Feb 2020</td>
</tr>
<tr>
<td></td>
<td>Dec 16, 2020</td>
</tr>
<tr>
<td></td>
<td>28 Apr 2021</td>
</tr>
<tr>
<td>VP Finance and Resources Office</td>
<td></td>
</tr>
<tr>
<td>Controller’s Office Trevor Batters)</td>
<td>13 Mar 2020</td>
</tr>
<tr>
<td>IT Security, Risk and Compliance (Jason Hlady &amp; Jon Coller)</td>
<td>06 Apr 2020 (email)</td>
</tr>
<tr>
<td>Provosts’ Office</td>
<td></td>
</tr>
<tr>
<td>Vice Provost Faculty Relations (Ken Wilson, Ana Crespo-Martin)</td>
<td>18 Feb 2020</td>
</tr>
<tr>
<td>Vice Provost Teaching, Learning and Student Experience (Patti McDougall)</td>
<td>01 Dec 2020</td>
</tr>
<tr>
<td>Student Affairs and Outreach (Tracy Spencer and Peter Hedley)</td>
<td>10 Feb 2021</td>
</tr>
<tr>
<td>Associate Deans Academic</td>
<td>17 Dec 2020</td>
</tr>
<tr>
<td></td>
<td>18 Feb 2021</td>
</tr>
<tr>
<td>College of Graduate and Postdoctoral Studies</td>
<td></td>
</tr>
<tr>
<td>Dean Debbie Burshtyn</td>
<td>01 Dec 2020</td>
</tr>
<tr>
<td>Vice Dean Ryan Walker</td>
<td>03 Mar 2021 (email)</td>
</tr>
<tr>
<td>Grad Chairs Cttee</td>
<td>21 Apr 2021</td>
</tr>
<tr>
<td>USSU President (Kiefer Roberts)</td>
<td>22 Jan 2021 (email)</td>
</tr>
<tr>
<td>GSA President (Humaira Iman)</td>
<td>01 Feb 2021 (email)</td>
</tr>
<tr>
<td>USFA (Chivers, Adl, Fryett)</td>
<td>03 Mar 2020</td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
<tr>
<td>David Stack and Robert Affleck, Mckercher LLP</td>
<td>May 2020 to present</td>
</tr>
<tr>
<td>Secretariat on Responsible Conduct of Research (Susan Zimmerman)</td>
<td>03 May 2021</td>
</tr>
</tbody>
</table>
RSAW reviewed the policy at its May 13, 2021 meeting and a motion by majority vote to recommend it to Council for approval. Concerns listed above, specifically concerns that the policy do not reflect the full range of Research, Scholarly and Artistic work undertaken by researchers at USask, concerns about the lack of consideration of EDI, and concerns about the level of consultation with USFA and legal counsel were raised.

FURTHER ACTION REQUIRED:

This policy and associated procedures will come to Council for decision at a future meeting.

ATTACHMENTS:

- Responsible Conduct of Research Policy
- Responsible Conduct of Research Procedures
- Responsible Conduct of Research Procedures Flowchart
- Responsible Conduct of Research Outline of Changes
- Responsibly Conduct of Research Policy and its application to students
Responsible Conduct of Research Policy (effective TBD)

Category: Research and Scholarly Activities
Responsibility: Vice-President Research
Authorization: University Council
Approval Date: TBD, effective date TBD. Complaints received on or after the effective date will be considered under this Policy and Procedures.
1.0 Purpose:
To set forth the standards for responsible conduct of research and the procedures to assess
allegations of a breach of those standards for all those involved in any capacity in all research
conducted at the University of Saskatchewan.

2.0 Principles
The research, scholarly and artistic work of university members must be held in the highest
regard and be seen as rigorous and scrupulously honest. Research, scholarly and artistic work is
expected to be conducted in an exemplary fashion, be ethically sound, and contribute to the
creation, application and refinement of knowledge. Stewardship of resources associated with
research must be transparent and comply with all university and funding agency policies and
regulatory requirements.

Allegations of breaches of this Policy at the University will be dealt with by prompt, effective
procedures that ensure fairness and protect both those whose integrity is brought into
question and those who bring forward allegations of breaches or misconduct. The university
will provide an environment that supports the best research and that fosters researchers’
“abilities to act honestly, accountably, openly and fairly in the search for and dissemination of
knowledge”\(^1\) including but not limited to providing ongoing educational opportunities in
research integrity.

3.0 Definitions for the purpose of the Policy and associated
Procedures.

“Advocate” means an advocate or advisor selected by a bargaining unit, or a friend, advisor or
legal counsel. Where the person is a member of a bargaining unit, the Advocate may be
selected by the appropriate bargaining unit; where the person is not a member of a bargaining
unit, this may be a friend, advisor or legal counsel.

“Agencies” and “Tri-Agency” means Canada’s three federal granting Agencies: the Canadian
Institutes of Health Research (CIHR), the Natural Sciences and Engineering Research Council
(NSERC), and the Social Sciences and Humanities Research Council (SSHRC).

“Allegation” means a declaration, statement, or assertion communicated in writing to the
University or one of the Agencies to the effect that there has been, or continues to be, a breach
of one or more University or Agency policies, the validity of which has not been established.

www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/
“Appeal Board” means a committee established by the University Council pursuant to section 61 of The University of Saskatchewan Act, 1995 to hear appeals of decisions made pursuant to this Policy and/or the related Procedures.

“Associate Vice-President Research” and “AVPR” mean the Associate Vice President Research identified as the University’s central point of contact to the Tri-Agency on matters related to Responsible Conduct of Research or their designate.

“Complainant” means the individual who has notified the University or one of the Agencies with an Allegation of a breach of this Policy.

“Hearing Board” means a committee established by University Council pursuant to section 61 of The University of Saskatchewan Act, 1995 to conduct hearings into alleged breaches of this Policy for the purpose of determining the validity of an allegation.

“Inquiry” means the process of reviewing an Allegation to determine whether the Allegation is responsible (as defined below), the particular policy or policies that may have been breached, and whether an Investigation is warranted based on the information provided in the Allegation.

“Investigation” means the process of examining an allegation, collecting and examining the evidence related to the allegation, providing both Complainants and Respondents with an opportunity to be heard at a hearing before a Hearing Board and making a decision as to whether a breach of the Policy has occurred.

“Policy” means the Responsible Conduct of Research Policy.

“Procedures” mean the Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy.

“Regulations” mean the Regulations on Student Academic Misconduct.

“Research” is an undertaking or a commitment to an undertaking, intended to extend knowledge through a disciplined inquiry or systematic investigation. Research includes but is not limited to the following scholarly activities:

a. the preparation and publication, in either traditional or electronic format of scholarly books, articles, theses, reviews, translations, critical editions, bibliographies, textbooks and pedagogical materials;

b. creative works in drama, music and the visual arts, including recordings, exhibitions, plays and musical compositions in all forms;

c. literary works in prose, poetry and drama; and

d. contract research and consultancy contracts.

“Respondent” means an individual who is identified in an Allegation as having possibly breached this Policy and/or Agency policy.
“Responsible Allegation” means an Allegation which corresponds to the definition of a Responsible Allegation in the Tri-Agency Framework on Responsible Conduct of Research.

“Secretariat on Responsible Conduct of Research” and “SRCR” means the Canadian government agency which provides substantive and administrative support for the Panel on Responsible Conduct of Research (PRCR), and the Agencies (CIHR, NSERC and SSHRC) with respect to the Tri-Agency Framework: Responsible Conduct of Research (the Framework).

“Senior Administrator” means deans or executive directors (when Respondents are faculty members, sessional lecturers, staff or undergraduate students in a college); directors, executive directors or associate vice-presidents in charge of an administrative Unit (when Respondents are employees); the provost (when Respondents are Deans or visiting professors); the Dean of Graduate and Postdoctoral Studies (when Respondents are adjunct professors, postdoctoral fellows, graduate students, or professional affiliates); vice-presidents (when Respondents are directors of an administrative unit or associate vice-presidents), the president (when Respondents are vice-presidents); and the Board of Governors (when the Respondent is the President).

“Tri-Agency Framework” and “RCR Framework” means the Tri-Agency Framework: Responsible Conduct of Research which describes policies and requirements for researchers, institutions, and the Agencies related to applying for and managing Tri-Agency funds, performing research, and disseminating results, as well as the processes that institutions and agencies receiving Tri-Agency funding must follow in the event of an Allegation of a breach of an Agency policy.

“University” means the University of Saskatchewan.

“University Members” means those participating in Research at or under the auspices of the University. This includes, but is not limited to faculty, librarians, professors emeriti, sessional lecturers, staff, trainees, clinical faculty, graduate and undergraduate students, adjunct professors, visiting professors, visiting scholars, professional affiliates, associate members, residents, and postdoctoral fellows (PDFs).

“University Officials” include Senior Administrators, department heads, directors, and managers.

4.0 Scope of this Policy

This Policy applies to all University Members involved in Research, in any capacity whatsoever. Nothing in this Policy and related Procedures will limit or amend the provisions of any existing collective agreement at the University. The Procedures in this Policy will not be used if an Allegation is, or has been addressed using another University procedure.
Lack of awareness of the Policy and/or impairment by alcohol or drugs are not defenses for a breach of this Policy.

5.0 Responsibilities

Research at the University will be conducted in accordance with the following assigned responsibilities and as required by the Tri-Agency Framework on Responsible Conduct of Research:

**University Members** are responsible for conducting their Research according to the highest standards of research integrity. University Members are responsible for:

- Obtaining all required University and respective agency approvals for Research including, but not limited to Research involving human participants or animal subjects, fieldwork, biohazards, radioisotopes, or environmental impact.
- Ensuring that their Research is conducted in accordance with approved protocols and that they adhere to all reporting requirements.
- Ensuring students and research staff are carefully supervised and trained in the conduct of Research, including experiments, processing of acquired data, recording of data and other results, interpretation of results, publication, and the storage and protection of Research records and materials.
- Exercising scholarly and scientific rigour and integrity in recording, analyzing and interpreting data, and in reporting and publishing data and findings. This includes keeping complete and accurate records of data, methodologies and findings, including graphs and images, in accordance with the applicable funding agreements, institutional policies, laws, regulations and professional or disciplinary standards in a manner that will allow verification or replication of the work by others.
- Ensuring institutional expert resources and supports are accessed to secure data and to protect the privacy of any individuals whose personal information has been obtained as part of any Research activities as required under the University’s Freedom of Information and Protection of Privacy Policy, The Local Authority Freedom of Information and Protection of Privacy Act, The Health Information Protection Act, and the Tri-Council Policy Statement: Ethical Conduct of Research Involving Humans (TCPS 2, 2018).
- Managing funds acquired for the support of Research as required by the Tri-Agency Guide on Financial Administration, research funding agreements and University policies on Research Administration. Grant fund expenditures must contribute to the direct costs of the research/activities for which the funds were awarded, with benefits directly attributable to the grant; not be provided by the administering institution to their research personnel; be effective and economical and not result in personal gain for members of the research team.
- Including as authors, with their consent, all those and only those who have materially or conceptually contributed to, and share responsibility for, the contents of the publication or document, in a manner consistent with their respective contributions and authorship.
policies of relevant publications.

h. Acknowledging, in addition to authors, all contributors and contributions to research, including writers, funders and sponsors.

i. Reporting conflicts of interest as per the University’s policy on Conflict of Interest.

ej. Disclosing to the Associate Vice-President Research any breach of this Policy of which they have become aware.

University Officials are responsible for:

a. Promoting and overseeing Research that is conducted with the highest standards of research integrity.

b. Encouraging activities that support research integrity among University Members.

c. Participating in Inquiries and Investigations as defined in these Procedures.

The Associate Vice-President Research is responsible for:

a. Initiating, directing and overseeing an Inquiry, as outlined in the Procedures.

b. Determining whether an Investigation will occur and overseeing that Investigation as outlined in the Procedures.

c. Other responsibilities as defined in the Procedures.

6.0 Breaches of this Policy

Breaches of this Policy (as defined by the Tri-Agency Framework: Responsible Conduct of Research) include, but are not limited to:

a. Fabrication: making up data, source material, methodologies or findings, including graphs and images.

b. Falsification: manipulating, changing, or omitting data, source material, methodologies or findings, including graphs and images, without acknowledgement and which results in inaccurate findings or conclusions.

c. Destruction of research records: the destruction of one's own or another's research data or records to specifically avoid the detection of wrongdoing or in contravention of the applicable funding agreement, institutional policy and/or laws, regulations and professional or disciplinary standards.

d. Plagiarism: presenting and using another's published or unpublished work, including theories, concepts, data, source material, methodologies or findings, including graphs and images, as one's own, without appropriate referencing and, if required, without permission.

e. Redundant publications: the re-publication of one's own previously published work or part thereof, or data, in any language, without adequate acknowledgment of the source, or justification.

f. Invalid authorship: inaccurate attribution of authorship, including failing to include as an author someone who has materially or conceptually contributed to and shares responsibility for, the contents of the publication or document and/or attribution of
authorship to persons other than those who have made a substantial contribution to and
who accept responsibility for, the contents of a publication or document in a manner
consistent with the authorship policies of relevant publications.

g. **Inadequate acknowledgement:** failure to appropriately recognize contributors in a
manner consistent with the authorship policies of relevant publications.

h. **Mismanagement of Conflict of Interest:** failure to appropriately identify and address any
real, potential or perceived conflict of interest, in accordance with the University's policy
on *Conflict of Interest*.

i. Failure to comply with applicable policies, laws or regulations for the conduct of Research
including, but not limited to:

   i. Tri-Agency policies or requirements;

   ii. Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2, 2018);

   iii. Canadian Council on Animal Care guidelines and policies;

   iv. Applicable environmental protection legislation;

   v. Licenses from appropriate governing bodies for research in the field;

   vi. Laboratory biosafety guidelines;

   vii. Canadian Nuclear Safety Commission (CNSC) regulations, and Radiation Safety
guidelines;

   viii. Controlled Goods Program;

   ix. Public Health Agency of Canada guidelines;

   x. Canada Food Inspection Agency guidelines and Canada’s Food and Drugs Act; and

   xi. All applicable University Policies.

j. **Misrepresentation in a Funding Application or Related Document:**

   i. providing incomplete, inaccurate, or false information in a funding application or
related document, such as a letter of support or progress report;

   ii. Applying for and/or holding a Tri-Agency award when deemed ineligible by NSERC,
SSHRC, CIHR or any other research funding organization world-wide for reasons of breach
of responsible conduct of research policies such as ethics, integrity or financial
management policies.

   iii. Listing of co-applicants, collaborators, or partners without their agreement.

k. **Mismanagement of Funds:** using grant and award funds for purposes inconsistent with
the policies of the funding agency or University policies, misappropriating grant and
award funds, contravening funding agency financial policies, for example the Tri-Agency
Guide on Financial Administration, funding agency grants and awards guidelines, or
providing inaccurate or false documentation for expenditures from grant or award
accounts.

l. **Breach of Tri-Agency Review Processes**

   i. Non-compliance with the Conflict of Interest and Confidentiality Policy of the Federal
Research Funding Organizations.

   ii. Participating in Tri-Agency review processes while under Investigation for a breach of
this Policy.
Breaches of this Policy should not be interpreted as including disciplinary differences of opinion regarding research methodologies, theoretical frameworks, data sources, data analysis, or publication conventions.

7.0 Privacy

University Members will protect the privacy of individuals involved in an Inquiry or Investigation under this Policy as far as is possible. However, if an Allegation is substantiated, the University reserves the right to use or disclose information in accordance with The Local Authority Freedom of Information and Protection of Privacy Act, as noted in Section 10.0 of this Policy.

8.0 Education

To promote a greater understanding of responsible conduct of research and research ethics, the University will offer workshops, seminars, web-based materials, courses, and research ethics training for University Members along with orientation for those members who are new to the university. When examples of Investigations at the University are used for the purpose of educating University Members on acceptable practices for scholarly integrity and research ethics, personal identifiers will be removed from these cases in order to maintain confidentiality.

9.0 Procedures

This Policy is supported by two procedural documents entitled Procedures for Addressing Allegations of Breaches of the Responsible Conduct of Research Policy at the University of Saskatchewan and Procedures for Stewardship of Research Records and Materials at the University of Saskatchewan.

Responsibility for the implementation and maintenance of these Procedures is delegated to the Office of the Vice-President Research. Revisions to the Procedures will be approved by Council.

10.0 Reporting

The OVPR will report annually to Council relevant data resulting from the application of this Policy through the Research Scholarly and Artistics Works Committee of Council.

The OVPR will post annually on its web site, information on confirmed findings of breaches of this Policy (e.g., the number, general nature of the breaches and outcomes), subject to applicable laws, including privacy laws.

Subject to any applicable laws, including privacy laws, the OVPR shall comply with the
requirements of funding agencies regarding reporting of breaches of this Policy in accordance with the procedures identified by the specific agency. The University and the researcher may not enter into confidentiality agreements or other agreements related to an Allegation, Inquiry Investigation or Appeal that prevent the University from reporting to funding agencies.

In the case of a breach of this Policy, and subject to applicable privacy laws, the President may disclose any information relevant to the breach that is in the public interest including the name of the researcher subject to the decision, the nature of the breach, and the recourse imposed. To inform disclosure of this information, the extent to which the breach jeopardizes the safety of the public, potentially damages the integrity of or brings the conduct of research and/or the University into disrepute will be considered.

11.0 Contact

For further information please contact the Associate Vice-President Research at +1 (306) 844-1148.

Effective date TBD
Procedures for addressing an alleged breach of the Responsible Conduct of Research policy by a Researcher at the U of S

Complainant sends written allegation to the AVPR (may copy to Secretariat on Responsible Conduct of Research (SRCR). Anonymous allegations considered only if all relevant facts are independently verifiable.

AVPR conducts Inquiry to determine whether the allegation is responsible and if an Investigation is warranted. Meets with complainant, respondent, witnesses, and notifies relevant Senior Administrator. (completed within 30 working days of receiving written allegation)

In exceptional circumstances, AVPR informs SRCR and takes immediate action

No Investigation Warranted

If SRCR is unaware of allegation no reporting required

If SRCR is aware of allegation AVPR submits inquiry report to SRCR within 2 months of receipt of allegation.

Breach, Misconduct Acknowledged

Respondent submits written statement acknowledging breach to AVPR.

Report sent to relevant Senior Administrator for potential consequences or to hearing board if respondent is a student.

If required AVPR submits Inquiry report to SRCR within 2 months of receipt of allegation.

AVPR appoints Hearing Board & Chair.

AVPR sends notice of Investigation to respondent, complainant and relevant Senior Administrator.

Chair sends letter to Respondent & Complainant outlining hearing processes.

Hearing Board conducts Investigation including a hearing

Hearing Board submits report to the AVPR within 60 working days of being appointed.

Student Respondent Hearing Board determines sanctions

If Tri-Agency funded, AVPR submits Investigation report to SRCR within 5 months from completion of Inquiry.

No Breach

Respondent and Complainant advised of right to appeal decision to University Secretary.

Notice of Appeal submitted to University Secretary

Appeal dismissed

Appeal granted

Other University Members - Report sent to relevant Senior Administrator for consideration of discipline

Appeal Process p2
Appeal Process under the USask Responsible Conduct of Research Policy

- Appeal granted
  - University Secretary appoints Appeal Board & Chair.
    - University Secretary sends notice of appeal to Parties and relevant Senior Administrator(s).
      - Chair sends letter to Parties outlining appeal hearing processes.
        - Appeal Board conducts appeal hearing within 30 working days of appointment
          - Appeal Board submits report to the University Secretary within 60 working days of being appointed.

- Fair Hearing, original decision upheld
- Not a Fair Hearing, decision appropriate and upheld
- Not a Fair Hearing, decision modified or dismissed
- Not A Fair Hearing – Appeal Board decides New Hearing
  - Board must be struck to re-investigate the case

AVPR sends letter informing Respondent, Complainant and relevant Senior Administrator of appeal decision
Inquiry Process under the USask Responsible Conduct of Research Policy

AVPR receives written allegation

Proceeds only if all facts are independently verifiable

Anonymous

AVPR consults with experts in confidence

AVPR provides copy of written allegation and supporting information to the Respondent

AVPR may meet with Complainant

AVPR may attempt informal resolution

Success

Allegation withdrawn

No success

Respondent responds within 10 working days

AVPR decision on whether allegation is Responsible and warrants an Investigation within 30 working days of receipt of the written allegation

Breach Acknowledged

Yes

Student Respondent

Yes

Hearing Board empaneled to determine sanctions

Yes

Report sent to relevant Senior Administrator for consideration of discipline

No

Allegation proceeds to an Investigation

No

AVPR sends letter informing Respondent, Complainant and relevant Senior Administrator dismissing allegation

Yes

If Tri-Agency funded, AVPR submits Investigation report to SRCR within 5 months from completion of Inquiry.
Procedures for Addressing Allegations of Breaches of the University of Saskatchewan Responsible Conduct of Research Policy

1.0 Application

These Procedures accompany the Responsible Conduct of Research Policy (the “Policy”) and apply to all Allegations of breaches of the Policy by University Members. Responsibility for the development, maintenance and oversight of these Procedures is delegated to the Office of the Vice-President Research (OVPR).

These Procedures shall be consistent with applicable clauses in collective agreements including University of Saskatchewan Faculty Association (USFA), Canadian Union of Public Employees (CUPE) Local 1975, the Administrative and Supervisory Personnel Association (ASPA), Canadian Union of Public Employees (CUPE) Local 3287, the Resident Doctors of Saskatchewan (RDoS), the Public Service Alliance of Canada, Local 40004 (Postdoctoral Fellows (PSAC)), and the Public Service Alliance of Canada, Local 40004 (Graduate Student Employees (PSAC)).

2.0 Reporting Breaches of the Responsible Conduct of Research Policy

a. Any person, including a representative of a funding agency, who believes they have knowledge of a breach of the Policy should immediately report their Allegation in writing to the Associate Vice-President Research (AVPR). They may also send a copy of their Allegation to the Secretariat on Responsible Conduct of Research (SRCR). The AVPR will notify the relevant Senior Administrator(s) that an Allegation of a breach of the Policy involving a University Member from their unit(s) has been received.

b. If the AVPR receives an Allegation that a student may be in breach of the Policy, the AVPR will consult with the appropriate Senior Administrator to determine whether the Allegation relates to a breach of the Policy or is a matter under the Regulations on Student Academic Misconduct.

c. Anonymous Allegations will be considered only if all relevant facts are publicly available or otherwise independently verifiable. If all relevant facts are verifiable, the AVPR will initiate an Inquiry to determine whether the complaint should be dismissed or investigated. Anonymous Complainants are not entitled to participate or receive information on any part of the outcome.

1 These Procedures adopt and incorporate the Definitions from the Policy.
d. Allegations should be in writing, with sufficient detail about the nature of the alleged breach, the location and time of its occurrence. It should be supported by all available documentation and contain enough information to permit a determination of whether the alleged conduct, if substantiated, would constitute a breach of the Policy and to permit further information gathering about the alleged breach.

e. If an Allegation is received related to conduct that occurred at another institution (whether as an employee, a student or in some other capacity), the AVPR will contact the other institution and consult to determine which institution is best placed to conduct the Inquiry and Investigation if warranted. The AVPR will communicate to the Complainant which institution will be responsible for responding to the Allegation.

3.0 Procedures for Inquiry

Subject to the provisions in section 4.0 of the Policy, the AVPR will conduct an Inquiry into the Allegations.

a. The AVPR will assess whether the Allegation:
   i. is outside the jurisdiction of these Procedures as outlined in section 4.0 of the Policy;
   ii. involves Allegations that, if proven, would constitute a breach as defined in section 6.0 of the Policy and/or in the Tri-Agency Framework on Responsible Conduct of Research;
   iii. is frivolous, vexatious, or in bad faith;
   iv. has been previously determined under the Policy and these Procedures, under another University policy, or other comparable proceeding;
   v. warrants an Investigation; or
   vi. may involve significant financial, health and safety or other risks. If the allegation involves significant financial, health and safety or other risks and is related to activities funded by the Tri-Agencies, the AVPR is required to advise the relevant Tri-Agency or the SRCR as outlined in section 7.0 of these Procedures.

b. The AVPR may discuss the Allegation with the Complainant and request additional information.

c. The AVPR will provide a copy of the Allegation and supporting information in writing to the Respondent and inform the Respondent of their right to submit a written response to the Allegation and/or request a meeting with the AVPR within ten (10) working days of receipt of the Allegation. The Respondent and Complainant will be advised they are entitled to consult with an Advocate. The Respondent and Complainant will be instructed in writing to preserve all evidence and not to communicate with each other about the Allegation until further notice.

d. During the Inquiry, the AVPR may consult in confidence with University Members, including accessing University records; with outside experts; and where the research involves human participants or animal subjects with the Research Ethics Board Chair responsible for approval of the research.
e. The AVPR may consult with both the Complainant and Respondent to determine whether an informal resolution is possible. Where appropriate, and with the consent of the Complainant and Respondent, other parties affected by the underlying Allegation may participate in efforts towards an informal resolution. Discussions around informal resolutions may not be included as evidence if the Allegation proceeds to an Investigation.

f. The AVPR will inform the Complainant and the Respondent in writing of their decision as to whether the Allegation is a Responsible Allegation and whether an Investigation is warranted within thirty (30) working days of having received the written Allegation. This period may be extended with justification and if required, the AVPR will consult with the SCCR regarding extensions.

g. If deemed necessary, the AVPR may restrict research and/or related activities until the Allegation is resolved.

3.1 Acknowledgement of Misconduct

If the Respondent agrees to the facts alleged in the Allegation, the AVPR may conclude the Inquiry or Investigation. The AVPR must be confident there is sufficient evidence in support of the acknowledgement.

a. The AVPR must obtain a written statement from the Respondent attesting to the occurrence and extent of the breach, acknowledging that the statement was voluntary and stating that the Respondent was advised of the right to consult an Advocate.

b. The AVPR will forward a report along with the Respondent’s statement to the responsible Senior Administrator(s) who will make a decision as to what discipline or other consequences are warranted.

c. If the Respondent is a student, the AVPR will empanel a Hearing Board to determine what discipline or other consequences are warranted as outlined in section 4.3.1 of these Procedures after receiving written statements regarding potential consequences and/or sanctions from each of the parties.

4.0 Procedures for Investigations

When it has been determined that an Allegation should proceed to an Investigation, the following steps will be taken.

a. The AVPR shall appoint a Hearing Board within a reasonable time frame composed of three to five members, one of whom will be designated as chair, at least two of whom will be senior members of the University\(^2\), and at least one of whom will be external and with

---

\(^2\) Senior members of the university include senior administrators, full professors, associate professors and adjunct professors of equivalent seniority.
no current student, employment, contractual or academic affiliation to the University. If the Respondent is a student, the Hearing Board shall include a student member in addition to the above-mentioned members. The chair will be appointed by the AVPR.

b. The members of the Hearing Board will have no actual or perceived conflicts of interest or bias and will jointly have appropriate subject matter expertise and administrative background to evaluate the Allegation and the response to it. Each member of the Hearing Board must sign a declaration denying any conflicts of interest and must sign a confidential non-disclosure agreement.

c. The AVPR will provide the Respondent and the Complainant with the names and positions of the chair and members of the Hearing Board. If the Complainant or Respondent have any objection to the composition of the Hearing Board, an objection must be made in writing to the AVPR within five (5) working days of receiving that information. The AVPR will make the final decision as to whether a reasonable apprehension of bias or conflict of interest exists.

d. The AVPR will provide the Hearing Board with a copy of the Allegation, the Respondent’s written response from the Inquiry (section 3.0) and any other information gathered at the Inquiry that is pertinent to the Investigation. The AVPR will provide guidance and suitable administrative support for the Investigation.

e. Once appointed, the chair will, within ten (10) working days, send a letter to the Respondent and the Complainant. This letter will convey the following information and documentation:

i. the right of both the Respondent and the Complainant to jointly appear at a hearing to make submissions to the Hearing Board within thirty (30) working days of receipt of this letter, or such other time as determined by the chair;

ii. a copy of the Allegation, the Respondent’s written response from the Inquiry, and any other information gathered during the Inquiry that is pertinent to the Investigation.

iii. a statement of confidentiality of the proceedings for the protection of privacy and reputation of the Respondent and the Complainant;

iv. the requirement to preserve evidence;

v. a proscription against improper acts of retaliation;

vi. that the Respondent, Complainant and witnesses have a right to be advised during the Investigation and accompanied by an Advocate at the hearing;

vii. that both the Respondent and the Complainant should, at least ten (10) working days prior to the hearing or such other time as determined by the chair, provide the Hearing Board with any additional written materials, evidence, as well as names and statements of potential witnesses they propose to include as part of the hearing;

viii. a copy of these Procedures; and

ix. anything else that the chair deems necessary to facilitate the commencement of the hearing.

f. The role of the Hearing Board is to examine the Allegation, collect and examine the Allegation and provide a recommendation to the AVPR.

---

evidence related to the Allegation, make a decision as to whether a breach of this Policy has occurred including the severity of the breach and if so, make recommendations in accordance with sections 4.1.b and 4.1.c of these Procedures.

The Hearing Board is not bound to observe strict legal procedures or rules of evidence but shall establish its own procedures, including but not limited to determining what evidence it will hear and/or accept. Further, and without limitation, the Hearing Board may:

i. ask questions of the Complainant and Respondent;

ii. ask questions of witnesses;

iii. request and examine any documents, data, records, or equipment they deem relevant to the Allegation;

iv. arrange for the testing of physical evidence relevant to the Allegation.

The Hearing Board will conduct the hearing in accordance with the principles of procedural fairness, and the following requirements must be followed in the Investigation:

i. a University Member against whom an Allegation is made is to be treated as being innocent until it has been established, on the balance of probabilities and before a Hearing Board of impartial and unbiased decision-makers, that they have committed a breach of the Policy;

ii. Respondents must be informed of the details of the alleged breach, including having access to all documentary and other evidence relevant to the alleged breach;

iii. Respondents who are alleged to have caused or contribute to a breach must be given an opportunity to respond to the Allegations;

iv. the Respondent, Complainant and witnesses have a right to be advised and/or accompanied by an Advocate at the hearing. The Advocate may speak as an advocate on behalf of the Respondent or Complainant, but the Hearing Board expects that it will hear directly from the Complainant and/or Respondent wherever possible. This right is subject to the provision that the names of any Advocates are provided to the Chair at least five (5) working days prior to the hearing;

v. while strict rules of evidence do not apply, appropriate weight must be given to evidence based on its credibility and reliability;

vi. if one or both of the parties chooses not to appear at the hearing, the Hearing Board may proceed to make its decision based on the material and information already gathered;

vii. while it is generally intended that all of the evidence from the witnesses will be gathered and shared with the parties prior to the hearing, the chair has the discretion to allow witnesses to present their evidence at the hearing if the fairness of the process requires it. The chair may also adjourn proceedings to allow a party an appropriate opportunity to respond to new evidence;

viii. the chair has authority to extend the Investigation timelines when necessary in the circumstances to conduct a fair process. The chair may also permit any and all of the participants to the hearing to appear by way of telephone or videoconference.

i. If, during the course of the hearing, the evidence discloses a new related instance of a breach of the Policy that was not part of the original Allegation or which implicates additional Respondents, the Hearing Board may expand the hearing, provided that the
Complainant and Respondent are notified and are given an opportunity to respond to the new Allegations. If the expanded hearing involves new Respondents, they will be provided with reasonable notice and shall for the purpose of these Procedures, be entitled to all rights as Respondents.

j. The chair shall notify the AVPR of interim findings, if any, that they believe should be reported because of the University’s obligations to students, staff, and faculty members, funding agencies and sponsors or, where there are compelling issues of public safety. Any interim report shall be in writing and copied to all members of the Hearing Board, to the Complainant and Respondent, and the AVPR. The interim report shall set out the findings, the reason for the interim report, and a recommendation regarding appropriate administrative action.

4.1 Decision of the Hearing Board

The Investigation will normally be completed within sixty (60) working days of the Hearing Board being appointed. In exceptional circumstances, the chair may apply to the AVPR for an extension of twenty (20) working days. Further extensions may be granted for twenty (20) working days at a time. If an Investigation is anticipated to take longer than one hundred (100) working days from the time the board is appointed, if required by the Tri-Agencies, the AVPR will consult with the relevant Tri-Agency and/or SRCR. The AVPR will inform the Respondent and Complainant in writing of any extensions granted. Where required, the AVPR will also provide periodic updates to the relevant Tri-Agency and/or SRCR until the Investigation is complete. The frequency of the periodic updates will be determined jointly by the SRCR and the AVPR.

a. The Hearing Board shall complete its Investigation and shall report its decision in writing to the AVPR. The AVPR shall advise the Respondent, the Complainant, and the relevant Senior Administrator(s) of the decision.

b. If there is more than one Respondent or Complainant, reasonable efforts will be made to provide each with parts of the report that are pertinent to them. It is recommended that the format of the Hearing Board report contain the following:

i. the full Allegation of a breach of the Policy;

ii. a list of Hearing Board members and their credentials;

iii. a summary of the Complainant’s position including reference to relevant witnesses and/or evidence put forward;

iv. a summary of the Respondent’s position including reference to relevant witnesses and/or evidence put forward;

v. a determination of whether a breach of the Policy occurred;

vi. if a breach has occurred, its extent and seriousness; and

vii. recommendations of changes to procedures or practices, if any, to avoid similar situations in the future.

c. Recommendations of the Hearing Board may also include, without limitation:

i. withdrawing all pending relevant publications;

ii. notifying publishers of publications in which the involved research was reported;
iii. notifying co-investigators, collaborators, students and other project personnel of the decision;
iv. ensuring the unit(s) involved is informed of appropriate practices for promoting the proper conduct of research;
v. informing any outside funding sponsor(s) of the results of the Inquiry and of actions to be taken.
d. The Hearing Board’s decision is based on majority vote. No minority reports shall be allowed.
e. The Hearing Board report is final and not subject to revision.

4.2 Dismissal of the Allegation

a. If the Hearing Board advises that the Allegation should be dismissed, the AVPR shall so advise any person identified in the Allegation, the Respondent, the Complainant and other appropriate University Officials. In addition, the notification requirements of the applicable collective agreement shall be followed.
b. Where the Allegation is dismissed, the AVPR and appropriate Senior Administrator, shall take all reasonable steps to repair any damage that the Respondent's reputation for scholarly integrity or research activities may have suffered by virtue of the Allegation. The AVPR shall ensure that a letter confirming the finding that no breach of the Policy was substantiated is sent to the Respondent, with a copy to the Complainant, and to the Senior Administrator(s). With the consent of the Respondent, a letter confirming the finding that no breach was substantiated may be sent to other persons with knowledge of the Allegation. These persons may include, but are not limited to, co-authors, co-investigators, collaborators, and others who may have been notified by the AVPR.

4.3 Determination of Consequences

If the Allegation is found to have been made in good faith, no disciplinary measures or retaliatory action shall be taken against the Complainant. If the Allegation is found to have been made in bad faith, the AVPR will refer the matter to Discrimination and Harassment Prevention Services for resolution under the University Discrimination and Harassment Prevention Policy⁴. Any acts of retaliation (including threats, intimidation, reprisals or adverse employment or education action) made against the Complainant, Respondent or any individual who participated in any manner in the Investigation or resolution of a report of a breach of the Policy are subject to the University Discrimination and Harassment Prevention Policy.

4.3.1 For Students

a. If a Respondent who is an undergraduate or graduate student is found to have breached the

Policy, the consequences and sanctions shall be determined by the Hearing Board. The Respondent and Complainant will have seven (7) working days from the receipt of the Hearing Board report to make a written statement to the Hearing Board with a copy to the AVPR, regarding the findings, in advance of any disciplinary action determined by the Hearing Board.

b. The Hearing Board shall request from the Governance Office a record (if any) of any sanctions imposed by other University hearing boards or appeal boards for similar academic misconduct matters.

c. The Hearing Board shall have the authority to impose one or more sanctions which may include, but are not limited to, the following:
   i. that the student(s) be reprimanded or censured;
   ii. that a mark of zero or other appropriate grade be assigned for the entire course, for an assignment, or that a credit or mark for the course be modified or cancelled;
   iii. that an assignment be redone or any other academic performance be repeated;
   iv. that the student(s) be required to submit an essay or assignment relating to the topic of academic misconduct, or to prepare and/or deliver a presentation on that topic;
   v. that the student(s) be required to complete additional training in responsible conduct of research;
   vi. that the student(s) be suspended from the University for a specified period of time;
   vii. that the student(s) be expelled permanently from the University;
   viii. that the conferral of a degree, diploma or certificate be postponed, denied or revoked.

d. If the decision of the hearing board results in suspension or expulsion of the student(s) or revocation of a degree, the Hearing Board will follow Sections VIII.4.6 & 7 and XIII of the Regulations.

4.3.2 For Other University Members

a. If it is established that the Respondent who is NOT an undergraduate or graduate student has breached the Policy, the Respondent and Complainant will have seven (7) working days from the receipt of the Hearing Board report to make a written statement to the Senior Administrator with a copy to the AVPR, regarding the findings, in advance of any disciplinary action recommended by the Senior Administrator.

b. The Senior Administrator shall, upon receipt of the Hearing Board report, determine and communicate to the Complainant, the Respondent, and the AVPR within twenty-five (25) working days whether or not formal disciplinary action is to be taken or where appropriate, recommend formal disciplinary action to the President, taking into consideration collective agreements, contractual and other obligations to external organizations and prior offenses under the Policy.

c. The Respondent and the Complainant who brought the Allegation shall be advised of the right to appeal as set out in section 5.0. Any penalties that are the outcome of a Hearing Board remain in force unless and until they are overturned by an appeal or through a grievance process.
5.0 Appeals under this Policy

a. Either the Complainant or the Respondent\(^5\) may appeal the decision of the Hearing Board by delivering to the University Secretary a written notice of appeal within twenty (20) working days of receipt of a copy of the Hearing Board report (section 4.1 b). The notice should include a written statement of appeal that indicates the grounds on which the appellant intends to rely, and any evidence the appellant wishes to present to support those grounds.

b. An appeal will be considered only on one or more of the following grounds:
   i. That the decision maker(s) had no authority or jurisdiction to reach the decision it did;
   ii. That there was a reasonable apprehension of bias on the part of one or more of the decision makers;
   iii. That the original Hearing Board made a fundamental procedural error that seriously affected the outcome;
   iv. That new evidence has arisen that could not reasonably have been presented at the initial hearing and that would likely have affected the decision of the original Hearing Board.

c. Upon receipt of a notice of appeal, the University Secretary will review the record of the original hearing and the written statement of appeal and determine whether or not the grounds for appeal are valid. If the University Secretary determines that there are no valid grounds under these Procedures for an appeal, then the appeal will be dismissed without a hearing. If the University Secretary determines that there may be valid grounds for an appeal, then the appeal will proceed as provided for in section 5.1. The decision of the University Secretary with respect to allowing an appeal to go forward is final, with no further appeal.

d. The appeal under this Policy relates only to the original Hearing Board’s determination of whether a breach of this Policy occurred. The subsequent determination of discipline imposed for the breach of this Policy is not appealable under this Policy.

5.1 Procedures for Appeals

When it has been determined that an Appeal should proceed, the following steps will be taken.

a. The University Secretary shall appoint an Appeal Board within a reasonable time frame composed of three to five members, one of whom shall be designated as chair, at least two of whom will be senior\(^6\) members of the University or of another academic institution, and at least one member who is external and with no current student,

\(^5\) In remainder of section 5.0, the term “respondent” is used to refer to the respondent in the appeal (not necessarily the Respondent to the original complaint).

\(^6\) Senior members of the university include senior administrators, full professors, associate professors and adjunct professors of equivalent seniority.
employment, contractual or academic affiliation to the University. If the Respondent or  
appellant is a student, the Appeal Board shall include a student member in addition to the  
above-mentioned members. The chair will be appointed by the University Secretary.  
Individuals appointed to serve on an Appeal Board shall exclude anyone who was involved  
in the original Investigation of the case.

b. The members of the Appeal Board will have no actual or perceived conflicts of interest or  
bias and will jointly have appropriate subject matter expertise and administrative  
background to evaluate the appeal and the response to it. Each member of the Appeal  
Board must sign a declaration denying any conflicts of interest and must sign a  
confidential non-disclosure agreement.

c. The University Secretary will provide the respondent and the appellant with the names  
and positions of the chair and members of the Appeal Board. If the appellant or  
respondent have any objection to the composition of the Appeal Board, an objection  
must be made to the University Secretary within five (5) working days of receiving that  
information. The University Secretary will make the final decision as to whether a  
reasonable apprehension of bias or conflict of interest exists.

d. Once appointed, the chair will, within ten (10) working days, send a letter to the  
respondent and the appellant. This letter will convey the following information and  
documentation:

i. the right of both the respondent and the appellant to jointly appear before the Appeal  
Board to make submissions within thirty (30) working days of receipt of this letter, or  
such other time as determined by the chair;

ii. a copy of the statement of appeal, and any other information gathered in the  
Investigation pertinent to the appeal;

iii. a statement of confidentiality of the proceedings for the protection of privacy and  
reputation of the respondent and the appellant;

iv. a proscription against improper acts of retaliation;
v. that the respondent and appellant have a right to be advised and /or accompanied by  
an Advocate at the appeal hearing;

vi. if the respondent wishes to provide a written argument to the Appeal Board, the  
respondent should submit the argument to the Appeal Board at least (10) working  
days prior to the appeal hearing, and a copy of this written argument will be provided  
to the appellant;

vii. a copy of these Procedures; and

viii. anything else that the chair deems necessary to facilitate the commencement of the  
hearing.

e. The chair may modify timelines for parties providing submissions where, in their  
discretion, it is reasonable and appropriate.

f. If any party to these proceedings does not attend the hearing, the Appeal Board has the  
right to proceed, and may decide the appeal based on the written record of the original  
Hearing Board and the statement of appeal, and any written arguments submitted by the  
respondent. An appellant who chooses to be absent from the hearing may appoint an  
Advocate to present their case at a hearing.

g. The Appeal Board is not bound to observe strict legal procedures or rules of evidence but
shall establish its own procedures subject to the following principles:

i. the Appeal Board under these regulations will not hear the case again but is limited to considering the grounds of appeal prescribed in section 5.0 b;

ii. the parties to the appeal shall be the appellant (who may be either the original Complainant or the original Respondent) and the other party to the original Investigation as respondent;

iii. the original Hearing Board chair (or another member designated by the chair) may be invited to attend to answer questions of either party or of the Appeal Board. The original Hearing Board chair cannot discuss the in-camera deliberations but can provide facts regarding the process followed;

iv. except as provided for under section 5.0 b. iv. above, no new evidence will be considered by the Appeal Board. The record of the original hearing, including a copy of all material filed by both sides at the Hearing Board, and the written statement of appeal, will form the basis of the Appeal Board’s deliberations;

v. it shall be the responsibility of the appellant to demonstrate that the appeal has merit;

vi. the chair of the Appeal Board has authority to extend the appeal procedure timelines when necessary in the circumstances to conduct a fair appeal process;

vii. the chair may also permit any and all of the participants to the appeal hearing to appear by way of telephone or videoconference.

5.2 Decision by the Appeal Board

The Appeal will normally be completed within sixty (60) working days of the Appeal Board being appointed. In exceptional circumstances, the chair may apply to the University Secretary for an extension of twenty (20) working days. Further extensions may be granted for twenty (20) working days at a time. If an Appeal is anticipated to take longer than sixty (60) working days from the time the board is appointed, if required by the Tri-Agencies, the University Secretary will consult with the relevant Tri-Agency and/or SRCR. The University Secretary will inform the respondent and appellant in writing of any extensions granted. Where required, the University Secretary will also provide periodic updates to the relevant Tri-Agency and/or SRCR until the Appeal is complete. The frequency of the periodic updates will be determined jointly by the SRCR and the University Secretary.

a. After the hearing is completed, the Appeal Board will meet to decide whether to uphold, overturn or modify the decision of the original Hearing Board. The deliberations of the Appeal Board are confidential.

b. The Appeal Board may, by majority,

i. conclude that the appellant received a fair hearing from the original Hearing Board, and uphold the original decision; or

ii. conclude that the appellant did not receive a fair hearing, but that the decision remains appropriate and the original decision is upheld; or

iii. conclude that the appellant did not receive a fair hearing, and dismiss or modify the
original decision; or

iv. order that a new Hearing Board be struck to re-investigate the case. This provision
should be limited to cases that in the view of the Appeal Board are significant enough
to warrant a new hearing, including but not limited to cases when new evidence has
been introduced that could not reasonable have been available to the original Hearing
Board.

c. The chair of the Appeal Board shall prepare a report of the board's deliberations that shall
recite the evidence on which the board based its conclusions. The report shall be
delivered to the University Secretary and distributed to the appellant, the respondent, the
Associate Vice President Research and the relevant Senior Administrator(s).

d. If the decision of a Hearing Board is successfully appealed, the AVPR and the appropriate
Senior Administrator shall take all reasonable steps to repair any damage that the
appellant’s or respondent’s reputation for academic integrity may have suffered by virtue
of the earlier finding of the Hearing Board.

5.3 No Further Appeal

The findings and ruling of the Appeal Board shall be final with no further appeal.

6.0 Records

a. Hearing Boards and Appeal Boards will provide their report and all records from the hearing
to the AVPR for retention in accordance with this section 6.0. Complainants, Respondents,
Hearing and Appeal Board members will securely destroy all copies of evidence or materials
they have received related to the hearing or provide them to the AVPR for secure
destruction.

b. Records pertaining to Allegations that result in disciplinary action will be retained in the
Respondent’s official file in accordance with existing University policies, procedures and
collective bargaining agreements.

c. No record of an Allegation of a breach of the Policy will be kept in the Complainant's official
file except the record of disciplinary action resulting from a complaint that is made in bad
faith.

d. Subject to the provisions of the Policy, these Procedures and the requirements of law, any
and all records pertaining to charges and/or hearings and/or sanctions under these
Procedures are confidential and should be kept in a file accessible only to the AVPR and
their confidential assistants for a period of ten (10) years or while any legal or official
proceedings are pending. After this time, the records may be destroyed. With the
exception of records supporting disciplinary action that are placed in the Respondent’s
official file, these records are strictly confidential and will be disclosed only when disclosure
is required by law or by a legal or official proceeding.
7.0 Reporting to the Tri-Agencies

a. Reporting Allegations of a breach of the Policy to the Tri-Agencies: Subject to any applicable laws, including privacy laws, the AVPR shall advise the relevant Tri-Agency or the SRCR immediately of any Allegations related to activities funded by the Tri-Agency that may involve significant financial, health and safety, or other risks.

b. Reporting results of an Inquiry to the Tri-Agencies: If the SRCR was copied on the Allegation or advised of an Allegation related to activities funded by the Agencies, the AVPR shall write a letter to the SRCR confirming whether or not the Institution is proceeding with an Investigation within two (2) months of the receipt of the Allegation.

c. Reporting an Acknowledgement of Misconduct to the Tri-Agencies: If the Allegation resulted in an Acknowledgement of Misconduct, a report will be submitted to the SRCR within seven (7) months of the receipt of the Allegation.

d. Reporting Results of an Investigation to the Tri-Agencies: The AVPR shall prepare a report for the SRCR on each Investigation it conducts in response to an Allegation of a breach of the Policy related to a funding application submitted to an Agency or to an activity funded by an Agency. A report will be submitted to the SRCR within seven (7) months of the receipt of the Allegation by the institution. Subject to any applicable laws, including privacy laws, each report shall include content as specified by the current Tri-Agency Framework: Responsible Conduct of Research.

7.1 Reporting to Other Funding Agencies and Institutions

a. Other sponsors or funding agencies that require similar notification will be notified in accordance with the procedures identified by the specific agency.

b. In instances involving researchers and research collaborators associated with other institutions, the AVPR shall inform the appropriate Senior Administrator of the collaborator’s institution of the substantiated Allegation of a breach of the Policy.

Effective date TBD
Major Changes to the
USask Responsible Conduct of Research (RCR) Policy and Procedures (2013)

A. Rationale for Changes to the RCR Policy:
• USask has signed the Agreement on the Administration of Agency Grants and Awards by Research Institutions with the Canadian Tri-Agencies. Accordingly, USask is required to develop and administer a policy to address allegations of policy breaches by researchers that meets the minimum requirements set out in the RCR Framework. The institution applies its policy to all research conducted under its auspices or jurisdiction. The existing policy was approved in 2013 and must be updated to align with the 2016 Tri-Agency Framework.
• After eight years of implementing the Policy, experience has shown a need to improve the consistency and effectiveness of the application of the policy and procedures.

B. Activities Informing the Proposed Revisions
1) Interviews with 13 USask members with experience working with the RCR Policy.
2) Environmental Scan of the RCR Policies and Procedures of 12 of the U15 Universities plus UVic. University RCR Websites were reviewed where available.
3) Review of the Tri-Agency Framework on Responsible Conduct of Research, 2016, interpretation bulletins, published cases and statistics.
4) Consultation with Policy Oversight Cttee; Governance Committee; RSAW; Associate Deans Research; Associate Dean Academic; Centres SubCommittee; Access and Privacy Officer; University Secretary’s Office; Provost and Vice President Academic; Vice Provost, Teaching and Learning; Vice Provost, Faculty Relations; College of Graduate and Postdoctoral Studies; Graduate Chairs Committee; VPR Executive Ctte; Controlers Office; ICT; McKercher and McKercher; GSA; USSU; Student Affairs and Outreach. A meeting was held with the USFA on the draft policy in March, 2020 but no comments have been received.

C. Major Recommended Policy Changes
1) Management of the RCR policy and procedures is moved to a centralized and more senior level of the university by designating the Associate Vice President Research (AVPR) as a single point of contact for implementation:
   a) Aligns with the Tri-Agency Framework on Responsible Conduct of Research (RCR) requirement for a single point of contact at a Senior Administrative Level to receive all confidential enquiries, allegations of breaches of policies and information related to allegations of a complaint of a breach of the RCR Policy.
   a) Transparently simplifies the process of making and handling an allegation.
   b) Facilitates meeting mandated timelines and reporting to the Tri-Agency and other funders when required.
   c) Clarifies the roles of the Senior Administrator and AVPR, and removes potential conflicts of interest for the Senior Administrator which may arise from being responsible for the Inquiry, Investigation and discipline, and at times being the role of Complainant making an allegation.
2) Revises the section on Breaches of the policy to reflect the current RCR Framework
   a) The list of breaches is revised to reflect the 2016 revisions to the RCR Framework.

3) Revises public reporting to meet the Tri-Agency RCR Framework standard.
   a) To conform with the requirements of the 2016 RCR Framework, a statement is added that the University of Saskatchewan will post annually on its Web site, information on confirmed findings of breaches of its policy (e.g., the number and general nature of the breaches, without unique identification), subject to applicable laws, including the privacy laws.

4) Opens the possibility of public disclosure of a breach of the RCR Policy
   a) A statement is added indicating the possibility of public disclosure of the identity of researchers involved in a serious breach of the RCR Policy. The University may disclose information relevant to the serious breach that is in the public interest including the name of the researcher subject to the decision, the nature of the breach, and the recourse imposed. In determining whether a breach is serious, the University will consider the extent to which the breach jeopardizes the safety of the public and/or would potentially damage the integrity of or bring the conduct of research and/or the University into disrepute.

5) Includes Librarians in the list of University Members.

D. Major Recommended Procedural Changes

1) Inquiry
   a) The AVPR will handle the Inquiry into an Allegation rather than the relevant Senior Administrator. The AVPR may delegate the Inquiry, but will maintain oversight.
   b) Guidelines on the content of an allegation to ensure allegations meet the Framework criteria for a Responsible Allegation.
   c) Increased guidance on the specific activities at the Inquiry stage.
   d) Lengthened timeline for the Inquiry and possibility of extensions if warranted.

2) Investigation
   a) Centralized support for hearing boards from the OVPR.
   b) Clarification of the authority of the hearing board.

3) Students
   a) All aspects of a breach of the RCR Policy involving students will be handled under the RCR Policy rather than the Student Academic Misconduct Procedures in order to ensure all complainants and respondents to an RCR allegation are treated consistently and reporting meets all Tri-Agency requirements.

4) Appeals
   a) Appeals will now be made to the University Secretary who will consider on procedural grounds whether or not to grant an appeal.
5) Confidentiality  
   a) Declarations of potential conflicts of interest are required from hearing board members and Chairs.

6) Informal Procedures  
   a) Option for Acknowledgement of Misconduct when a respondent agrees to the statement of facts alleged in the complaint and guidelines on documenting these. The respondent will have had the opportunity to consult with an advisor prior to signing the Acknowledgement of Misconduct. This option follows guidance from the SSCR issued in January 2015.

E. Practical Implications of the Recommended Changes:
1) Centralized management of RCR Policy and Procedures in the OVPR. An AVPR is designated as USask’s central point of contact to the Tri-Agencies for RCR and will oversee implementation of the Policy and Procedures. Senior Administrators will be informed of RCR inquiries and investigations involving their students and personnel but will only be formally involved if a breach is confirmed and consequences or discipline are to be considered.

2) Active and ongoing support is required to ensure USask meets its Tri-Agency obligations regarding RCR, improve consistency, timeliness and better serve members of the University.  
   a) Recommendation for a pilot program to appoint a Research Integrity Officer from USask Faculty. The Research Integrity Officer would be a resource for information requests and for hearing boards and could be delegated to undertake the Inquiry under the RCR Procedures.
   b) Appointment of an RCR Senior Advisor, reporting to the AVPR who would support the AVPR/RIO with investigations of allegations of breaches of the RCR Policy, assist with the activities of hearing boards established to hear allegations, ensure records of the inquiry and hearings and copies of all documents and materials provided to the hearing boards are complete and securely stored, assist the AVPR/RIO with reporting requirements to the Tri-Agencies, maintaining the website content and reporting to University Council.

3) Online and ongoing education regarding RCR for university students, faculty and staff. This is a significant need, will require appropriate resourcing and will be coordinated by AVPR, RCR Senior Advisor and Research Integrity Officer.

4) Establishment of a standing bench of RCR Hearing Board Chairs and Hearing Board members, who will be trained and supported to fulfill their role and responsibilities.

5) Guidance is being developed on what activities are defined as research for the purposes of determining whether the RCR Policy or the Students Academic Misconduct Regulations will apply to a student facing an allegation.


7) Development of a website that identifies who to contact when an RCR issue arises, houses guidance documents and templates, USask statistics, and links to online education.
Revised Responsible Conduct of Research Policy (2021) and its Application to Students

Tri-Agency Definition of Research
The Tri-Agency Framework Responsible Conduct of Research defines research as “an undertaking to extend knowledge through a disciplined inquiry or systematic investigation”.

Proposed Tri-Agency Definition of Responsible Conduct of Research
The behavior expected of anyone who conducts research activities throughout the life cycle of a research project (i.e. from the formulation of the research question, through the design, conduct and analysis of the research, to its reporting, publication and dissemination). It involves the awareness and application of established professional norms as well as values and ethical principles that are essential in the performance of all activities related to scholarly research. These values include honesty, fairness, trust, accountability and openness.

Making a decision on consideration of an Allegation under the RCR Policy or the Regulations on Student Academic Misconduct
If the AVPR receives an Allegation that a student may be in breach of the Policy, the AVPR will consult with the appropriate Senior Administrator to determine whether the Allegation relates to a breach of the Policy or is a matter under the Regulations on Student Academic Misconduct (the “Regulations”).

Activities categorized as research activity for the purposes of determining whether an allegation naming a student respondent is investigated under the RCR Policy include but are not limited to:

1. Funding applications, research and projects supported by the Tri-Agencies or other research funding organizations;
2. Contract, consulting or industrial research;
3. Research that requires review by a Human or Animal REB;
4. Course based activity defined as research requiring Human REB review;
5. Undergraduate Theses, Masters Theses or PhD Dissertations;
6. Original investigations to apply existing knowledge in a novel way; to produce new products, devices, systems and services, offer improvements over those already produced or installed;

[Adapted from the University of Waterloo]

Investigations and Appeals when a Student is the Respondent
If the Respondent is a student, the Hearing Board and/or the Appeal Board shall include a student member.

Student Discipline when an RCR Hearing Board finds the Policy has been breached
a. If a Respondent who is an undergraduate or graduate student is found to have breached the Policy, the consequences and sanctions shall be determined by the Hearing Board. The Respondent and Complainant will have seven (7) working days from the receipt of the Hearing Board report to make a written statement to the Hearing Board with a copy to the AVPR, regarding the findings, in advance of any disciplinary action determined by the Hearing Board.
b. The Hearing Board shall request from the Governance Office a record (if any) of any sanctions imposed by other University hearing boards or appeal boards for similar academic misconduct matters.
c. The Hearing Board shall have the authority to impose one or more sanctions which may include, but are not limited to, the following:
   i. that the student(s) be reprimanded or censured;
ii. that a mark of zero or other appropriate grade be assigned for the entire course, for an assignment, or that a credit or mark for the course be modified or cancelled;

iii. that an assignment be redone or any other academic performance be repeated;

iv. that the student(s) be required to submit an essay or assignment relating to the topic of academic misconduct, or to prepare and/or deliver a presentation on that topic;

v. that the student(s) be required to complete additional training in responsible conduct of research;

vi. that the student(s) be suspended from the University for a specified period of time;

vii. that the student(s) be expelled permanently from the University; or

viii. that the conferral of a degree, diploma or certificate be postponed, denied or revoked.

d. If the decision of the hearing board results in suspension or expulsion of the student(s) or revocation of a degree, the Hearing Board will follow Sections VIII.4.6 & 7 and XIII of the Regulations

Student Discipline when a Student Acknowledges a Breach.
If the Respondent Acknowledging a Breach is a student, the AVPR will empanel a Hearing Board to determine what discipline or other consequences are warranted as outlined in Section 5g of the Procedures after receiving submissions regarding potential consequences and/or sanctions from each of the parties.

Student Support
Students will be encouraged to contact Student Affairs and Outreach for support and the GSA for advocacy in the letter sent to Respondents by the AVPR and the Chair of the Hearing or Appeal Board.

Current RCR POLICY (2013) and Students
Research misconduct is one aspect of academic misconduct and a number of the breaches listed in the RCR Policy are also in the Regulations. There is specific guidance in the Regulations on page 9 and 11 that reference the RCR Policy.

In Section IV (7)

Special Procedures Applying Only to Allegations Relating to Responsible Conduct of Research (sp) Policy: Allegations that relate to a breach of the Responsible Conduct of Research Policy must be determined in accordance with special hearing procedures set out in that Policy (http://policies.usask.ca/policies/research-and-scholarly-activities/responsible-conduct-of-research-policy.php) before such allegations can be addressed under these Regulations. Upon receipt of an allegation of academic misconduct, the Academic Administrator shall first determine whether the allegation must be heard under the procedures in the Responsible Conduct of Research Policy. The decision of the Academic Administrator in this matter is final and not subject to appeal. The University Secretary will be notified of the decision of the Academic Administrator in this regard.

And Section VII (A) (6)

Special Hearing Procedures for Breaches of Responsible Conduct of Research Policy: If a hearing under the Responsible Conduct of Research Policy determines that a breach of that Policy has occurred, then a hearing under these Regulations will occur with regard solely to sanctions. The hearing board will be provided the report (decision) of the Responsible Conduct of Research Policy hearing board and will hear evidence and submissions only in relation to sanctions. The hearing board will render a decision in accordance with Section VIII of these Regulations. In the event a student appeals the finding of breach (in accordance with the Procedures under the Responsible Conduct of Research Policy), the hearing under these Regulations to determine sanctions is suspended until the resolution of the appeal.