

RESEARCH ETHICS POLICY OVERVIEW

The Ontario College of Art and Design (OCAD), Canada's largest and oldest post-secondary institution for professional artists and designers, received the authority to grant degrees in 2002. The institution, as well as the visual and design culture in Canada, will benefit from the growth and development of degree programs and research/creation programs in art and design disciplines at OCAD. The benefits include the advancement and dissemination of knowledge, the enrichment of undergraduate and graduate training programs, and the examination of social and cultural phenomena in relation to art and design disciplines. These benefits are counterbalanced by academic obligations that require artist-researchers in the visual and design disciplines to demonstrate the highest level of integrity and ethics in pursuit of scholarship and research.

The research ethics policy of OCAD described in this document is based on the "Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans" developed by the Medical Research Council (MRC), the Social Sciences and Humanities Research Council (SSHRC), and the Natural Science and Engineering Council (NSERC). OCAD supports and promotes ethics review for research/creation involving human subjects, and OCAD endorses the Tri-Council Policy Statement. Researchers under the auspices of OCAD are referred to the particulars of the Tri-Council Policy Statement (TCPS) for research ethics found at <http://www.pre.ethics.gc.ca/english/policystatement/policystatement.cfm#1D6>

Since academic obligations and research ethics evolve over time and context, any document defining research ethics must also evolve. For example, the basic tenets and policies/procedures of research ethics (to protect human dignity, vulnerable persons, privacy and confidentiality, etc.) are described in this document; however, specific policies and procedures subject to these basic tenets will evolve as OCAD develops its university programs. These OCAD policies and procedures will be developed within the guidelines described in the TCPS site.

1.0 OCAD Policies and Procedures for Ethics Review

While most of the research currently done at OCAD does not use human subjects, any OCAD research using human subjects must comply with OCAD policies and procedures for ethics review.

Article 1.1 Research and Required Ethics Review

Any OCAD research that involves living human subjects or human remains (e.g., cadavers, tissues, biological fluids, embryos, fetuses, etc.) must be reviewed and

approved by the Research Ethics Committee (REC) of the university. Research projects or pilots (including student projects/training, feasibility studies, etc.) conducted under the auspices of OCAD and using human subjects require ethics approval before the research may begin. Whether the research is unfunded or funded, whether the funding is internal or external, or whether the research will or will not be submitted for publication, ethics approval is required for research using:

- OCAD personnel (e.g., full- or part-time academic or non-academic staff; undergraduates, graduate students, post-docs, visiting or adjunct scholars; paid or unpaid assistants or associates)
- Paid or unpaid subjects (including subjects from OCAD, outside OCAD, or outside of Canada)
- Secondary resources, records outside the public domain, or naturalistic observations (sources that might allow identification of individuals who have not been given the opportunity for free and informed consent)
- OCAD resources (e.g., space, equipment, human resources)

Research that uses human subjects but does not require an ethics review includes:

- Research that uses publicly available information (e.g., public policy issues, artistic criticism, records, works, archival material) or third party interviews about a live public figure (e.g., an artist)
(However, research about public figures does require ethics review if an individual is approached directly for an interview or for access to private papers; the review determines whether the interview or other requests will be made in accordance with appropriate, ethical standards.)
- Assessment measures that are part of normal educational requirements, quality assurance, performance review or testing
- Naturalistic observations in which the participants seek public visibility (i.e., political rallies, demonstrations, public meetings)

If there is any question as to whether or not a particular research project requires ethics review, the research should be submitted for ethics review.

Article 1.2 Authority

Integrity and ethical standards in research are responsibilities shared by all levels of organization at OCAD:

- The Board of Governors grants OCAD the authority to develop an ethics policy.
- The Vice-President Academic and the Deans implement and promote the ethics policy.
- Full- or part-time artists/designers/scholars have the primary responsibility to protect the rights and welfare of human subjects.

- The Research Ethics Committee (REC) develops policies and procedures for ethics review, conducts the ethics reviews of research protocols, and educates OCAD personnel about ethical requirements.
- The Ethics Appeals Committee hears appeals of researchers whose research protocols did not receive ethics approval.

Article 1.3 REC Membership

The Research Ethics Committee of five includes both men and women; the majority of members have research or teaching responsibilities. Of these five:

- At least two have broad expertise in relevant research areas
- At least one is knowledgeable about ethics
- At least one is from the community and has no institution affiliation.

While it is not required for the type of research done at OCAD, it may be helpful if one member is knowledgeable in relevant aspects of law when reviewing certain types of research. This member cannot be an attorney for the institution.

Members have terms of three years; terms are renewable for an additional three years. (The initial REC members have terms of two to four years to stagger terms and provide continuity.) Former members of the REC serve an additional three year term on the Ethics Appeal Committee.

At present, OCAD does have some faculty with appropriate experience for ethics review; however, more faculty members need to undergo training and to gain experience in ethics review. Therefore, OCAD will implement an interim strategy to augment the ethics training and experience of its faculty. In addition to ensuring that documents and/or information sessions about serving on ethics review and appeal committees be provided for OCAD faculty, the Vice-President Academic is responsible for arranging for faculty with ethics expertise from other universities to serve as members of the initial OCAD REC. The first Research Ethics Committee at OCAD will have seven members for four years. The Research Ethics Committee of seven will include both men and women, with the majority of members having research or teaching responsibilities. The composition of the REC for the first four years will include:

- Three OCAD members who have broad experience in research areas
- One OCAD member who is knowledgeable about ethics
- One member from the community who has no institution affiliation
- Two faculty members from other universities who have extensive experience in ethics review

The external faculty members will be asked to serve two or four year terms. At the discretion of the Vice-President Academic, this interim strategy may be renewed for an additional two years.

Article 1.4 Research Ethics Committee and Ethics Appeals Committee

OCAD has one REC for ethics review of all university research protocols using human subjects. Appeals to decisions of the REC are heard by a separate Ethics Appeals Committee.

Article 1.5 Scholarly Review

Since protocols from different disciplines may be submitted for ethics review, the REC may consider the following:

- If more than minimal risk is involved, the REC may review whether the research design is appropriate for the questions being asked. (Minimal risk is defined as risk that is no greater than that encountered by the subject in everyday life.)
- If specialized expertise is required, the REC may appoint *ad hoc* members to the review committee.
- If the protocol has already been approved by peer review (e.g., by a funding agency or by an ethics committee at another institution), the REC may take this information into consideration in deciding whether the protocol deserves additional scrutiny.

Article 1.6 Proportionate Approach

Ethics review is based on the premise that research with a greater degree of risk requires greater scrutiny. Three different levels of ethics review are used.

- A full REC review is required for all research using human subjects at more than minimum risk (e.g., research with more than minimal physical, psychological, emotional, legal, or other risks), research involving deception; or research using vulnerable persons as subjects
- An expedited REB review may be appropriate for research involving minimal risk (e.g., data from projects that were approved in a full REC review, research that was previously approved but has minor modifications)
- A Faculty review may be appropriate for student projects that are part of courses and that involve minimal risk. The REC may delegate review of the student projects to the Faculty; the Faculty is accountable to the REC.

Article 1.7 Procedures

Procedures for REC meetings include the following:

- Monthly REC meetings are posted in advance at the beginning of each term in order to allow reasonable opportunity for researchers to submit fully detailed research protocols for review at least two weeks prior to the meeting.
- Three of the five members constitute a quorum as long as one member present has expertise in research, one has expertise in ethics, and one is from the community. Since the REC must provide timely ethics review of protocols, any member with frequent, unexplained absences will be replaced.
- While researchers may request to present information at the meeting, only the REC can be present for discussion and voting.
- Decisions are reached by consensus. If consensus cannot be reached after prolonged discussion, the REC may ask the researcher to appear before the committee for further questions. If consensus can still not be reached, the research protocol cannot be approved. The researcher has the opportunity to revise the protocol or to appeal the decision.

Article 1.8 Record Keeping

A non-voting secretary takes the minutes at REC meetings. In order to provide reports for the various funding agencies and the Vice-President Academic, these minutes include attendance, discussion summaries, voting records, decisions, and dissenting opinions. In order to keep information as confidential as possible, minutes of the meetings are accessible only to the REC members and the Vice-President Academic.

The Chair of the REC must submit an annual report to the Vice-President Academic; the report summarizes the volume of reviews and nature of REC activities. Confidential matters are conveyed in a separate report.

Article 1.9 REC Responsibilities

The REC has the following responsibilities and authority:

- The REC can choose to approve protocols, not approve protocols, require additional information, or propose modifications to research submitted for ethics review. (However, even if a research protocol receives ethics approval from the REC, OCAD retains the right to refuse to allow the research since an institution is accountable for research conducted under its auspices.)
- The REC uses procedural justice to provide an independent, impartial, and equitable ethics review of all research at OCAD that uses human subjects. The REC must approve a research protocol using human subjects before the research can begin; the Vice-President Academic will

not give permission for the release of university-controlled funds until the research is approved by the REC.

- The REC has the authority to review ongoing research projects and may terminate research approval if the research project no longer meets the ethical requirements for approval. (See Ongoing Research, article 1. 13 for more details.)
- The REC is responsible for reviewing student projects within courses or delegating ethics review to the appropriate Faculty.
- The REC will continue to develop written ethics review policies and procedures for OCAD that are at least as stringent as the procedures in the Tri-Council policy.
(<http://www.pre.ethics.gc.ca/english/policystatement/policystatement.cfm#1D6>)
- The REC is responsible for educating members of the OCAD community about the requirements of ethics review.

In order to maintain an arm's length-relationship with the institution, the REC requires financial and administrative independence to carry out its responsibilities (e.g., secretarial assistance for minutes and records).

Article 1.10 Researcher's Responsibilities

The researcher or research team must submit all required documents for ethics approval to the office of the Vice-President Academic. In addition to the research protocol, the researcher must submit information about commercial interests and consultative relationships. Review files are kept confidential.

- It is the researcher's responsibility to submit the required documents for ethics review, provide responses to questions raised in the review process, and comply with recommendations of the REC. If the researcher does not provide the required information for the REC or fails to comply with the recommendations of the REC, the research proposal will not receive ethics approval.
- The researcher will normally receive written notification of the REC decision within 10 days of the decision.
- A researcher who has received ethics approval must notify the REC when the research has ended so the file can be closed. The closed files will be kept for 3 years after the project ends.
- A researcher whose research protocol requires additional information or modifications or whose proposal was not approved may request reconsideration by the REC within one month of the receipt of the notification from the REC. Documents supporting the reconsideration, offering rebuttal to the REC objections, or describing modifications to the protocol must be submitted to the REC at least two weeks prior to its next scheduled meeting.

- If a research protocol is not approved in the reconsideration procedure, the researcher may appeal.

Article 1.11 Appeals

The basis for appeals is restricted to procedural grounds (e.g., lack of due process, exceptions to precepts of justice, etc.). A researcher who wishes to appeal must submit a written appeal request, including a statement of the grounds for appeal, to the Vice-President Academic within 30 days of the receipt of the written notification that the protocol did not receive ethics approval. The researcher has 60 days from the filing of the appeal request in which to submit documents in support of the appeal.

No *ad hoc* appeal committees are used to hear appeals; rather, a five-person Ethics Appeal Committee reviews the appeal. The Ethics Appeal Committee is a standing committee of Academic Council. The composition of the Ethics Appeal Committee must meet the same composition requirements as the REC as to research expertise, ethics expertise, and community representation. The Ethics Appeal Committee can not have any members currently serving on the REC.

As described earlier in article 1.3, REC Membership, OCAD faculty need more training and experience to serve on ethics reviews and appeals committees. The interim strategy described in Article 1.3 applies to both the initial REC and the initial Ethics Appeal Committee.

Decisions of the Ethics Appeal Committee are final.

Article 1.12 Conflict of Interest

To maintain integrity and to ensure accountability, researchers and REC members must notify the REC of any potential, perceived, or actual conflict of interest. Since any researcher or REC member with a real or apparent interest may appear to have a position of undue influence, the REC review process in conflicts of interest is stringent. (Researchers are referred to http://www.nserc.ca/professors_e.asp?nav=profnav&lbi=info_text#9.)

- If a researcher acknowledges the possibility of a conflict of interest, the REC requires the researcher to disclose this information to the subjects within the informed consent process. The REC may also require the researcher to disclose the conflict of interest to the research sponsor, institution, relevant professional bodies, etc. In serious conflicts of interest, the REC may require that the researcher withdraw from one of the interests in conflict.

- If the REC member acknowledges the possibility of a conflict of interest in the research under review, the member must withdraw from the ethics review of that protocol.
- If the researcher or REC member does not agree that the possibility of a conflict of interest exists, the REC requests additional documentation. The researcher or REC member may be asked or may request to appear before the committee; anyone with information may be asked to appear before the committee. After presentation of information, the REC meeting is closed to the researcher or the REC member in question while the rest of the REC members discuss and vote on the issue.

Article 1.13 Ongoing Research

To maintain the highest ethical research standards, the responsibility for ethics review extends beyond the approval process. Research that receives ethics approval is subject to continuing ethics review that is proportionate to the amount of risk; that is, research with greater risk is subject to greater ongoing scrutiny while research with minimal risk requires a minimal review process.

If ongoing research involving human subjects is found to pose an unacceptable risk, is not being adequately supervised, has not reported adverse events or protocol changes, or is, in general, not being conducted within the ethical requirements required by the REC, the REC may suspend or terminate approval. The REC notifies the Vice-President Academic of the non-compliance and the resulting suspension or termination of approval. The Vice-President will suspend or terminate the research and freeze research funds. If the researchers are students, academic penalties will be in accord with the Code of Student Conduct and Disciplinary Procedures. If the research is part of a thesis, thesis work will not be accepted.

Monitoring of ongoing research also includes the following:

- When submitting a research protocol to the REC, the protocol should include an appropriate procedure for continuing ethics review.
- At a minimum, the REC requires an annual status reports from researchers.
- For research projects posing more than a minimal risk, the REC may require additional monitoring safeguards (e.g., specific monitoring procedures or schedules, independent monitoring, informed consent process review or audit). To ensure compliance with the monitoring safeguards, research posing a greater risk requires progress reports at pre-determined intervals
- Researchers are required to notify the REC immediately about adverse events or potential problems for human subjects.
- Researchers are required to notify the REC when the project concludes.

Article 1.14 Multi-Centered Research and Other Jurisdiction Requirements

If an OCAD research proposal using human subjects is part of multi-centered research, the proposal will be submitted for ethics review at all of the participating universities. The REC at OCAD may communicate with other ethics review boards about the protocol; therefore, contact information for the other review boards looking at the proposal should be included in the information given to the REC. In order to facilitate approval, researchers should consider clearly identifying the core elements of the research that they feel can not be changed without invalidating the research. Likewise, other elements which can be altered to comply with OCAD requirements should be identified.

OCAD is responsible for ethics review of any research undertaken by OCAD researchers, regardless of the location of the research. If research using human subjects extends beyond OCAD and its jurisdiction, including foreign countries, such research must be submitted for ethics review by the REC at OCAD and should be submitted for ethics review in the other jurisdiction(s). Researchers should be cognizant of the legal requirements and safeguards relating to ethics reviews for all jurisdictions involved in the research study. Research abroad is held to the spirit of the Helsinki Accords; OCAD researchers involved in research abroad are directed to the discussion of such research in the Tri-Council Policy site.

2.0 OCAD Policies and Procedures in Support of Research Tenets

The ethics review standards for any research using human subjects is founded upon the basic tenets of research ethics and values adopted by Canadian and international researchers. The primary tenet for ethics review is a respect for human dignity, that is, the protection of the welfare and integrity of the individual. All of the following tenets are derived from this primary obligation.

Article 2.1 Free and Informed Consent

Information about the research must be shared with subjects, and subjects must freely agree to be part of the research. (For subjects who speak another language and do not understand the language of the research project, an intermediary proficient in both languages must be used.) Researchers should make sure that subjects understand that by consenting to participate, subjects a) maintain the right to free and informed consent throughout the duration of the research; b) may withdraw at any time, and c) do not waive any legal rights.

Research may only begin if the subject or the subject's authorized third party (for a subject who lacks legal competence) has given free and informed consent to

participate. All subjects should be given a copy of the consent form and other relevant information before the study begins.

Consent should normally be obtained in writing; however, in certain situations, the REC may accept other consent procedures. For example, if for some reason consent cannot be obtained in writing, oral consent may be acceptable if the consent process is clearly documented. Documentation should include such procedures as giving the subject a written statement of the information that has been shared to attain consent.

In specific situations, free and informed consent procedures may be modified or even waived by the REC. A researcher should consult with the REC to determine whether the research meets the requirements for modification. (See Full Disclosure, article 2.4 below for more information.)

Certain types of research do not require free and informed consent.

- Biographies, artistic criticism, and public policy research do not require consent. (See Article 1.1 earlier in this policy for a discussion of research which may not require review and consent if, for example, the research is based on information and records made available to the public.)
- Researchers do not have to ask organizations and institutions for consent; and organizations and institutions do not have the right to veto research projects. Employees of an organization that does not endorse the research should be informed of the stance of the organization. (See the TCPS website, 2.1 and 2.2, Free and Informed Consent for further information on the rights of individuals in organizations.)

Article 2.2 Voluntary Participation

Free and informed consent must be given voluntarily; and subjects must be informed that they may withdraw their consent at any time. Subjects should not be manipulated, coerced, or subjected to undue influence to participate or to remain in a study. Power relationships (e.g., membership in an authoritarian organization) or undue influence (e.g., offers of excessive inducements) should not be allowed to affect the process to obtain participants.

Article 2.3 Naturalistic Observations

Naturalistic observation implies that subjects in a natural environment are not aware that they are being observed; therefore, the subjects have no opportunity to give free and informed consent. If individuals can be identified in the naturalistic observation, the invasion of privacy is even greater. For these reasons, research using naturalistic observation requires REC review.

If, however, the nature and environment of the naturalistic observation is one in which the participants can be shown to be seeking public visibility (e.g., demonstrations), the research may not require REC review. In addition, if

subjects cannot be identified in the naturalistic observation, the REC may regard the research as one of minimal risk.

Article 2.4 Full Disclosure

As part of the free and informed consent procedure, the identity of the researcher must be disclosed. Researchers must clearly describe the research to prospective subjects; full disclosure includes such information as:

- research purpose, objectives, background, benefits, duration, procedures, and participation requirements
- withdrawal options, confidentiality requirements, risks and safeguards, conflict of interest possibilities, and recording or filming possibilities

The REC may allow temporary or limited exception to full disclosure if the informed consent procedure would interfere with or invalidate the research and the research does not pose more than minimal risk. If possible, pertinent information should be given to the subjects after participation. If subjects are upset about having received only partial disclosure, the researcher should report the concerns to the REC. The subject's data may need to be removed from the project if the research design will not be compromised.

Whether the subjects are given limited or full disclosure, subjects need to be assured that they are free to not participate and to withdraw at any time.

Article 2.5 Vulnerable Persons and Competence

According to the TCPS, competence is “the ability of prospective subjects to give informed consent in accord with their own fundamental values.” A prospective subject who cannot understand the information presented about the research cannot be expected to make an informed decision to participate in the research. These prospective subjects are considered vulnerable persons and are entitled to special protection and special procedures to avoid abuse and exploitation. Ethical decisions should take into consideration the vulnerability of the subject in participating in the research as well as the injustice to the subject in being excluded from the possible benefits of the research.

Researchers need to comply with all legislative requirements of a jurisdiction applicable to competence. If allowed by the jurisdiction, vulnerable persons can only be used as subjects in a study if the research question requires such subjects, if free and informed consent can be given by authorized representatives, and if the research is of minimal risk. If the risks are minimal, cumulative consequences should also be reviewed. If the risks are more than minimal, the use of vulnerable persons as subjects can only be considered if the potential for direct benefits to the subject are clearly supported.

Vulnerable Persons and Consent

The research protocol must show how the vulnerable person's interests will be protected throughout the duration of the study. For example, free and informed consent for the participation of a vulnerable person as a subject must be obtained from parents, custodians, or appropriate authorized third parties. These third parties cannot be part of the research team. The researcher must describe the procedure used to obtain permission from the third party. The third party must be informed of the right to free and informed consent throughout the duration of the study.

Individuals who become competent during the course of the research must be given the opportunity to give their own free and informed consent to continue in the study.

Vulnerable Persons and Participation

Every effort should be made to ascertain the wishes of the vulnerable person concerning participation (e.g., an individual with Alzheimer's who has periods of competency may be questioned). The wishes of the potential subject with some degree of competence are the primary concern in issues about participation; if the potential subject does not wish to participate, the subject cannot be part of the study.

Article 2.6 Emergency Health Situations

Researching involving emergency health situations is not conducted at OCAD. If in the future, the nature of the institution changes and emergency health research becomes part of the research done at OCAD, specific procedures would be developed.

Article 2.7 Privacy and Confidentiality

The research design must include safeguards to protect the anonymity and privacy of the individual and the confidentiality of the information obtained in the research. Approval depends on the purpose and type of data collected, modes of observation, use and retention of the data, safeguards for security and confidentiality, anticipated secondary uses of identifiable data, etc.

Issues of privacy and confidentiality include the following:

- The REC must approve interview procedures (in face-to-face or through remote means), questionnaires, and surveys used to obtain personal information that can identify subjects.

- Identifiable personal information obtained through interview, questionnaires, observations, private files, or other sources is confidential.
- Identifiable personal information is confidential whether obtained directly from the subject or indirectly from the records of other researchers or organizations. Information from other sources may be used if subjects do not object to secondary use of data and if appropriate privacy safeguards are taken.
- The ethics review must take into consideration any conflict of interest between privacy or confidentiality and the identified public interests.

Article 2.8 Justice and Inclusiveness

Ethics review itself must adhere to standards of justice and inclusiveness.

- The REC must follow fair, equitable, independent, standard procedures when reviewing research protocols.
- The benefits and burdens of research must be shared across the population; that is, no one section of society should be unfairly burdened and no one section alone should reap the benefits.

Article 2.9 Harms/Benefit Analysis

Ethics review should take into consideration the harms/benefit balance: predictable harms should not outweigh possible benefits. For example:

- The researcher has an ethical obligation to select research prerequisites, designs, and protocols that protect physical, mental, emotional, and other interests of human subjects.
- Researchers have an ethical obligation to maximize benefits for the subjects, for other individuals, or for the advancement of knowledge.

The harms/benefits balance does not mean that any research that may have a negative effect on public figures or organizations should necessarily be rejected in an ethics review (e.g., biographies, artistic criticism, and public policy research). Public debate and legal suits offer recourse for public figures.

INTEGRITY in RESEARCH and SCHOLARSHIP

All members of the OCAD community involved in research/creation and scholarly activities are expected to conduct these activities with integrity. Integrity in research and scholarship requires that researchers and scholars be honest in their pursuit of these activities, have respect for others and for intellectual property, demonstrate scholarly competence and stewardship of resources, and exercise due regard for ethical principles. The integrity policy outlined in this document applies to any member of the OCAD community involved in any capacity or aspect related to research or scholarship (e.g., faculty, researchers, students, staff, assistants, etc.).

The foundation for this OCAD policy on integrity is based on the "Tri-Council Policy Statement: Integrity in Research and Scholarship" developed by the Social Sciences and Humanities Research Council (SSHRC), the National Science and Engineering Council (NSERC), and the Medical Research Council (MRC). The OCAD policy for integrity in research and scholarship is described in this document. Specific procedures subject to this basic policy may evolve as OCAD develops its university programs; however, the evolution of procedures will be within the guidelines of the Tri-Council and the policy described in this document.

General Principles

The following excerpt from the Tri-Council Policy Statement describes the responsibilities of researchers and institutions in matters involving research integrity (http://www.sshrc.ca/web/apply/policies/integrity_e.asp):

1. The Councils hold researchers and scholars receiving Council funds responsible for upholding the following principles:
 - a) recognizing the substantive contributions of collaborators and students;
using unpublished work of other researchers and scholars only with permission and with due acknowledgement; and using archival material
in accordance with the rules of the archival source;
 - b) obtaining the permission of the author before using new information,
concepts or data originally obtained through access to confidential manuscripts or applications for funds for research or training that may
have been seen as a result of processes such as peer review;
 - c) using scholarly and scientific rigour and integrity in obtaining, recording
and analysing data, and in reporting and publishing results;

- d) ensuring that authorship of published work includes all those who have materially contributed to, and share responsibility for, the contents of the publication, and only those people; and
 - e) revealing to sponsors, universities, journals or funding agencies, any material conflict of interest, financial or other, that might influence their decisions on whether the individual should be asked to review manuscripts or applications, test products or be permitted to undertake work sponsored from outside sources.
2. The Councils hold institutions that administer Council funds responsible for:
- a) promoting integrity in research and scholarship; and
 - b) investigating possible instances of misconduct in research or scholarship, including:
 - imposing appropriate sanctions in accordance with their own policies; and
 - informing the appropriate Council(s) of conclusions reached and actions taken.

OCAD endorses the Tri-Council policy, and OCAD supports and promotes integrity in research/creation and scholarship. OCAD is committed to the ongoing education of the university community in matters pertaining to integrity in research and scholarship. The Vice-President Academic is responsible for the active promotion of the integrity policy through written documents and information sessions.

Definition of Misconduct

According to the Tri-Councils, "any action that is inconsistent with integrity" is misconduct. Scholarly misconduct includes actions or omissions that deviate from the fundamental principles of honesty (e.g., deception, falsification, plagiarism, retaliation, gross negligence, power abuse, abuse of confidentiality, non-compliance, misuse of funds, etc.). Misconduct does not include actions or omissions based on honest errors, conflicting data, interpretation differences, or professional differences (e.g., different perspectives for different disciplines; research protocols from an earlier time period).

Allegations of misconduct are taken seriously because they threaten the credibility and reputation of the university and its members. Misconduct needs to be exposed, and scholars need to be held accountable. Members of the OCAD community need the support of the academic community to assume this responsibility; therefore, OCAD is committed to investigating allegations of

misconduct in research/creation or scholarship with diligence, due process, and reasonable speed.

Guidelines of the University

OCAD expects members involved in research or scholarly activity to exercise diligence in all aspects of scholarly pursuit including publishing, data and material products, and conflict disclosure. Each School at OCAD must develop specific requirements for publishing; data and material products, and conflict disclosure; these requirements must fit within OCAD guidelines. Requirements are submitted to and approved by the Vice-President Academic. The following are the OCAD guidelines:

1. Authorship Policy

It is expected that all authors listed have made significant intellectual or professional contributions and that the order of authors listed reflects the intellectual contributions of contributors (according to the commonly accepted practice in the discipline). Those who contribute in an administrative or supervisory capacity or with data collection, critical reviews, technical assistance, etc. may be recognized in an acknowledgement or separate paragraph. All authors are asked for comments, approval, and consent for final drafts submitted for publication.

2) Data and Material Products

It is expected that data is kept confidential and that primary data is clearly and accurately recorded in a permanent form and kept at OCAD. Original data and material products relating to scholarly activity must be kept for seven years after publication or presentation. The principal researcher/scholar arranges for secure storage at OCAD.

All OCAD members involved in the research/creation activity should have access to original data/material products and may make copies for private use (unless valid reasons for withholding copies are submitted by the principal researcher/scholar to and approved by the Vice-President Academic).

With the approval of the principal researcher/scholar, material products derived from the research may be given to outside parties for non-commercial research purposes only.

3) Conflict Disclosure

It is expected that researchers and scholars acknowledge potential, perceived, or actual conflicts of interest. Likewise, members of the OCAD community who serve on inquiry or investigation committees for allegations of misconduct should acknowledge potential, perceived, or actual conflicts of interest.

An individual in a position of trust who fails to disclose a conflict of interest may forfeit the trust and the position. If personal interests may conflict with the duties and responsibilities of a scholar, researcher, or member of the OCAD community, an individual is expected to acknowledge the potential conflict of interest. Such acknowledgement does not necessarily preclude the involvement of an individual, but such acknowledgement does require closer scrutiny.

Basic Principles

The principles and procedures described in this document for dealing with allegations of misconduct are based on the procedures used by SSHRC. Members of the OCAD community are referred to the particulars of the SSHRC policy found at http://www.sshrc.ca/web/about/policies/integrity_misconduct_e.asp.

The following guidelines protect the interests of all individuals involved in cases involving allegations of misconduct:

- Confidentiality is critical. All members of the OCAD community involved in allegations of misconduct cases (e.g., individuals accused of misconduct, individuals bringing forth accusations, individuals providing information to the committee) need to maintain confidentiality.
- Individuals accused of misconduct and individuals bringing forth the accusations must be informed of the results of inquiries and investigations.
- Individuals accused have the right to respond to allegations. Until misconduct is proven, the reputation and privacy of the accused must be protected. If an allegation of misconduct is supported, the individual must be informed of the action to be taken. If an allegation is not supported, OCAD must try to protect or restore the reputation of the individual. For example, references to the allegations should be deleted from personnel files, interviewees or other individuals who provided information should be notified in writing that allegations were not supported, and findings should be published in any sources that published the misconduct allegations.
- Individuals bringing forth accusations of misconduct and individuals providing information to the committee must be informed that their anonymity cannot be guaranteed if the case goes to court. These individuals have the right and the responsibility to bring forth and support allegations; therefore, individuals acting in good faith should be protected from retaliation. At the same time, individuals making reckless or false allegations may be subject to disciplinary action.

Funding Agencies

OCAD has an obligation to protect federal funding. OCAD must inform any funding agency that requires notification that an allegation is being investigated.

- At any stage of an inquiry or investigation, OCAD is responsible for notifying a funding agency immediately if the university learns of a criminal violation.
- OCAD must notify the appropriate funding agency when an individual who is funded by the agency is accused of misconduct and the allegations are substantiated. For example, if an individual who receives SSHRC funding is accused of misconduct and the inquiry determines that the allegation warrants an investigation, OCAD must notify SSHRC at the beginning of the investigation and must submit a report within 30 days of the completion of the investigation.
- If the Dean has reason to believe at any point in the inquiry that the funds are at risk, or if the Vice-President Academic has reason to believe at any point in the investigation that the funds are at risk, OCAD must notify the funding agency so that funding may be suspended. It is the responsibility of the Vice-President Academic to notify the funding agency.
- A funding agency may request an inquiry of an individual receiving funding. If, for example, SSHRC requests an inquiry or investigation of an individual receiving funding, OCAD must forward a full copy of the report within 30 days of the completion of the inquiry or investigation whether or not misconduct has been substantiated.

Procedures for Allegations

OCAD has a two-stage procedure for dealing with allegations of misconduct: an initial inquiry and a formal investigation.

Inquiry

The inquiry serves to determine if the allegation warrants an investigation. The following procedure is followed:

1. The individual bringing forth the allegation sends a signed, dated, written allegation with detailed information and supporting evidence to the Dean of the School of the individual being accused. (If the Dean is either the individual being accused or the individual making the accusation, the allegation is sent to the Vice-President Academic.)
2. The Dean develops a written complaint that identifies the individual bringing forth the accusation if the evidence supporting the complaint requires

identification and if the individual agrees to be identified. If a written complaint cannot be formulated, no further steps are taken.

3. Normally, within 10 days of the receipt of the allegation, the Dean sends the complaint to the individual accused of misconduct, to the Vice-President Academic, and to a three-person inquiry committee.
 - The Dean chooses the inquiry committee. The chair is a senior member from the accused individual's School; two other senior members may be from any School.
 - A description of the committee is sent to the accused individual who may raise objections (in writing within seven days) to the composition of the committee. If objections to the choice of committee members are raised, the Vice-President Academic makes the final decision.
 - The inquiry is informal, and the proceedings are confidential. The committee keeps notes and records of all interviews and other information made available to the committee. The chair is responsible for storage and security of the notes, records, and other material gathered in the inquiry.
 - The committee informs the accused individual of the evidence being considered; the accused may present information (with or without an advisor) or submit written details. The individual making the accusation may be asked for additional details.
4. Normally, within 30 days of the receipt of the initial allegation, the committee sends a detailed written report to the Dean and the Vice-President Academic. The report includes the allegation details, procedures followed, conflict of interest safeguards, testimony summaries, and findings of the committee. The committee may recommend that the situation does or does not warrant an investigation. Written notification of the decision is sent to both the individual accused and the individual making the accusation. The chair gives the notes, records, and other material gathered in the inquiry to the Vice-President Academic.

Investigation

The steps in the investigation are similar to those of the inquiry, but the investigation is a formal examination:

1. If the committee decides that the allegation warrants investigation, the Vice-President Academic appoints a Misconduct Committee (MC) within 10 days of receipt of the inquiry report.
 - The Vice-President Academic chooses the four-person MC. Members of the initial inquiry committee cannot serve on the MC. The three voting members are senior academics; one may be a senior member of the accused individual's School, and at least two are senior members from other Schools or other institutions. All three should

have the relevant expertise needed for the case; the Vice-President Academic appoints one to serve as chair. An OCADFA representative is a non-voting member of the MC.

- A description of the committee is sent to the accused individual who may raise objections (in writing within seven days) to the composition of the committee. If objections to the composition of the MC are raised, the Vice-President Academic, in consultation with the Deans, makes the final decision. The Vice-President Academic gives the written materials gathered in the inquiry to the investigation committee.
2. The Vice-President Academic informs the funding agency concerned that the individual is being investigated
 3. The investigation is formal, and the proceedings are confidential. The committee keeps notes and records of all interviews and other information made available to the committee. The chair is responsible for storage and security of the notes, records, and other material gathered in the inquiry and in the investigation.
 4. The committee informs the accused of the evidence being considered. Both the individual being accused and the individual bringing forth the accusation are invited, with or without advisors, to address the committee and submit written details. Other individuals may be called to present information, and the committee may request all relevant information needed for the investigation.
 5. Normally, within 60 days of the receipt of the initial allegation, the MC sends a detailed written report and all notes and materials from the inquiry and investigation to the Vice-President Academic. The report includes the details of the allegation, names of the committee members, conflict of interest safeguards, procedures of the investigation, summaries of interviews and testimonies, and the basis for the findings of the committee. The committee may make recommendations as to sanctions. Sanctions may include verbal and written reprimands, removal from a project, monitoring of future work, effects on merit and promotion, etc.
5. The Vice-President Academic informs the funding agency of the outcome of the investigation. If the accused individual is found guilty, the Vice-President Academic will send a report to the funding agency (with description of the allegation, names of investigators, procedures and conflict of interest safeguards, summaries of testimonies and records, conclusions of the investigation, and sanctions recommended by the institution) within 30 days of the end of the investigation. SSHRC or other funding agencies may request clarification of points or further investigation.

Decision

The decision of the committee is binding on the university:

- If the finding is "not guilty," the charges are dismissed and the Vice-President Academic notifies both the individual who was accused and the individual who brought forth the accusation.
- If the finding is "substantiated in part" (misconduct), the Vice-President Academic has the authority to deal with the case.
- If the finding is "substantiated in full" (gross misconduct), the President has the authority to deal with the case and to determine sanctions. In accordance with the Memorandum of Agreement (for teaching faculty and academic staff), grounds for dismissal of permanent teaching faculty and permanent academic staff include "gross misconduct, which may be found to arise from a single incident but which also may include repeated serious misconduct." Other scholarly activity of the individual found guilty of gross misconduct may be evaluated to protect the integrity of research and scholarship.

Appeal

An individual may appeal in accordance with the procedures in the Memorandum of Agreement (for teaching faculty and academic staff) or the Collective Agreements (for other members of the OCAD community).

Committee Records

The notes and materials gathered by the inquiry and investigation committees are given to the Vice-President Academic. If the finding of the investigation committee is "substantiated in part" or "substantiated in full," records of the inquiry and investigation are kept in the office of the Vice-President Academic for seven years from the decision date.

If the allegation is not supported or the finding of the formal investigation is "not guilty", all documentation relating to the allegation except the final report of "not guilty" is destroyed. The Vice-President Academic, in consultation with the MC, shall take all reasonable steps to repair damage to the reputation of the individual who was accused.

The Vice-President Academic is responsible for protecting the confidentiality of the records and determines who may have access to the records during the seven years. Access is restricted to circumstances related to this procedure or the Memorandum of Agreement (e.g., promotion).

The policy was approved by the OCAD Board of Governors in July, 2004.