

POLICY 2500-021

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## PREAMBLE

Society expects that research in academic institutions be conducted in a context of absolute integrity.

This policy sets out the University's principles, rules, and procedures related to research integrity and conflicts of interest. The responsibilities and duties of researchers and anyone linked directly or indirectly to the conduct and management of research activities are described herein. The rules provide for consultation and disclosure of conflicts of interest or commitments, as well as a procedure for investigating complaints of misconduct.

This policy complies with the most recent (2016) version of the *Tri-Agency Framework: Responsible Conduct of Research*<sup>1</sup> (RCR Framework) developed by the Natural Sciences and Engineering Research Council of Canada (NSERC), the Social Sciences and Humanities Research Council (SSHRC), and the Canadian Health Research (CIHR) in 2011. It also complies with the *Policy on Responsible Conduct in Research*<sup>2</sup> (FRQ Policy) established by the Fonds de recherche du Québec in 2014. The policy also takes into account the following:

- *Charter of Human Rights and Freedoms* (CQLR, c. C-12)
- *Civil Code of Québec*
- *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (CQLR c. A-2.1)
- *Politique en matière d'éthique de la recherche avec des êtres humains* (Ethical Conduct Policy On Research Involving Humans) (Policy 2500-028, Université de Sherbrooke)
- *Politique en matière d'éthique de l'expérimentation animale* (Ethical Conduct Policy On Research Involving Animals) (Policy 2500-019, Université de Sherbrooke)
- *Protection de la propriété intellectuelle des étudiantes et des étudiants et des stagiaires postdoctoraux de l'UdeS* (Protection of the Intellectual Property of Students and Postdoctoral Fellows) (Policy 2500-011, Université de Sherbrooke)
- Other policies, regulations, directives, standards, and procedures of the Université de Sherbrooke
- Other laws, regulations, and standards in force

Although the University recognizes that the research process involves the risk of honest mistakes, it requires full compliance with the rules and procedures set out in this policy.

## 1. OBJECTIVES

The objectives of this policy are:

- A. Develop integrity as a cornerstone of research and research training.
- B. Ensure respect for and the promotion of the values of ethics and integrity in research.
- C. Preserve public confidence in the University with a mechanism for managing conflicts of interest.
- D. Establish a fair and efficient procedure for handling misconduct.

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<sup>1</sup>Panel on Responsible Conduct of Research. *Tri-Agency Framework: Responsible Conduct Of Research*, 2016. <http://www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/>

<sup>2</sup>Fonds de recherche du Québec. *Policy on Responsible Conduct in Research*, 2014. <http://www.scientifique-en-chef.gouv.qc.ca/en/agenda/la-conduite-responsable/>

## **2. DEFINITIONS**

For purposes of this policy, the following terms or words are as defined below.

### **2.1. Conflict of Interest**

Any situation in which the interests of an individual subject to this policy conflicts with the individual's responsibilities and duties. Conflicts of interest can be actual, apparent, or potential. For example, they can be financial, political, ideological, or professional. They can relate to the University, to the individual, relatives, friends, or business associates, whether past, present, or future<sup>3</sup>. An individual with a conflict of interest risks having his or her decision-making objectivity diminished, at least in appearance, which may give rise to questions about his or her integrity.

The existence of a conflict of interest does not necessarily prevent the individual concerned from getting involved in the situation in which the conflict occurs or is likely to occur insofar as the conflict is declared and managed according to the rules provided for under this policy.

Several examples of situations that might lead to conflicts of interest are described in Appendix 1 of this policy.

### **2.2. Conflict of Commitment**

Specific form of conflict of interest. A conflict of commitment in research occurs when outside professional activities related to the research of an individual subject to this policy—whether remunerated or not—affect his or her exercise of sound research judgment or the ethical conduct of his or her research duties and responsibilities at the University.

### **2.3. Significant Personal Financial Benefits**

Privately receiving or seeking to receive remuneration whose monetary value exceeds that provided by the University administration and may take the form of but not limited to salary, consulting fees, or other titles to property, stock, or intellectual-property rights (patents, copyrights, and royalties from such rights).

### **2.4. Integrity**

Integrity means absolute probity. Research integrity is based on the rigorousness of the approach and the intellectual honesty of the researchers; on compliance with standards, legislation, and rules for conducting a project; on the strict management of the data collected and funds allocated to the project; and on the rights of all individuals involved in its implementation.

### **2.5. Breach**

A breach is the failure to comply with any granting agency policy throughout the life cycle of a research project – from application for funding, to the conduct of the research and the dissemination of research results. It includes all activities related to the research, including the management of agency funds.

### **2.6. Granting Agencies**

Organizations distributing research funds mainly on the basis of competition with peer review.

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<sup>3</sup> See Note 2 (p. 8).

## **2.7. Individuals Subject to this Policy**

### **2.7.1. Researcher**

Any individual involved in research, creation, or development activities, usually or occasionally, at or for the University.

This definition includes students and postdoctoral fellows involved in research activities.

### **2.7.2. Collaborator**

Any individual related directly or indirectly to the implementation or management of research, creation, or development activities.

### **2.7.3. Research Director**

Individual supervising the research project of a student with a view to obtaining a university degree.

## **2.8. Close Relation**

A member of the immediate family or someone with whom an individual subject to this policy is in a personal relationship or with whom he or she shares a direct or indirect financial interest.

## **2.9. Research**

All activities related to scientific discovery, creation, or development involving a rigorous and systematic approach to increasing knowledge and that can be conducted in a training or knowledge-transfer context.

## **2.10. University**

Université de Sherbrooke.

## **3. SCOPE**

This policy applies to all research and research-training activities conducted by the individuals concerned, regardless of the funding sources or where the activities take place. All individuals subject to this policy are required to comply.

## **4. INTEGRITY IN THE CONDUCT OF RESEARCH ACTIVITIES**

Research integrity is based, among other things, on the following principles:

- The researcher maintaining impeccable scientific competence
- Intellectual honesty and rigor in the collection, recording, and analysis of data, as well as in communicating and publishing research findings
- Taking care to acknowledge the source of the findings and concepts used as exactly as possible
- Compliance with standards, legislation, and rules for research involving human subjects, animal experimentation, biosafety, and environmental protection
- Duty to exercise critical responsibility with respect to the research, mode of conduct, and the use made of its findings
- Transparent, rigorous management of research funding
- Respect for individuals and good management of human resources allocated to research activities
- Enforcement of intellectual property rights

- Fair recognition of all contributions to research activities

#### **4.1. Responsibilities of the University**

The University must play a leading role in maintaining the highest standards of integrity in research and in research training. As an institution, the University is responsible to society for the integrity of the research under its auspices. As an organization, the University is answerable to its partners for the use of funds allocated to university research. To comply with requirements, the University is implementing measures to:

- Educate those affected by this policy about the importance of respect for the fundamental values and principles of research integrity.
- Ensure responsible and ethical management of public funds.
- Guide and advise those affected by this policy on questions of ethics and conflicts of interest.
- Manage allegations of breach of responsible conduct in research and, if necessary, take appropriate measures by ensuring protection of the rights and reputations of the individuals involved.

#### **4.2. Responsibilities of Individuals Subject to this Policy**

Any individual subject to this policy must be aware of it and fully comply with it. This holds true for all of the University's other policies, rules, and instructions, in particular, the *Politique en matière d'éthique de la recherche avec des êtres humains* (2500-028; Ethical Conduct Policy On Research Involving Humans) and the *Politique en matière d'éthique de l'expérimentation animale* (2500-019; Ethical Conduct Policy On Research Involving Animals).

In addition, as part of his or her research activities, the researcher and, as appropriate, the collaborator, research collaborator, director, or supervisor, must, in particular, adhere to the following principles and rules.

##### **4.2.1. Demonstrating Honesty and Integrity in the Conduct of Research Activities**

- Take scientific and ethical responsibility in selecting and conducting research activities, and ensure that the work adequately and justifiably addresses the issues arising from the problem studied.
- Respect the principles of scientific integrity and rigor in obtaining, recording, and analyzing data and disseminating findings.
- Make all research findings available, visible, and accessible to the extent possible and in compliance with the University's policies and regulations.
- Comply with the confidentiality agreements he or she has entered into.
- Rigorously observe the standards, legislation, rules, and requirements related to research involving human beings, animal testing, and the prevention of biological and environmental risks.
- Use public and private research funds for the purposes justifying their granting by the funding agency, donors, funders, or research partners involved, and in accordance with University policies and guidelines governing the use and management of such funds.
- Account, where necessary, for the mistakes in the conduct of research.
- Use confidential information obtained during the course of an assessment or expert evaluation solely for the intended purposes.
- Produce original research papers containing no false statements and no plagiarized or falsified findings.

#### 4.2.2. Acknowledging Contributions

- Adequately acknowledge the true value of all intellectual and tangible contributions.
- Cite, wherever possible, all sources and references, and obtain the express permission from the authors of published and unpublished work to quote or use such work for a project.

#### 4.2.3. Respecting People and Treating Them Fairly

- Demonstrate an openness of mind conducive to intellectual exchanges and necessary for the advancement of knowledge.
- In accordance with Quebec's *Charter of Human Rights and Freedoms*, refrain from engaging in any form of discrimination against an individual, especially in selecting students or postdoctoral fellows, when hiring research staff, or in supervising such individuals.
- Exercise authority without abusing it in interacting with research personnel as well as students and postdoctoral fellows.
- Provide students and postdoctoral fellows research projects that take into account training objectives.

#### 4.2.4. Revealing and Disclosing Conflicts of Interest

- Reveal and disclose any conflict of interest, whether actual, apparent, or potential, as provided for in this policy.

### 4.3. Definitions of Breaches of Research Integrity and Responsible Conduct <sup>4</sup>

Breaches of research integrity are defined as follows:

- Fabrication: Making up data, source material, methodologies, or findings, including graphs and images.
- Falsification: Manipulating, changing, or omitting data, source material, methodologies, or findings, including graphs and images, without acknowledgment and which results in inaccurate findings or conclusions.
- Destruction of Research Records: The destruction of one's own or another's research data or records to specifically avoid the detection of wrongdoing or in contravention of the applicable funding agreement, institutional policy, legislation, regulations, or professional or disciplinary standards.
- Plagiarism: Presenting and using another's published or unpublished work, including theories, concepts, data, source material, methodologies or findings, including graphs and images, as one's own, without appropriate referencing and, if required, without permission.
- Redundant Publication or Self-Plagiarism: The re-publication of one's own previously published work or parts thereof, including data, in any language, without adequate acknowledgment of the source, or justification.
- Invalid Authorship: Inaccurate attribution of authorship, including attribution of authorship to persons other than those who have made a substantial contribution to, and who accept responsibility for, the contents of a publication or document.
- Inadequate Acknowledgment: Failure to appropriately recognize contributors.
- Mismanagement of Conflicts of Interest: Failure to appropriately identify and address any real, potential or perceived conflict of interest, in accordance with the Institution's policy on

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<sup>4</sup> The definitions in this section have been drawn from the Reference Framework (p. 5) and FRQ Policy (p. 16).

conflict of interest in research, preventing one or more of the objectives of this policy from being met.

Moreover, the following constitute breaches of the responsible conduct of research:

- Misrepresentation in an Granting Agency Application or Related Document
  - Providing incomplete, inaccurate, or false information in a grant or award application or a related document, such as a letter of support or a progress report.
  - Applying for or holding funds from a granting agency after being declared ineligible to seek or hold funding from an agency dedicated to research or a research-funding agency, in the country or abroad, for reasons of breach of responsible conduct of research policies, including policies on ethics, integrity, and financial management.
  - Listing of co-applicants, collaborators, or partners without their agreement.
- Mismanagement of Grants or Award Funds. Using grant or award funds for purposes inconsistent with the policies of the granting agencies. Misappropriating grants or award funds. Contravening granting agency financial policies. Destroying relevant documents in an untimely manner or providing incomplete, inaccurate, or false information regarding the documentation related to expenditures against grant or scholarship accounts.
- Breaches of Policies or Requirements for Certain Types of Research. Failing to meet granting agency policy requirements or to comply with relevant policies, legislation, or regulations for the conduct of certain types of research activities; failing to obtain appropriate approvals, permits, or certifications before conducting these activities. This may relate to applicable laws, such as the *Civil Code of Québec*, or established rules or standards, such as the protection of animals, laboratory biosafety, and compliance with environmental standards and codes of conduct. When research activities are conducted outside of Quebec, legislative provisions both within the Canadian institution and the other country or the location where the research is carried out must be complied with and local standards must be taken into consideration.
- Breach of Agency Review Processes. Non-compliance with the conflict of interest and confidentiality policy of a granting agency. Participating in funding agency review processes while under investigation.

## 5. MANAGEMENT OF CONFLICTS OF INTEREST

Conducting research may lead to situations of conflict of interest. In particular, a conflict of interest may arise:

- in transactions with a company or carrying out work on behalf of a company with which an individual subject to this policy holds or has held significant interests;
- when reviewing grant proposals, manuscripts, or other documents;
- during a project to characterize products;
- when participating in a process to allocate funding, grants, or scholarships;
- when participating in a process to review publications or other contributions, products, or scientific or technical work, including the work of students.

The University sets up mechanisms to ensure that individuals subject to this policy are not in situations of conflict of interest, especially when applying for grants or entering into research contracts.

### 5.1. Mechanism for Managing Conflicts of Interest

Appropriately managing any actual, apparent, or potential conflict of interest requires that it be reported, discussed, and resolved as objectively as possible so as to meet the expectations of granting agencies and the public and to protect the University's interests and reputation.



The University and the persons subject to this policy have a responsibility to take all measures necessary to ensure the proper management of actual, apparent, or potential conflicts of interest.

It is imperative that the University receive timely, relevant information about any situation of conflict of interest.

As soon as an actual, apparent, or potential conflict of interest risks influencing his or her actions or decisions in a research-related activity, any individual subject to this policy must disclose all the facts pertaining to the situation and seek an opinion from his or her Dean, superior, or hierarchical superior. This request must be submitted on the Conflict-of-Interest Declaration form in Appendix 2. This form includes a section entitled Request for Opinion in which the Dean, superior, or hierarchical superior to whom the request is sent can express an opinion.

If the Dean, superior, or hierarchical superior has a personal interest in the conflict of interest, the party involved must apply to someone at a higher level.

The Request for Opinion shall be processed as promptly as possible so that steps can be taken to prevent or resolve conflicts of interest or the appearance of conflicts.

## **5.2. Role of the Dean, Superior, or Hierarchical Superior**

The Dean, superior, or hierarchical superior shall determine whether the facts disclosed in the Conflict-of-Interest Declaration constitute an actual, apparent, or potential conflict of interest and record his or her opinion in writing in the Request-for-Opinion section. If the Dean, superior, or hierarchical superior believes that a conflict of interest exists, he or she will meet with the individual concerned to agree on measures to resolve or prevent it.

If there is agreement on what measures to take, they shall be entered in the Request-for-Opinion section of the Conflict-of-Interest Declaration. There is a variety of potential measures, including:

- Requiring the individual involved or his or her relatives to divest their interests in a company or to put them in a trust
- Modifying a research project or contract terms
- Removing the research-project leader or an incumbent from a position that could influence the direction of research
- Establishing a process to have the situation monitored by independent individuals

The matter shall then be forwarded to the Vice-President in charge of research, hereinafter referred to as the Vice-President, or the individual designed by the Vice-President.

Failing agreement, the case shall be forwarded to the Vice-President, who shall ensure that appropriate action is taken.

## **5.3. Confidentiality**

All requests for opinion made pursuant to this policy shall be treated confidentially.

A confidential record of all statements requiring approval or intervention by the Vice-President shall be maintained up-to-date by the Secretary General.

## **6. PROCEDURE FOR BREACHES**

Any breach of this policy constitutes a violation or misconduct whose severity and whose harmful or objectionable nature depend on the specific context of each situation.

Misconduct complaints can come from a variety of sources, both within and outside the University. They may be founded or erroneous, honest or malicious. Whatever the motivation, source, or accuracy, these

complaints and how they are handled can cause harm to the individual accused, the individual alleging the misconduct, the University, and the scientific community in general. Therefore, complaints shall be dealt with promptly and in compliance with the rights of the individuals involved.

To protect the privacy of the respondent and complainant, any information concerning a complaint of misconduct, complaint handling, or the conclusions of preliminary verifications and investigations into the misconduct shall be confidential. This information must be handled according to the provisions in the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (CQLR, c. A-2.1). Thus, this information may only be disclosed if authorized by law or if the individual involved so consents.

### **6.1. Informal Process**

When the situation allows, the University encourages the individuals involved to resolve issues fairly through frank discussions among themselves or through mediation with a colleague.

Cases of criminal misconduct cannot be resolved by agreement among the individuals involved. They must be referred to the appropriate authorities, and the University can in no way substitute for such authorities.

### **6.2. Filing a Complaint**

Any person may file a complaint alleging a breach of this policy with the Vice-President. A complaint must identify the individual involved and contain sufficient facts regarding the alleged misconduct to allow assessment and be accompanied, where appropriate, with relevant documents.

An anonymous allegation will be considered if accompanied by sufficient information to enable the assessment of the allegation and the credibility of the facts and evidence on which the allegation is based, without the need for further information from the complainant.

If the allegation is related to conduct that occurred at another institution (whether as an employee, a student or in some other capacity), the Vice-President will contact the other institution and determine with that institution's designated point of contact which institution is best placed to conduct the inquiry and investigation, if warranted. The Vice-President will communicate to the complainant which institution will be the point of contact for the allegation.

### **6.3. Preliminary Analysis**

Once a complaint has been filed, the Vice-President or Dean, as well as any person deemed useful, shall briefly examine the complaint in order to immediately rule out complaints considered frivolous or inadmissible under this policy.

If the complaint is frivolous or inadmissible, the case is closed immediately and the Vice-President shall so inform the complainant in writing.

The preliminary analysis of a complaint may also allow for the efficient, equitable resolution of simple cases. In such cases, the solution agreed upon by the individuals involved and the Vice-President may lead to the file being closed.

The Vice-President shall inform the respondent that a complaint has been filed against him or her, apprise him or her of its content, and advise him or her that a preliminary analysis is underway. The Vice-President shall ensure that, in accordance with the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (CQLR, c. A-2.1), the complainant's identity is not disclosed without his or her consent.

If necessary, the Vice-President shall ensure that all appropriate measures are taken to safeguard the health and safety of human beings and laboratory animals, and to prevent funds administered by the University from being used inappropriately.

Should the complaint relate to grant applications to one of the three Councils or to activities funded by one of the three Councils, the Vice-President shall transmit a copy of the complaint to the Council involved or to the Secretariat on Responsible Conduct of Research (SRCR) in the case of allegations that could involve significant risks in terms of finance, health, or safety, as well as other risks. The Vice-President shall also produce a letter indicating whether or not an investigation will be conducted.

Should the complaint relate to activities funded by the FRQ, the Vice-President shall send a letter to the FRQ director of ethical and legal affairs, setting out the decision on the allegation's admissibility. This letter shall not contain any personal data regarding individuals involved in the complaint. If immediate action is required, it will be necessary to disclose the identity of the person against whom the complaint has been filed despite the preceding statement.

If necessary, the Vice-President can inform the complainant about special measures that can be taken to prevent reprisals against him or her. If the person who filed the complaint refuses to have his or her identity disclosed, the Vice-President or Dean shall decide whether the preliminary analysis should be dropped or whether the information in their possession is adequate to pursue the analysis without disclosing the complainant's name. When the complaint is deemed admissible, the Vice-President shall convene an "investigation committee," as provided for in paragraph 6.5.1, and shall communicate in writing with the complainant and respondent to explain to them the University's privacy practices and describe the conduct of the formal investigation.

The preliminary analysis of the complaint must be completed within thirty (30) working days of its filing.

#### **6.4. Exceptions**

If the facts are clear after hearing the respondent (for example, when the individual acknowledges the allegations or if examining the complaint would not yield new evidence with respect to the allegation), the Vice-President and Deans might decide not to convene an investigation committee.

In such exceptional cases and if the alleged violation concerns an application for funding from an organization under by the RCR Framework or FRQ-funded activities, the Vice-President and Deans must draft a review report of the complaint, as provided for in paragraph 6.5.4, as follow-up in assessing the complaint's admissibility.

#### **6.5. Formal Investigation**

##### **6.5.1. Composition of the Investigation Committee**

The investigation is conducted by a committee comprised of at least three impartial members, who did not participate in the preliminary analysis. The members of the Investigation Committee appointed by the Vice-President and are bound by confidentiality.

The Investigation Committee is made up of:

- At least one faculty member chosen by the Vice-President from a list of sixteen (16) individuals compiled annually for this purpose by the University Council.
- A person deemed a peer of the respondent;
- A person from outside the University community.

When the Investigation-Committee members are chosen, the Vice-President shall consider, among other issues, the content of the investigation and if having people on the committee with skills in a given area of research would be of value.

The Vice-President shall inform the respondent and complainant of the composition of the Investigation Committee. These individuals must, within five business days of receiving this information, provide written notice of any objection, if appropriate, with regard to the impartiality or the possibility of conflict of interest on the part of any committee member. The Vice-President shall consider these objections and take appropriate action.

#### **6.5.2. Mandate of the Investigation Committee**

The Vice-President appoints the Chair of the Investigation Committee and informs its members of the task entrusted to them. The Vice-President shall remind them of the principles of natural justice and ensure that they are aware of the provisions of the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (CQLR c. A-2.1).

The Chair of the Investigation Committee determines specific rules concerning the conduct of the investigation and hearing. The application of these rules must be sufficiently flexible to respond to special situations. The committee may make an audio or stenographic record of the hearing; if so, the individuals involved must be informed.

Committee hearings are conducted in camera. Anyone taking part in the investigation—as witnesses, advisors, or observers—must sign confidentiality agreements.

Following its investigation, the committee must conclude whether or not there has been misconduct. Unless due to exceptional circumstances, the committee shall submit its report within 120 days of receiving its mandate.

At least twenty-one (21) to thirty (30) business days prior to the hearing, the Chair shall inform the respondent of the following:

- Its decision whether or not to recommend maintaining the interim measures imposed by the Vice-President subsequent to the preliminary analysis, if applicable.
- The list of people who should normally be heard.
- The day, time, and location of the hearing.
- The decision, as appropriate, to make an audio or stenographic recording of the hearing.
- The opportunity for the respondent to present a written statement summarizing his or her point of view.
- The opportunity for him or her to submit documents or other proof or witness accounts in support of his or her point of view.
- The opportunity for him or her to read any documents submitted to the committee as elements of proof on the part of the complainant.
- The opportunity to have an adviser of his or her choice, this person's role being limited to providing advice and not intervening directly during the hearing.
- The opportunity for him or her to invite people to serve as witnesses and submit tangible proof in support of his or her point of view.
- The opportunity to question the witnesses on any aspect of their statements.
- The opportunity to invite a union representative to attend the hearing as an observer without the right to intervene.

As part of its work, the Investigation Committee may consult experts and, with the authorization of the Vice-President, incur related costs. The respondent shall receive copies of all expert reports.

If the Investigation Committee determines reasonable grounds to believe that measures must be taken without delay to protect the health or safety of persons or

that of laboratory animals, or to prevent the funds administered by the University from being used inappropriately, it must so inform the Vice-President, who shall ensure that appropriate interim measures are implemented.

The respondent must collaborate with the Investigation-Committee members so that the hearing can be conducted without undue delay and so that the committee may submit its report by the deadline.

### **6.5.3. Report of the Investigation Committee**

The Investigation Committee submits its written report to the Vice-President. This report must state either:

- that the complaint is unfounded and that the file should be closed; or
- that the investigation has established that a breach of the provisions of this policy has occurred.

If, in the course of its work, the Investigation Committee deems that a situation not constituting a breach of this policy nonetheless requires corrective action, it shall note so in its report. The Vice-President shall inform those responsible of the action to be implemented and the time for doing so.

In the event that the Committee finds that the complaint was malicious, it shall so inform the Vice-President, who shall see that appropriate action is taken.

#### **A. Unfounded Complaint**

If the Investigation Committee determines the complaint to be unfounded, the case is definitively closed and the Vice-President shall immediately so inform those involved. Any reference to the complaint shall be removed from the respondent's file.

In the case of an unfounded or malicious complaint, the University, in collaboration with the respondent, should, where appropriate, implement a protocol to support the person in his or her efforts to protect or restore his or her reputation.

#### **B. Valid Complaint**

If the investigation reveals that the provisions of this policy were not complied with, the Investigation Committee shall specify in its report the alleged breaches and assess their severity.

#### **C. Appealing the Decision of the Investigation Committee**

Should the complaint be substantiated by the Investigation Committee, the respondent may, within a maximum period of ten (10) business days, appeal the decision to the Vice-President if the respondent deems that the procedure was not followed. After reviewing it, the Vice-President may dismiss an appeal he or she deems frivolous or inadmissible, and, should the opposite prove true, appoint an individual to act as arbitrator with the responsibility of studying the matter within a period of fourteen (14) business days. The arbitrator may, if he or she thinks fit, allow the parties to make representations by whatever means, which he or she will indicate within fourteen (14) business days.

In such cases, the arbitrator may recommend to the Vice-President to:

- ask that the procedure be resumed in part or whole, should it be proven that procedure was not followed; or
- uphold the decision of the Investigation Committee.

If the report concludes that the provisions of this policy have not been complied with and the report has not been appealed or has been upheld on appeal, the Vice-President shall, if appropriate, share the results of the investigation with the funding agency, donors, funders, or research partners involved, as provided for in the agreements between them and the University.

#### **6.5.4. Follow-Up by the Vice-President**

Upon receiving the Investigation Committee's report, the Vice-President shall transmit copies to the respondent and complainant, as provided for in the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (CQLR, c. A-2.1).

Should the complaint relate to grant applications sent to one of the three Councils or activities funded by one of the three Councils, the Vice-President shall transmit the Investigation Committee's report to the SRCR as provided for in the RCR Framework<sup>5</sup>.

In the case of complaints related to FRQ-funded activities, should the examination conclude that no breach of research integrity has occurred, the Vice-President shall transmit a letter to the FRQ stating the examination's conclusions.<sup>6</sup> The identity of the respondent shall not be disclosed to the FRQ. When the examination of the complaint concludes that a breach of research integrity has occurred, the Vice-President shall transmit a full copy of the Investigation Committee's report<sup>7</sup> to the FRQ and inform the respondent of this action. The respondent's identity will therefore be disclosed to the FRQ.

If applicable, the Vice-President shall take the matter up with the University's competent bodies so that appropriate sanctions can be imposed on the respondent in accordance with the University's statutes, policies, directives, and regulations as well as any applicable collective agreements or memorandums of understanding.

If the Investigation Committee's report states that administrative action is required, the Vice-President shall so inform the University Executive Committee, which shall ensure that appropriate action is taken.

If the complaint comes to light publicly and the respondent is not responsible, the University may take reasonable measures to mend the respondent's reputation after discussion with him or her.

Any breach of complaint confidentiality is likely to result in penalty in accordance with the University's statutes, policies, directives, and regulations as well as any applicable collective agreements or memorandums of understanding.

## **7. DISSEMINATION POLICY AND AWARENESS OF ITS REQUIREMENTS**

Given the nature of this policy and its importance in the view of the University, everyone involved in research activities must assume responsibility for its dissemination and implementation.

The University, through its Vice-President, shall communicate and disseminate this policy to all to whom it applies and shall remind them of their obligation to familiarize themselves with it. The University shall organize information and discussion sessions in order to raise or renew awareness among the individuals to whom this policy applies about conflicts of interest and the principles and rules of research integrity that must guide their actions. The Vice-President, shall be responsible for disseminating the policy and organizing information session.

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<sup>5</sup> See Note 1 (p. 11).

<sup>6</sup> See Note 2 (p. 24).

<sup>7</sup> See Note 2 (p. 25).

The Deans (or Vice-Deans, Research) shall collaborate in disseminating this policy within their faculties. They shall further support departments and research units in exercising their respective responsibilities with regard to this policy. They shall advise the persons to whom this policy applies on any matter concerning research integrity and conflicts of interest.

The heads of departments and research units/centers shall see to the dissemination of the principles and rules pertaining to research integrity as well as the rules governing conflicts of interest. With the help of researchers, they shall contribute to raising research-staff awareness about these issues.

Research directors shall make their students and postdoctoral fellows aware of the various principles, standards, laws, and rules pertaining to research integrity, as well as rules on conflicts of interest.

Researchers shall inform themselves about the principles, standards, legislation, and rules pertaining to research integrity and the rules on conflicts of interest in effect at the University, in their fields of research and in the granting agencies that fund them. They shall educate and advise their collaborators and the people under their authority.

Research collaborators shall ensure that all the research activities in which they are involved are conducted in compliance with this policy.

## **8. RESPONSIBILITY**

The Vice-President in charge of research, is responsible for implementing and updating this policy.

## **9. GENERAL PROVISIONS**

This policy does not replace other University policies and guidelines, nor the provisions of collective agreements pertaining to ethics and professional conduct. If necessary, it complements them.

## **10. ENTRY INTO FORCE**

This policy entered into force on May 30, 2006; the latest amendments were adopted by the University Council on May 10, 2017.

## APPENDIX 1 – Examples of Situations That Could Give Rise to a Conflict of Interest

The following is not an exhaustive list of examples. Any person subject to this policy in any of the situations described herein, or in similar situations, is likely to be in an actual, apparent, or potential conflict of interest:

- a) He or she carries on outside business activities related to research that may interfere with his or her exercise of its good researcher judgment or the ethical conduct of his or her research duties and responsibilities at the University.
- b) He or she owns a business providing consulting services, performs contract research, or manufactures or sells goods or services where this impinges on his or her obligations to the University or harms academic research.
- c) He or she hires relatives whose salaries are paid from his or her research funding.
- d) He or she uses the services of student, postdoctoral fellows, or University employees over which he or she exercises academic or supervisory responsibilities for purposes other than those directly related to their research at the University.
- e) He or she guides students or has them perform research for his or her own personal gain at the expense of their university education.
- f) He or she uses University resources (personnel and services, facilities, equipment, materials) for purposes other than those related to his or her research tasks and responsibilities at the University.
- g) He or she uses confidential information or research findings accessed in performing his or her duties at the University for personal purposes, outside activities, or an outside company or spinoff.
- h) He or she uses the University's name or his or her university status in personal agreements or contracts with third parties in a way that implies that the agreement or contract is with the University, or that the University is a guarantor or involved in any way whatsoever.
- i) He or she uses the University's name or his or her academic status in return for remuneration or other benefits to promote a product, service, process, or technology.
- j) He or she accepts gifts, trips, or services for personal use by individuals or companies doing business with the University.
- k) He or she acquires, under the guise of research and, in certain cases, in contravention of the laws of foreign countries, cultural property for purposes of personal gain and enrichment of private collections or trade.
- l) He or she, his or her business, or, to his or her knowledge, a relative receives or is likely to benefit from or enjoy a financial advantage from a third party, an outside company, or a spinoff whose activities are related to his or her obligations as a researcher at the University.
- m) He or she, his or her business, or, to his or her knowledge, a family member or friend is or will be in a position to influence or play a role in any relationship between the University and a third party who, personally or through his or her company, anticipates providing professional services or negotiating other business opportunities.
- n) He or she or, to his or her knowledge, a family member or friend occupies or will occupy a seat on a board of directors or executive committee of a company or an outside organization whose activities are related to his or her research activities.
- o) He or she serves on a scholarship selection committee and rules on candidate records with a colleague from the same department, the same research team, or with a colleague who helps with financing his or her own research activities.
- p) He or she advises a research student in a field related to the activities of his or her own company.



## Appendix 2 – Conflict-of-Interest Declaration<sup>8</sup>

This declaration must be completed if you feel you are in a situation of actual, apparent, or potential conflict of interest.

Before completing this declaration, please carefully read the Université de Sherbrooke's [Policy on Research Integrity and Conflicts of Interest](#) (Policy 2500-021) and its Appendix 1.

**Declarant's name:** \_\_\_\_\_  
**Faculty or department:** \_\_\_\_\_  
**Position:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

### I, the undersigned, affirm the following:

I consider that I am in a situation of actual, apparent, or potential conflict of interest for the following reasons:  
(If necessary, attach additional pages to this form.)

If the facts described above relate to relationships with third parties or companies, as in one of the examples described in paragraphs l, m, or n of Appendix 1 of the *Policy on Research Integrity and Conflicts of Interest* (Policy 2500-021), enter all relevant information. This information shall include, without limitation:

- The names of third parties and your relationships with them;
- Details of relevant financial benefits (e.g., property rights, stock, professional fees, financial compensation, etc.);
- The names of close relations and your relationships with them as well as the general nature of any involvement of them;
- The names of students, workers, university employees, and any other persons in your employ and the nature of their involvement;
- The nature of your business is to provide advice or professional services (including participation in a board of directors or board of management or other) and any resulting remuneration;
- All details of the projected or anticipated use of University resources.

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<sup>8</sup> This form may be modified by the University Executive Committee.

If the facts presented above relate to your relationship with one or more close relations, you must provide clarification on their interests in order to complete your **Conflict-of-Interest Declaration**. The Declaration of a Close Relation section (page 20) must be completed by each close relation.

- Check if the facts do not affect your relationship with one or more close relations. In this case, you do not have to fill out page 20.

I have read the Université de Sherbrooke's *Policy on Research Integrity and Conflicts of Interest* (Policy 2500-021) and its Appendix 1. I understand that the information provided in this **Conflict-of-Interest Declaration** is required for the purposes of this policy and that the personal information it contains is protected by the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*. I consent to the use of such information for the sole purpose of determining whether or not there is a situation of actual, potential, or apparent conflict of interest.

In addition, in the event that the dissemination of certain information is considered appropriate to manage a declared conflict, I understand that I will be consulted and I will have the opportunity to give informed consent.

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Declarant's signature

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Year / Month / Day

### REQUEST FOR OPINION

I hereby request an opinion from \_\_\_\_\_ (Name of Dean, superior, or hierarchical superior) pertaining to the facts presented in this **Conflict-of-Interest Declaration**.

\_\_\_\_\_  
Declarant's signature

\_\_\_\_\_  
Year / Month / Day

### OPINION

I, the undersigned \_\_\_\_\_ (Name of Dean, superior, or hierarchical superior), have read this **Conflict-of-Interest Declaration**.

In my opinion:

- The facts presented do not constitute a situation of conflict of interest.
- The facts presented constitute an actual conflict of interest.
- The facts presented constitute a potential conflict of interest.
- The facts presented constitute a situation of apparent conflict of interest.

**The following actions must be taken to handle this situation:**

\_\_\_\_\_  
Signature of the Dean,  
superior, or hierarchical superior

\_\_\_\_\_  
Year / Month / Day

I, the undersigned, \_\_\_\_\_ (declarant's name) who signed this **Conflict-of-Interest Declaration**, hereby agree with the actions described above and commit to complying with them.

\_\_\_\_\_  
Declarant's signature

\_\_\_\_\_  
Year / Month / Day

### DECLARATION OF A CLOSE RELATION

If the events presented in the **Conflict-of-Interest Declaration** pertain to relationships with a close relation, clarification about the interests of the close relation must be provided.

This section must be completed by the close relation.

**Close Relation:** \_\_\_\_\_

**Declarant's name:** \_\_\_\_\_

**I, the undersigned, affirm the following:**

As a close relation of the declarant, I am furnishing the information contained in this document to provide details of my interests and financial benefits that may result in an actual, apparent, or potential conflict of interest as a researcher, associate, research collaborator, or research director with respect to his or her obligations to the Université de Sherbrooke.

**Clarification of my interests and financial benefits that may result in an actual, apparent, or potential conflict of interest for the declarant:**

(If necessary, attach additional pages to this form.)

I understand that this information is collected under the provisions of the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information* (CQLR c. A-2.1). I consent for this information to be used by the University for the purpose of determining if the declarant is in a position of actual, apparent, or potential conflict of interest.

If, subsequent to this declaration, circumstances change and require different responses, I commit to submitting a revised declaration.

\_\_\_\_\_  
Signature of Close Relation

\_\_\_\_\_  
Year / Month / Day