

policy to be shared with Joint Committee

ARTICLE 24- SCHOLARLY MISCONDUCT

IV.12.1 ~~The Policy on Scholarly Misconduct (referred to as "the policy"), approved by the Board of Governors of Trent University June 1, 1995, is attached hereto as Appendix C and forms part of this Collective Agreement.~~

Trent University's Policy on Scholarly Misconduct, as approved by the Board on _____, is attached for information only. All members of the University are bound by this policy.

The Board undertakes to advise the Association of any proposed changes to the Scholarly Misconduct Policy and Procedures which may affect members

IV.12.2 Any statement made by a member named in an allegation during mediation or settlement discussion at any stage of procedure under the policy, including any meetings held under paragraph ~~III.2~~ of the policy, shall be without prejudice and shall not be referred to or relied on in evidence at any later stage of the proceedings under the policy, including arbitration, or in proceedings outside the University.

IV.12.3 A member named in an allegation and attending a meeting held as part of a formal investigation under the policy may, if he or she so requests, be accompanied by a representative of the Association or, with the Association's written agreement, be represented by any willing person.

IV.12.4 Where a member of the bargaining unit appeals to the President under paragraph ~~III.12~~ of the policy, a copy of the President's response shall at the same time be forwarded to the Association.

IV.12.5 A grievance arising out of the imposition of a disciplinary penalty under the policy must be filed by the Association within thirty-five (35) days of receipt of the written notice of disciplinary action under paragraph III.11 of the policy. Such a grievance shall be referred directly to arbitration, notwithstanding any other provisions of Chapter VI of the Collective Agreement, seven (7) days after the date of the grievance. These time limits may be revised by mutual agreement of the parties.

- IV.12.6 No person connected with the formal investigation of an allegation under the policy shall be appointed an arbitrator in any subsequent arbitration of the allegation. The arbitrator(s) shall hear all evidence de novo.
- IV.12.7 Public or official statements by officers of the University concerning an allegation, investigation and/or finding shall be consistent with the substance and/or stage of said allegation, investigation and/or finding. Such statements, including statements concerning disciplinary penalties imposed under the policy, shall be made by the University only on a "need-to-know" basis, including as required by the funding agencies. However, arbitration reports issued in consequence of actions under the policy constitute public documents.
- IV.12.8 ~~Records of disciplinary penalties under the policy which are confined to a warning, reprimand or restitution shall be removed from the member's personnel files after a period of three (3) years during which no further records of similar or more serious disciplinary action have been added to the member's files. Records of more serious disciplinary penalties under the policy shall be removed from the member's personnel files after a period of five (5) years during which no further records of similar or more serious disciplinary action have been added to the member's files. Documents which are so removed shall be maintained in a separate file in the Dean's Office, with access on a "need to know" basis and only in the context of personnel/employment decisions involving disciplinary action. Notice of access shall be provided to the member and to the Association.~~

Moved to ARTICLE 22 - Personnel Files – all disciplinary penalties treated the same

- IV.12.9 Nothing in this Article limits or restricts the University's rights pursuant to Article I.3.2 of the Collective Agreement.