

Appeal Process

Within 20 days of receiving the decision of the VPR, the Respondent(s) may make a final appeal to the President, or the person whom the President designates. A President-appointed-designate must be independent of the authority of the Vice-President Research, must be free of conflicts, and must not have been involved in the earlier Investigation or decision-making process for the alleged Research Misconduct of the Respondent.

Typically, an appeal shall be considered on one or more of the following grounds:

- That the Investigative Committee did not have the necessary authority under this policy to investigate the conduct at issue;
- That the Investigative Committee made a decision or recommendation outside the intended scope of this policy;
- That there was a reasonable apprehension of bias on the part of one or more of the decision makers;
- That the original Investigative Committee made a fundamental procedural error that seriously affected the outcome; and/or,
- 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 Investigative Committee.

The appeal must be made in writing and must describe in detail the purported violation by the Investigative Committee.

Upon receipt of a notice of appeal, the President or designate shall review the record of the original hearing and the written statement of appeal, and determine whether or not the grounds for appeal are valid. The President or designate shall rule on the appeal within 30 days of its submission.

Should the President or designate determine that there are no valid grounds, as specified above, for an appeal, then the appeal will be dismissed.

Should the President or designate find that there was a violation, based on one or more of the above grounds, and the violation materially affected the findings of the Investigative Committee, then the President or designate shall inform the parties and a new investigation with a new Investigative Committee, to be called the Appeal Investigative Committee shall be initiated. The Appeal Investigative Committee shall proceed without deference to the previous Investigative Committee's findings. The Appeal Investigative Committee shall follow the same procedures and timelines as the Investigative Committee.

The Appeal Investigative Committee shall make a recommendation to President or designate, who will make a decision as to the outcome and consequences as appropriate. The decision of the President or designate is final.