

## Royal Roads University Procedure

Effective Date:

July 18, 2000

Revision Date:

November 10, 2014

### Informal Procedures

Allegations of misconduct may be resolvable within Faculties and other administrative units.. If a resolution of the matter is found to the satisfaction of the parties in question, and is consistent with the interests of the University, the matter will be closed. Even if the complaint is resolved within the unit, the University shall maintain a written record within the administrative unit, of the particulars of the allegation.

### Formal Procedures

1. A formal allegation of misconduct may be made by any member of the RRU community or any other person. Allegations should be made in writing within six months of the alleged misconduct, but may not be disallowed solely on grounds of the elapse of time. Allegations of misconduct are to be directed in writing to the Vice-President (Academic) and Provost. Anonymous allegations will not normally be considered. However, if compelling evidence of misconduct is received anonymously by the VPA, he or she may initiate the investigation process described below. If the VPA is a party to the alleged misconduct, a Faculty Director or Dean shall be designated by the President to assume the role of the investigator under this policy.
2. Upon receipt of an allegation in writing, the VPA or his/her designate shall request an informal meeting with the respondent in a timely fashion. Notice of this meeting shall inform the respondent of the allegation of misconduct, include a summary of the allegation, and state that the purpose of the meeting is to determine whether a formal investigation is warranted. The notice shall also inform the respondent of his or her right to be accompanied by any person of his/her choice at this or other future sessions related to a formal investigation. If the respondent is a member of a union or employee association, and the respondent consents, that organization will also be promptly notified of the allegation of misconduct and of future proceedings in regard to the allegation. Any statements made at the meeting will be without prejudice. In cases where the faculty member or staff member agrees there has been misconduct, the VPA may or may not proceed with a sanction. In cases where the staff or faculty member disputes the allegation or the sanction, the decision to proceed with a formal investigation is determined by the VPA based on his/her meeting with the respondent. If the VPA deems it appropriate, he/she can inform the person(s) against whom an allegation has been made and the VPA can strike an Investigative Committee.
3. The VPA will decide whether a formal investigation is warranted, and will so inform the

respondent and complainant in writing, normally within 30 working days of the receipt of the allegation of misconduct. If the VPA finds that a formal investigation is not warranted, the allegation shall be dismissed. Notification of this decision shall be given in writing by the VPA to both the complainant and the respondent. If the VPA finds that a full investigation is warranted, the notice to the respondent shall enclose a full copy of the signed allegation and an invitation to respond to it in writing. Normally an allegation unsigned by the complainant will not be processed. However, if in the opinion of the VPA there are reasonable grounds to proceed then, an unsigned allegation can move forward.

4. The VPA or designate(s) shall investigate the allegations fairly, judiciously and confidentially. The procedures to be followed are guided by the principles of fairness and due process, applicable to all parties. The respondent and complainant will have adequate opportunity to know any evidence presented by any party and to respond to that evidence if he/she so chooses. If the investigation is conducted by designate(s), its purpose shall be fact finding and formulation of a recommendation as to whether misconduct in research or in scholarly activity (which includes teaching, writing, editing) has occurred. Procedures for conduct of the investigation are appended to this policy.

5. Normally within 60 working days of the commencement of the formal investigation, and after considering all the evidence gathered by him/her or the designate(s), the VPA shall reach a decision and prepare a draft written report. Interviews will be documented. The report shall include a copy of the allegation, the written response, if any, of the respondent and the findings of the VPA as to whether the allegation has been upheld or not, with a statement of the reasons for the finding. The report should also include names of interviewed witnesses. The interviews will be documented. The appropriate criterion for a decision is the presence of clear and convincing evidence. The report shall also describe actions, if any, to be taken, which may include, but are not limited to, those listed below:

- Sanctions against a respondent found to have engaged in misconduct;
- Actions to protect or restore the reputation of the respondent, if wrongfully accused;
- Actions to protect a complainant found to have made a responsible accusation;
- Sanctions against a complainant found to have made an irresponsible or malicious allegation.

Sanctions will depend on the severity of the offense and may include (but are not limited to): reprimand, suspension and dismissal. If sanctions are to be imposed against either the respondent or complainant, the VPA will meet with that person to discuss the case, the report of the designate(s) if the investigation was not carried out by the VPA, the draft report and the sanctions, prior to his/her final decision and finalization of the report. The final report will be provided to both the complainant and the respondent.

In accordance with the Freedom of Information and Protection of Privacy Act, records containing any information used to make a decision about an individual must be retained for at least one year in order to provide a reasonable period for the submission of related access requests; and it is recommended in the RRU Records Classification System that all records relating to issues

management and dispute resolution be retained for 10 years to ensure their availability if any legal actions are initiated.

If sanctions or actions are components of the final decision, the sanctions or actions will be imposed or taken by the VPA, unless another person is designated to do so by existing University policy, collective agreement, and framework agreement or by legislation. In such cases, the report will be transmitted to that other person, as a recommendation for action.

6. If an affected person believes that the decision was reached improperly or disagrees with that decision, an appeal or grievance, as appropriate, may be filed, according to the terms of the appeal or grievance mechanism applicable to that person. If no such mechanism is in place, an appeal may be filed, within 15 working days of the receipt of the report, with the President.

7. When the case is concluded, a Final Report on the outcome (after any appeals) will be written by the VPA or designate. The Final Report will contain a summary of the allegations, the decisions of the VPA and the final outcome, including sanctions imposed and/or actions taken. The Final Report will be submitted, in a timely fashion, to the President and a copy is retained in the faculty or staff member's file.

8. If the research or other scholarly activity involved projects funded in whole or in part by one of the national granting Councils or another funding agency and misconduct was found to have occurred, a copy of the Final Report will be transmitted to that Council or other funding agency by the VPA within 30 days of the conclusion of the inquiry/investigation. If an allegation is dismissed, as described under paragraph 4 above or otherwise determined to have been unfounded, and the Council or other funding agency is known to be aware or is likely to be aware of the allegation, the VPA will so inform the Council or other funding agency. In cases where it is the Council which initiates a request for inquiry/investigation, the VPA will provide the Council, whose funds are involved, with a comprehensive report of the process and findings.

If the research involves projects funded in whole or in part by federal, provincial or municipal funds and misconduct was found to have occurred, a copy of the Final Report will be transmitted to the appropriate authority.

9. If the VPA determines it to be in the best interests of the University, a report on the investigation of misconduct and its outcome will be disseminated to persons with a legitimate interest in knowing about them. This report will normally contain no information that would identify the parties, unless this action is fully consistent with the final outcome of this case as described in the Final Report.

Any and all information and records relating to an action under this policy will be handled by the University in compliance with the British Columbia Freedom of Information and Protection of Privacy Act and other pertinent provincial statutes.

### **Investigative Committee Process - If Required**

If the VPA deemed an investigative committee is appropriate, the following applies:

---

The investigation of allegations of misconduct in research is undertaken by one or more impartial designate(s), herein called 'the Investigators.' The number of Investigators will be determined by the VPA and Provost, dependent on the specifics of each case. Normally, the Investigators will be faculty members in departments other than those of the parties. They will have no prior involvement in the matter under investigation. If appropriate, one or more of the Investigators may be external to the University. It is recommended that one member of the committee be a subject matter expert with appropriate expertise in the area of research related to the allegation.

The investigation is confidential and is governed by the principle of fairness. Within this framework, the Investigators are free to develop procedures and practices, specific to the case under investigation, to collect written material and to conduct hearings, and are not constrained by strict rules of procedure and evidence. Therefore the procedures followed may deviate from those detailed below, where this is necessary to the effective gathering of evidence. The Investigators may consult expert witnesses and solicit reports from them on the matter under investigation. The Investigators may obtain written materials relevant to the investigation, such as laboratory notebooks, manuscripts, computer files and records of the proceedings of University committees such as the Research Ethics Board.

Subject only to the need to respect the privacy of third parties, and to protect solicitor-client privilege, copies of any information received by the Investigators will be provided to the parties for their reply. Copies of replies will be communicated to the other party, subject only to the same constraint. Further comments on any reply will be requested only where the reply raises a new matter.

In the following, 'representative' refers to a person chosen by the respondent (or complainant), possibly a member or staff employee of an employee group to which the respondent (or complainant) belongs.

The following process is intended to apply where there is reason to believe that there may have been a violation of this Policy. The University reserves the right in its discretion to modify the process as it determines may be appropriate in any particular instance. The Investigators shall determine their own procedure, having regard to their duty to act fairly toward the party. The party has the right to an opportunity to be heard in connection with the allegations against them. The Investigative Committee will determine whether it will hear from the party in person, in writing, or by some other means.

## **Meetings**

1. The investigation may include one or more meetings between the Investigators and the respondent. The respondent may have a representative present at such meetings.
2. The investigation may include one or more meetings between the Investigators and the complainant. The complainant may have a representative present at such meetings.

## **Hearings**

1. The investigation may include a hearing. Written notice of a hearing and the procedures to be followed shall be provided to all parties at least five working days in advance of the hearing.
2. The two parties to a hearing (i.e., the complainant and the respondent) may each have a representative present at the hearing.
3. In exceptional circumstances, the Investigators may permit the respondent or complainant to be represented by his/her delegate in his/her absence.
4. Unless agreed to by both parties, the Investigators and all witnesses, the hearing shall be held in camera.
5. If the complainant or respondent fails to appear before the hearing at the appointed time, the Investigators may, without further notice, proceed in such absence. If there are medical or compassionate reasons for non-appearance, the Investigators must be notified immediately. The Investigators will determine the acceptability of such reasons and whether the hearing should be adjourned.
6. Evidence will not be given under oath.
7. The two parties and their representatives may be present throughout the hearing. Witnesses may be present only when they present their evidence orally; the Investigators may permit witnesses to provide their evidence in writing.
8. Each of the two parties shall be given the opportunity to ask questions of any witness present at the hearing, but the Investigators shall have the right to disallow questions that are in their opinion inappropriate.
9. The Investigators shall be responsible for the maintenance of an orderly procedure in the hearing.
10. The hearing shall be audio taped to be used only by the Investigators and/or for purposes of appeal. The tape will be treated as confidential to the extent permitted by law and retained for a period of 10 years.

**Source URL (modified on 2016-11-21 11:01):** <https://policies.royalroads.ca/procedures/academic-integrity-and-misconduct-procedures-rru-faculty-members-and-staff>