



THE AGA KHAN UNIVERSITY

<i>Policy No.</i> AKU-K/ORGS/002-2022 POLICY ON RESEARCH MISCONDUCT	
<i>Date of Revision</i>	October 28, 2022
<i>Approving Authority</i>	University Research Council
<i>Contact Office</i>	Grants Support Office
<i>Related Policies</i>	<i>This document should be read in conjunction with the University policies Code of Good Research Practice and Access to Participants Data, Intellectual Property Rights, Authorship Policy and Publications Policy</i>

1.0 Background

The Aga Khan University takes pride in upholding its tradition of attaining a high level of rigor and integrity in its academic endeavors. AKU builds on common concerns and ensures that the same standards are applied in the conduct and reporting of research. This Policy applies to all research across all research disciplines, where research is defined as an undertaking intended to extend knowledge through a disciplined inquiry and/or systematic investigation².

Though unintentional violations of ethical standards remain a possibility in all investigations, a false allegation of misconduct can jeopardize the reputation of the University and its researchers. Hence, this policy is developed with the objective in mind that while having the responsibility to provide a conducive environment to promote integrity in research and quality assurance, AKU has taken steps to ensure that appropriate mechanisms are in place to expeditiously deal with allegations of misconduct in research.

This policy also addresses the necessary checks and balances to ensure that the highest ethical standards are maintained at all AKU campuses.

¹ First approved on: November 15, 2007; revised on: May 10, 2012

² Canadian Tri-Council Policy Statement 2, http://www.ethics.gc.ca/pdf/eng/tcps2-2014/TCPS_2_FINAL_Web.pdf

The University recognizes the contributions of mentors, project supervisors, department chairs/unit heads, and faculty, which establish the high bar of honesty and integrity required in the conduct of research.

2.0 Principles and Objectives

As declared in the Vision, Mission and Value statements, AKU strives to be an international institution of distinction which is committed to the development of human capacity through the discovery and dissemination of knowledge, and application through service. In order to achieve this mission, AKU operates on core principles of quality, relevance, impact and accessibility. Strict adherence to the principles of honesty and integrity in the conduct of research and scholarly activity is greatly emphasized.

Specific objectives of the policy:

- a) To encourage responsible conduct amongst members of the AKU community, who are engaged in research and scholarly activities.
- b) To ensure that highest standards of integrity and honesty are adhered to in the dissemination of research output.
- c) To establish and maintain a climate of recognition, and acknowledgement of research contributions of all those who have been involved in achieving a particular set of research objectives.
- d) To recognize the rights of researchers and other stakeholders as per the University's policies on Intellectual Property Rights and University Authorship Policy.

3.0 Applicability

This policy applies to all University employees (*viz.* faculty, residents, students and staff) and also those affiliated with the University (such as trainees, technicians, students, fellows, clinicians, visiting researchers, collaborators, and other staff members) who are engaged in research conducted at or by the University, regardless of the source of funding.

If misconduct is discovered after the individual no longer works for/is affiliated with, the University, the case may still be processed and appropriate action taken (such as demand for public apology/retraction of publication/legal action, etc.).

The minimum time-limit for the retention of research data and records will be **seven (7) years** from the end of the data collection for the research project, the last publication/report emanating from the research, or when a degree is awarded to a student for the research work (whichever is last). Retention of research data shall be for a period of **25 years for clinical trials**. Researchers will be expected to adhere to longer data storage period as required by regulatory bodies or funding institutions. Research records include all forms of results captured in the course of the research (laboratory notebooks, questionnaires, interview and similar notes, etc). The primary purpose for the retention is to preserve the ability to validate the research findings and/or to permit the work to be repeated or extended into new scholarship³.

³ Data retention times are set to provide an adequate period to allow any questions about the data to be addressed (*e.g.*, accuracy, reproducibility, originality, etc) and to meet any requirements of the sponsors or applicable laws or regulations. Research data and related financial data must both be considered. Retention times vary: some institutions rely on a statement similar to the

4.0 Definitions

Misconduct in research includes any, some, or all of the following acts:

- a) Fabrication and/or falsification of research-related data, or in reported research outcomes.
- b) Plagiarism in all research-related matters, including publications, appropriation of someone else's ideas, processes, results, outputs, or words, without giving appropriate credit. [Refer to Section 3.0, above, and 5.0, below]
- c) Inappropriate use of someone else's intellectual property (without reference, acknowledgment, or permission, as the case may be).
- d) Denial of individual rights such as authorship to collaborative partners in research publications.
- e) Non-compliance with the University's policies on "*Conflict of Interest*", "*Intellectual Property Rights*" and "*Authorship Policy*".
- f) Non-compliance with the University's "*Policy on Code of Good Research Practice and Access to Participant Data*."
- g) Deliberate misuse of institutional or sponsored funds for financial gains.
- h) Wilful failure to honour an agreement or contract with the funding agency, to perform certain tasks.
- i) Publishing any data or results that are against the internationally accepted general principles of research and scholarly activities.
- j) Deliberate destruction of one's own or others' research data, records, or research-related property.
- k) Making use of any information in breach of any duty of confidentiality associated with the review of any manuscript or grant application.
- l) Violation of (or non-compliance with) the code of ethics for research as established by the University.
- m) Wrongful attribution towards an approving authority (*e.g.*, claiming approval from an Ethics Review Committee [ERC], Ethical Committee for Animal Care & Use [ECACU], biohazard assessment, etc, when such approval does not exist) .
- n) Inappropriate use of technology (*e.g.*, misinformation resulting from manipulation of images through photo-editing technology or software)

Misconduct does not include:

- i. unintentional errors in interpretations or judgments of data.
- ii. an accidental loss of data or loss of results.
- iii. discontinuation of an agreed research collaboration or assigned task due to legitimate reasons, such as ill health or situations beyond one's control.

preceding; others state 3 years (Oxford, Memorial Sloan Kettering), 5 years (University of British Columbia, Canadian Institutes of Health Research) or 7 years (AKU, University of Alberta [for financial records]).

5.0 Plagiarism

The University is uncompromising towards plagiarism and considers it an act of misconduct liable to disciplinary action. In keeping with past practices, the University will adhere to the guidelines issued by the higher education authority of the country in which AKU operates (e.g., *Higher Education Commission in Pakistan* and *Tanzanian Commission for Universities*).

The following types of plagiarism, irrespective of their degree of seriousness, whether committed deliberately or inadvertently, are considered as unethical and illegal:

- a) *Complete Plagiarism*: When the whole document, manuscript, or research idea, is copied *verbatim* from one or more sources, even if the source is disclosed in the reference section.
- b) *Partial Plagiarism*: When part or whole section(s) are inserted without paraphrasing, with few or only cosmetic changes to the text, without giving appropriate reference. It also applies to insertion of figures/photos, diagrams, illustrations, graphs, or charts, from various sources without prior approval of the author(s) and/or publisher(s), as may be the case.
- c) *Self-Plagiarism*: When one's own published work is re-sent for publication to another journal, without the permission of the original publisher, even if the publication is translated into another language.
- d) *Plagiarism of Ideas*: When ideas or documented work of others are presented as one's own, in any form whatsoever, and at any forum whatsoever. This includes proposed research studies on specific topics previously conceived by another individual or group.
- e) *Concealing Sources/Denying Acknowledgement*: When the source of the information is not disclosed or acknowledged, or due credit is not given to fellow contributors in a publication or research study (for further clarity, refer to "University Authorship Policy"). Any word-for-word quote must have a reference citation, while written permission of the author and/or the publisher is needed for lengthy quotations.

6.0 Finding and/or Reporting of Research Misconduct

The initial reporting of the misconduct may be made in writing or by producing documentary evidence to the Chair, University Research Council of the University, who may direct it to the chair/head of the respective department for verification. Alternatively, upon receiving a report with evidence, the Chair, University Research Council will initiate an investigation by setting up an *ad hoc* committee for this purpose. The *ad hoc* committee will submit a full report of the findings and advise penalties, if any, to be imposed.

7.0 Confidentiality and Protection

Every effort must be made to maintain confidentiality to protect the interests of the University and those involved in reporting research misconduct.

Allegations of research misconduct might originate from outside the University, possibly from other institutions, in learned journals, or in the press. Within the University, allegations of research

misconduct might come from members of academic, research or technical staff, or from students and residents.

Under no circumstances will an anonymous complaint be the basis for a formal proceeding.

8.0 Procedure of Inquiry (Details in Appendix: “Procedures for resolving disputes and allegations of misconduct in research”)

The Office of Research & Graduate Studies is responsible for evaluating and investigating all allegations of misconduct related to research at Aga Khan University. Individuals should not undertake investigations of suspected research misconduct on their own. Scientific and research misconduct does not include honest errors or differences of opinion.

- a) The Chair, University Research Council, or designated director, in whose office the allegation charges are filed, will set up an initial inquiry to assess whether or not the matter is research misconduct, as defined in this policy.
- b) The faculty member or an employee whose research work is the subject of investigation shall be notified about the nature of the complaint without disclosing the identity of the initiator.
- c) Evidence relevant to the complaint must be securely placed with the respective Chair, University Research Council, or designated director (or relevant authority) of the academic unit, and only duplicates shall be used for the investigative process.
- d) An *ad hoc* Inquiry Committee shall be appointed by the Chair, University Research Council to conduct the investigation; the Committee will submit a written report of the inquiry proceedings. All activities and proceedings of the meetings must be recorded in audio and transcribed, to fulfil legal requirements.
- e) The *ad hoc* Inquiry Committee may refer to University policies, as well as various international organizations and committees, as resources for its deliberations.
- f) The *ad hoc* Inquiry Committee may also consult with faculty, students, or any other individual who has knowledge of the alleged research misconduct in question.
- g) If an outside sponsor or collaborator is involved in the research, the report of the *ad hoc* Inquiry Committee may be shared with the concerned organization or affected individuals, with the consent of the Chair, University Research Council.
- h) The entire inquiry process from initiation, post-allegation, to submission of the inquiry report to the Chair, University Research Council (or a relevant/appropriate authority), must be completed in sixty (60) calendar days.
- i) An appropriate extract of the report shall be provided to the accused for rebuttal.
- j) If the alleged misconduct is not substantiated, diligent efforts will be undertaken, where appropriate, to restore the reputation of those under investigation. The research records will be restored appropriately as well. No further action will be taken by the University and no reports will be made to funding agencies unless they are specifically required under the circumstances of the allegation, or unless the funding agency is aware of the allegation.
- k) If misconduct is proven, the University will take appropriate action. The Provost or President, upon receiving the recommendations of the respective Dean/Director, based on the findings of the *ad hoc* Inquiry Committee and any statement of rebuttal by the accused, shall take a final

decision with respect to the action to be taken and will formally notify all parties, including the sponsor of the research.

- l) The final investigation report must be in writing and submitted to the Provost/President in a timely fashion. The Provost will review the report and determine whether to accept it as is, or return it to the *ad hoc* Inquiry Committee for further deliberation or fact-finding.
- m) The timeline should allow for submission of the report to the concerned sponsor, if required, no later than 120 days from the date the investigation began, in cases where misconduct is found.
- n) Copies of the inquiry report, along with all supporting documents and decisions must be retained for seven (7) years.

9.0 Penalty for Research Misconduct

- a) In the event that a researcher is found guilty of misconduct, the *ad hoc* Inquiry Committee shall impose a penalty, taking into account the severity of the misconduct. Penalties may include:
 - ♦ A reprimand
 - ♦ Withdrawal of article/proposal or any other dissemination material
 - ♦ Public/private apology
 - ♦ A fine not exceeding US\$1,000 (One thousand dollars), or equivalent in appropriate local currency
 - ♦ Disallowance of the work
 - ♦ Suspension of work/employment
 - ♦ Termination from job.
- b) In cases where the investigation does not confirm the allegations, the *ad hoc* Inquiry Committee shall recommend the same to the Chair, University Research Council, who shall undertake appropriate efforts to ensure that the reputation and integrity of the individual is not harmed (*See 8.10*).
- c) The higher authorities shall also take appropriate actions to protect the position and reputation of those who, in good faith, made the allegations. However, if it is revealed that the complainant has brought charges with a malicious intent, he/she should be reprimanded, disciplined and/or penalised as may be deemed fit.
- d) If a student commits plagiarism in his/her thesis, that student may be judged to have failed the thesis.

See Appendix following the References

References:

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3. Kenyatta University (May 2010). Intellectual Property Rights Policy. Nairobi, Kenya
4. Muhimbili University of Health and Allied Sciences (August 2011). Research Policy Guidelines. Dar es Salaam, Tanzania
5. Muhimbili University of Health and Allied Sciences (August 2011). Intellectual Property Policy and Guidelines. Dar es Salaam, Tanzania
6. http://en.wikipedia.org/wiki/Scientific_misconduct (retrieved April 10, 2012)
7. Agres T. NIH Misconduct Rules Reviewed, Professional Societies Support Revisions To Rules On Whistle-Blowers And Research Misconduct. The Scientist April 26, 2004
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9. DeFrancesco L. Researcher Seeks Whistle-Blower Protection. The Scientist, November 1, 2002. <http://www.biomedcentral.com/news/20021101/04/>
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11. PhD students Handbook, The Aga Khan University, 2007

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Procedures for addressing allegations of misconduct in research

APPENDIX - 1

PROCEDURES FOR ADDRESSING ALLEGATIONS OF MISCONDUCT IN RESEARCH

Part of Policy on Research Misconduct

The Office of Research & Graduate Studies is responsible for evaluating and investigating all allegations of misconduct related to research at Aga Khan University. Individuals should not undertake investigations of suspected research misconduct on their own; scientific and research misconduct does not include honest errors or differences of opinion.

When to report?

Any individual who believes an act of research misconduct has occurred or is occurring should notify the dean of the appropriate schools. Reporting such incidence in good faith is a service to the University and to the larger academic community. The Aga Khan University prohibits retaliation of any kind, against a person who acts in good faith, reports or provides information about suspected or alleged misconduct in research.

Who to report?

Any person who is aware of ongoing research misconduct in their research project or is made aware of research misconduct occurring on research happening within and without the Aga Khan University. The research has members of the Aga Khan University employees, patients, participants, premises and stakeholders involved. All allegations of misconduct are related to research at Aga Khan University.

Reporting to the dean/director of a school/institute: Subject to the provisions in *Section 6* of the *Policy on Research Misconduct*, the school dean/director will provide a confidential consultation to assess complaints, determine whether they fall under this policy, and outline options for resolution. Individuals who consult with the department head may choose:

- a. to ask the school dean to facilitate a resolution or resolve the matter informally;
- b. to request a hearing under this Policy; or,
- c. to refer the complaint to the Chair, University Research Council to determine an appropriate course of action.

Reporting to the Chair, University Research Council: Incidents may also be reported to a higher University Official, in this case it is the Chair, University Research Council.

Identified summaries of decisions based on investigations of research misconduct will be prepared periodically by the Office of Research & Graduate Studies.

Preliminary assessment

Upon receipt of an allegation, the school dean/director determines whether it constitutes alleged research misconduct as defined by this policy and whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If both of these criteria are met, the school

dean/director shall inform the Chair, University Research Council, identifying the subject of the allegation and information of internal/external funding source(s) for the research, if any.

Cooperation with the inquiry process

Institutional members shall cooperate in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence of misconduct allegations to the investigation officer assigned by the Chair, University Research Council.

Protecting Complainants, Witnesses, and Committee Members

Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members are obligated to immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the Chair, University Research Council, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

Inquiry after preliminary assessment

An inquiry consists of preliminary information-gathering and preliminary fact-finding to determine whether an allegation or an apparent instance of misconduct has substance. The outcome of an inquiry is a determination as to whether or not an investigation is to be conducted. The Chair, University Research Council conducts the investigation through a standing committee or ad hoc arrangements.

The **Chair, University Research Council** or delegate shall;

1. Identify any outside funding source(s) for the research that is the subject of the inquiry.
2. Inform those conducting such inquiries or investigations are promptly to take all reasonable and practical steps to obtain custody of the research records and/or evidence needed to conduct the misconduct proceeding, inventory the records and evidence, and sequester them in an appropriate manner.
3. At the time of, or before the beginning of an inquiry, the accused individual (hereafter "the respondent") shall be informed of the allegations, and will be invited to comment on them. The respondent shall also be provided with a copy of the draft report of the inquiry, and be given an opportunity to comment on the findings for the consideration of those conducting the inquiry. In so doing, best efforts shall be made (where feasible) to protect the confidentiality of the individual(s) who brought forward the complaint (hereafter "the complainant(s)").
4. Other relevant individuals, including the complainant(s), if known, should be interviewed.
5. The final report, including a recommendation as to whether or not a full investigation is warranted, is to be submitted by the investigation panel to the Chair, University Research Council within **60 days** of receipt of the allegation. (If this time frame is not possible in a particular case, the reasons are to be documented and the Chair, University Research Council so informed.) The final report shall include any comments provided by the respondent in response to the draft report.

6. The documentation should include sufficient detail to permit a later assessment of the determination of whether or not a full investigation is warranted. It should describe the information reviewed, include a summary of the interviews conducted, state conclusions reached, and indicate whether or not the school dean/director believes an investigation is warranted.
7. The final report of the inquiry and a copy of the documentation are to be transmitted to the Chair, University Research Council and maintained in record **for seven years**.
8. Unless the Chair, University Research Council has further concerns, the school dean/director's recommendation that an investigation is not warranted will be final.

Investigation

1. The investigation will be a formal examination and evaluation of relevant facts to determine whether or not misconduct has taken place.
2. The processes described below should be carried out in a manner that is thorough, competent, objective, fair and appropriately protective of the confidentiality and reputations of all participants. Such assessments, inquiries and investigations should be coordinated with the Office of the Chair, University Research Council to assure that they are carried out in conformance with applicable regulations (if any) in cases where the research is funded by an external agency.

Procedures for Investigation

If the preliminary assessment concludes that an investigation is warranted, then it will be guided by the following processes:

1. The formal investigation should begin within **30 days** of the completion of the inquiry and after written notice to the respondent. The investigation is to be completed and the final report sent to the Chair, University Research Council within **90 days** (from the start of an investigation). If an investigation cannot be completed within this time frame, the Chair, University Research Council should be notified as soon as possible.
2. An investigation should normally include an examination of the relevant documentation, including but not limited to relevant research data, proposals, publications, correspondence, and memoranda of telephone calls, where necessary.
3. Complainants, respondents, and witnesses who may have information related to the matter should be interviewed. Complete written summaries of each interview should be provided to the individual being questioned, and any comments should be appended to the summary, or reflected in a revised summary if the interviewer agrees. The summaries must be retained by the school dean/director.
4. All significant issues should be pursued until the investigator is reasonably certain that he or she has amassed all necessary and appropriate information.
5. A draft written report of findings shall be made available to the respondent with the opportunity to provide comments for the consideration of those conducting the investigation. Where identified and appropriate, complainants should also receive the portions of the draft report which concern the role or opinions they had in the investigation. Any comments on the draft from the respondent (and from the complainants, if applicable) shall be appended to the final report.

Note: If there is more than one respondent, and their involvements are found not to be identical, separate draft reports should be prepared if practical, in order to preserve confidentiality.

6. In addition to the interview summaries and comments by the respondent and complainant(s) (if applicable) on the draft report, the final written report should include:
 - a description of the policies and procedures followed;
 - how and from whom relevant information was obtained;
 - the findings and basis for them.
7. If either the school dean/director or the Chair, University Research Council considers that sanctions may be warranted, the Chair, University Research Council shall refer the final report to the University official who makes that determination (*See Section 9*). The report should be sufficient for the appropriate University officer to determine whether disciplinary action is called for. If any sanctions result, the Chair, University Research Council shall be informed, and he or she should append that information to the final report.

Appeals under the AKU Research Misconduct Policy

1. Appeals under this policy may be requested by University members who are not represented by a collective agreement and who are **not students**. Faculty members may grieve any action taken by the University using the grievance procedure set out in the relevant collective agreement.
2. Either the complainant or the respondent may appeal the decision of the hearing board and/or the penalty imposed by delivering to the Provost/Chair, University Research Council a written notice of appeal within **thirty (30) days** of receipt of a copy of the hearing board report. The notice should include a written statement of appeal that indicates the grounds on which the appellant intends to rely, any evidence the appellant wishes to present to support those grounds, and (where relevant) what remedy or remedies the appellant believes to be appropriate.
3. An appeal will be considered only on one or more of the following grounds:
 - a. That the original hearing board had no authority or jurisdiction to reach the decision or impose the sanction(s) it did;
 - b. That there was a reasonable apprehension of bias on the part of a member or members of the original hearing board;
 - c. That the original hearing board made a fundamental procedural error that seriously affected the outcome;
 - d. 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.
4. Upon receipt of a notice of appeal, the Chair, University Research Council or designate 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 Chair, University Research Council determines that there are no valid grounds under these Procedures for an appeal, then the appeal will be dismissed without a hearing. If the Chair, University Research Council determines that there may be valid grounds for

an appeal, then the appeal hearing will proceed as provided below. The decision of the Chair, University Research Council with respect to allowing an appeal to go forward is final, with no further appeal.

Appeals Board

5. The appeal board will be constituted by the Chair, University Research Council within twenty one (21) calendar days and will be composed of three senior members of the University or of another academic institution. One member of the appeal board shall be named chair. Individuals appointed to serve on an appeal board shall exclude anyone who was involved in the original hearing of the case.
6. The members of the hearing board will have no actual, apparent, reasonable, perceived, or potential conflict of interests or bias and will jointly have appropriate subject matter expertise and administrative background to evaluate the complaint and the response to it. The complainant and the respondent will be advised of the composition of the hearing board and will have seven (7) calendar days to advise the Chair, University Research Council of the intent to challenge the suitability of any member of the hearing board based on a reasonable apprehension of bias against the complainant's or respondents' case.

Appeal Procedure

7. The appeal Board shall convene to hear the appeal within twenty-one (21) days of being constituted. Under exceptional circumstances, the Board may extend this period.
8. Written notice of the hearing, along with a copy of these Procedures and of the written statement of appeal, will be delivered by the Chair, University Research Council or designate to the appellant, to the other party in the original hearing as respondent, to the chair of the original hearing Board, and to members of the appeal Board. Where possible and reasonable, the schedules of all parties will be accommodated and at least seven (7) calendar day notice of the time and location of the hearing will be provided. Where there are special circumstances (as determined by the Chair, University Research Council or designate), the matter may be heard on less than seven (7) calendar day notice.
9. If any party to these proceedings does not attend the hearing, the appeal Board has the right to proceed with the hearing, and may accept the written record of the original hearing and the written statement of appeal and/or a written response in lieu of arguments made in person. An appellant who chooses to be absent from a hearing may appoint an advocate to present his/her case at the hearing.
10. 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. Appeal board under these regulations will not hear the case again but are limited to determining whether the original hearing board had authority and jurisdiction to hear the original case; whether there was a reasonable apprehension of bias on the original hearing board that heard the case; whether the original hearing board made fundamental procedural errors that seriously affected the outcome; or whether any new evidence that is being

presented would likely have affected the original outcome AND could not reasonably have been presented at the original hearing.

- ii. The parties to the hearing shall be the appellant (who may be either the original complainant or the original respondent) and the other party to the original hearing as respondent. The chair (or another member designated by the chair) of the original hearing board is invited to attend and at the discretion of the chair will be permitted to participate in the hearing and to answer questions of either party or of the appeal board.
- iii. Except as provided for under “Appeals section 4.0 above, no new evidence will be considered at the hearing. The record of the original hearing, including a copy of all material filed by both sides at the original hearing, and the written statement of appeal, will form the basis of the appeal board’s deliberations.
- iv. It shall be the responsibility of the appellant to demonstrate that the appeal has merit.
- v. Hearings shall be restricted to persons who have a direct role in the hearing. Witnesses will not normally be called, but the appellant may request the presence of an advocate and up to three observers. At the discretion of the chair, other persons may be admitted to the hearing for training purposes, or other reasonable considerations.
- vi. The appellant and the respondent shall be present before the appeal board at the same time.
- vii. Both the appellant and the respondent will have an opportunity to present their respective cases and to respond to questions from the other party and from members of the appeal board.
- viii. Both the appellant and the respondent will have the opportunity to suggest what sanctions, if any, they believe are appropriate to the matter before the appeal board.

Disposition by the Appeal Board

11. After all questions have been answered and all points made, the appeal board will meet in camera to decide whether to uphold, overturn or modify the decision of the original hearing board. The deliberations of the appeal board are confidential.
12. 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 outcome determined 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 and/or sanctions using any of the remedies available in Section 7.1; or
 - iv. Order that a new hearing board be struck to re-hear the case. This provision shall be used only in rare cases such as when new evidence has been introduced that could not reasonably have been available to the original hearing board and is in the view of the appeal board significant enough to warrant a new hearing.

- v. 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 and state any penalty imposed or withdrawn. The report shall be delivered to the Chair, University Research Council and distributed as provided for in Section 6.5.
- vi. If the decision of a hearing board is successfully appealed, the chair of the appeal board shall ask the relevant Senior Administrator to take all reasonable steps to repair any damage that the appellant's reputation for academic integrity may have suffered by virtue of the earlier finding of the hearing board.

No Further Appeal

- 13. The findings and ruling of the appeal board shall be final with no further appeal.

Reports

- 14. Not later than **15 days** after a hearing board or an appeal board has completed its deliberations, the chair shall deliver a copy of the report to the Appellant, the Respondent, the relevant head of department, school dean/director, and the Chair, University Research Council.
- 15. If there is more than one Appellant or Complainant, reasonable efforts will be made to provide each with parts of the report that are pertinent to him/her.

Records

- 16. Records pertaining to complaints that result in disciplinary action will be retained in the respondent's official file in accordance with existing University policies, procedures and collective agreements.
- 17. No record of a complaint 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.
- 18. Subject to the provisions of the Research Misconduct Policy 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 Chair, University Research Council and their confidential assistants for a period of 10 years or while any legal or official proceedings are pending. After this time, the records may be destroyed. These records are strictly confidential and will be disclosed only when disclosure is required by law or by a legal or official proceeding. The Chair, University Research Council shall make them available to hearing boards and appeal boards as required.

INSTITUTIONAL ADMINISTRATIVE ACTIONS

The Aga Khan University shall take appropriate administrative actions against research misconduct which has been substantiated. If the Chair, University Research Council determines that research misconduct is substantiated by the findings of the investigation committee, he or she shall decide on the appropriate actions to be taken, after consultation with the Legal/Human Resource Office and consideration of the recommendations in the Investigation Committee report. The Chair, University Research Council has the sole discretion and responsibility to determine, decide, and stipulate the final sanctions against any individual who has been found to have engaged in research misconduct under this policy. The administrative actions may include, but are not limited to, the following:

- i. Withdrawal or correction of all pending or published abstracts and papers emanating from the research, where research misconduct was found;
- ii. Notification of professional societies, professional licensing board, or other relevant work in the particular project;
- iii. Removal of the responsible person from the research project;
- iv. Provision of a letter of reprimand;
- v. Special monitoring of future work;
- vi. Probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment; or research;
- vii. Training in the responsible conduct of research;
- viii. Restitution of funds to the grantor agency as appropriate;
- ix. Notification of law enforcement agencies to prevent such incident in the future.
- x. Other action appropriate to remedy the research misconduct.

Reference:

- 1) The University of Western Ontario: Policies and Procedures, July 2008.
- 2) Procedures for Addressing Complaints of Research Misconduct at the University of Saskatchewan. June 2010.
- 3) Stanford University - Research Misconduct: Policy on Allegations, Investigations, and Reporting.
- 4) University of Nebraska – Policy and procedures for responding to allegations of research misconduct, 2010.

APPENDIX - 2

Suggested Procedure for Investigating Allegations of Research Misconduct

