



## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

Last Updated – April 2020

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### GENERAL

These Procedures for the Inquiry and Investigation of Allegations of Research Misconduct (the “Procedures”) shall not replace or supersede any provision set out in any collective agreement to which the University is a party nor shall these Procedures be applied in such a way as to detract from the rights of unions to defend the interests of their members and to exercise their rights under a collective agreement.

Any disciplinary measures to be undertaken with respect to allegations of Research Misconduct shall be in accordance with the provisions of the relevant collective agreement if applicable.

These Procedures shall apply for the inquiry and investigation of Research Misconduct and any related disciplinary measures for individuals alleged to have conducted Research Misconduct who are not subject to a collective agreement.

For the purposes of these Procedures, all terms that are capitalized shall have the same meaning as those terms defined in the *Policy for the Responsible Conduct of Research* ([VPRGS-12](#)) (the “Policy”).

These Procedures outline the University’s processes for:

- assessing allegations of Research Misconduct;
- where warranted, investigating such allegations;
- reporting the results of investigations to relevant University authorities and Agencies;
- ensuring the prompt and appropriate response to an allegation of Research Misconduct;
- ensuring the protection and standing of:
  - individuals alleged to have engaged in Research Misconduct;
  - individuals making allegations of Research Misconduct;
  - individuals who, while not directly implicated in, are nevertheless directly affected by, allegations of Research Misconduct;
  - the University;
  - the University’s Affiliated Institutions;
  - the Agencies; and
  - the public.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 2 of 15

Research Misconduct does not include those factors intrinsic to the process of research, such as honest error, conflicting data, differences in interpretation or judgment of data, or of experimental design, that are reasonable in light of the circumstances in which they are made or reached.

Allegations of Research Misconduct concerning a student shall be carefully assessed by the Vice-President, Research and Graduate Studies (the “VPRGS”), in consultation with the Research Integrity Officer (RIO), to determine which policies and/or procedures may apply separately, simultaneously or consecutively. If the alleged student misconduct includes funded research and/or the use of Infrastructure, then the relevant agency rules shall apply along with the present Policy.

Allegations of Research Misconduct shall be taken seriously and inquiries and investigations shall be carried out thoroughly, and as promptly as possible, to resolve any questions regarding the integrity of the research and those individuals who may be involved in an allegation. Such individuals, including those making allegations, those who are the subject of the allegations, and those who assist in the inquiry, shall be treated with due sensitivity. The highest possible degree of confidentiality shall be maintained regarding all allegations, inquiries and investigations, subject to any disclosure that might be required by legislation or the relevant Agencies.

### **Allegations of Research Misconduct**

Before making an allegation of Research Misconduct, an individual making such an allegation (the “Complainant”) should attempt, if possible, to seek an explanation from the subject of the allegation (the “Respondent”), in order to ensure that the complaint is not based simply on a misunderstanding or misinterpretation.

Allegations shall be made in writing, be signed, be dated, identify the Complainant, and shall include contact information. They shall set out all relevant information and include supporting evidence, if available.

Exceptionally, at the written request of the Complainant, their identity shall remain confidential and will only be made available to the relevant Faculty Dean and the VPRGS and their office,

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 3 of 15

including the RIO. In such cases, in order to protect the identity of the Complainant, their identity shall be stricken from all documentation and the Complainant will not be formally advised of the inquiry, investigation, or investigation results as is outlined in these Procedures. The VPRGS or RIO may communicate with the Complainant on a confidential basis, throughout the course of any inquiry or subsequent investigation.

Allegations received by anonymous parties, determined to be within the scope of these Procedures and its related [Policy](#) shall be treated in the same manner in terms of inquiry and investigation as is outlined in these Procedures.

Allegations of Research Misconduct should be made to the relevant Faculty Dean who shall immediately report any such allegation to the VPRGS. If the allegations concern a researcher who is not affiliated with a Faculty (“non-affiliated researcher”), they should be reported to the VPRGS.

The Complainant is required to declare any Conflict of Interest, as such term is defined in the University’s *Policy on Conflict of Interest in Research* ([VPRGS-5](#)), that they may have and is expected to act in good faith.

If an allegation has already been the subject of an inquiry or an investigation and the matter had been closed, the same allegation will not be pursued unless new and compelling evidence that could not reasonably have been available at the time of the original inquiry or investigation is brought forward.

### **Inquiry into Allegations of Research Misconduct**

In order to protect the integrity of an inquiry, it shall be conducted in a confidential manner.

The VPRGS, in consultation with the RIO, will appoint two Designated Investigators to carry out the inquiry into the allegations of research misconduct. If the allegations concern a Researcher associated with a Faculty, one of the Designated Investigators will normally be the Researcher’s Faculty Dean.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 4 of 15

Inquiries shall begin within 30 working days of the receipt of an allegation by the relevant Faculty Dean or the VPRGS.

The Designated Investigators shall conduct the inquiry and a report of their findings shall be finalized no more than 60 working days from the receipt of an allegation. In circumstances when it is not reasonably possible to comply with these timelines, the Designated Investigators shall work as expeditiously as possible.

The Designated Investigators shall make diligent efforts to ensure that:

- the assessment or investigation of an allegation is conducted in a timely, objective, thorough, competent and fair manner, and in accordance with these Procedures prompt notification is provided to the VPRGS who will provide guidance on these Procedures.

Once notified, the VPRGS shall make diligent efforts to ensure that:

- interim administrative actions are taken, as appropriate, to protect research subjects, research funds, research collaborators, members of the University community and the public, and
- funds provided by an Agency are used for the intended purposes as outlined in the relevant award notification.

### **Process of Inquiry into Allegations of Research Misconduct**

The Designated Investigators, who may consult the RIO, shall determine whether the allegation concerns individuals and/or matters that fall within the scope of these Procedures and its related [Policy](#); if it does not, the Designated Investigators shall so advise the Complainant.

The Respondent shall be provided with a copy of the allegation within 10 working days of its receipt by the relevant Faculty Dean or the VPRGS.

If the allegation, as written, does not contain sufficient evidence to warrant an inquiry, the Designated Investigators may request that supplementary information be provided by the Complainant in writing. Such supplementary information shall be shared with the Respondent.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 5 of 15

In conducting an inquiry, the Designated Investigators, may consult confidentially within the University (including the RIO) and externally, if appropriate, to assist in their assessment of whether an investigation is warranted.

If subsequent to an inquiry, a decision is made by both Designated Investigators not to proceed with an investigation, the Designated Investigators shall, in consultation with the RIO, provide written notice of the decision to the Complainant and the Respondent. The notice shall include a brief written summary of the reasons for such a determination. This decision cannot be appealed.

If subsequent to an inquiry, a decision by one or both Designated Investigators is made that a formal investigation is warranted, the Designated Investigators shall, in consultation with the RIO, provide written notice of the decision to the Respondent and the Complainant.

In consultation with the RIO, the VPRGS shall assess whether reporting at the Inquiry stage is required to the relevant Agency and will act accordingly.

If at any time during an inquiry and/or investigation, the Designated Investigators and/or the VPRGS have reasonable grounds to believe that an allegation was not made in good faith, the Complainant and the Respondent will so be advised in writing. The VPRGS may apply or recommend the application of appropriate sanctions to be taken.

### **Investigation of Research Misconduct**

An investigation of an allegation in Research Misconduct shall be a formal process initiated by the VPRGS once a decision is made that a formal investigation is warranted. The VPRGS is responsible for making the arrangements for an investigation falling within the jurisdiction of these Procedures and informing the Provost and Vice-President, Academic (the "Provost") accordingly.

The VPRGS will exercise their discretion in determining the appropriate timelines for commencing, conducting and reporting on investigations.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 6 of 15

The VPRGS, in consultation with the RIO, will appoint an Investigation Committee, as detailed below, within 15 working days of the determination that an investigation should be conducted. The Investigation Committee shall convene within 30 working days of its appointment or soon thereafter.

The investigation will ordinarily be completed within 60 working days of the first meeting of the Investigation Committee. The final report of the Investigation Committee shall be delivered within 30 working days after the completion of the investigation. If these deadlines cannot reasonably be met, the Investigation Committee will submit a procedural report to the VPRGS citing the reasons for a delay and progress to date. The report will be distributed to both the Complainant and Respondent. The VPRGS will share this report with the relevant Faculty Dean, or the equivalent for non-affiliated Respondents, the Provost and, at their sole discretion, may share this report with other appropriate individuals.

### **The Investigation Committee**

The VPRGS shall, in consultation with the RIO, appoint a committee of three or more members to perform an investigation in accordance with these Procedures. The committee membership shall remain at an odd number in order to avoid tie votes.

The members of the Investigation Committee will be senior faculty members of the University or of another academic institution and/or members of the senior administration of the University or of another academic institution. The members of the Investigation Committee will have no bias or Conflict of Interest, as such term is defined in the University's *Policy on Conflict of Interest in Research* ([VPRGS-5](#)), and will jointly have appropriate scientific and administrative background to evaluate the allegation and any response to it. If either the Complainant or Respondent alleges that a member of the Investigation Committee is biased, and the VPRGS, in consultation with the RIO, believes that bias or Conflict of Interest is clearly and reasonably demonstrated, the VPRGS shall, in consultation with the RIO, alter the membership of the Investigation Committee accordingly.

The VPRGS shall provide suitable administrative support to the Investigation Committee, including, but not limited to, the RIO. For administrative purposes, one of the members of the Investigation Committee shall be appointed Chair for the Investigation Committee by the

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 7 of 15

VPRGS. The VPRGS may delegate components of the investigation to an investigator who shall report to the Investigation Committee. The Investigation Committee may consult confidentially with others, as necessary, in order to make its assessment.

Supported by the RIO, the Chair of the Investigation Committee shall ensure that Committee members are informed of:

- the investigative process;
- the requirements to:
  - conduct the investigation carefully and thoroughly;
  - endeavor to address all questions raised by the allegation regarding the integrity of the research in question;
  - keep proceedings confidential; and
  - keep documents confidential and obtainable only by those who require them;
- the responsibility to be vigilant and not to permit personal conflicts between the Complainant and the Respondent to obscure the facts and divert attention from the substance of the allegation; and
- the importance of protecting the reputations of both the Complainant and Respondent.

### **Process for Investigating Complaints of Research Misconduct**

The Chair of the Investigation Committee shall send a letter to the Respondent and the Complainant advising them of the appointment of the Investigation Committee, outlining the process that will be undertaken by the Committee and highlighting their respective obligations.

In all cases, the Investigation Committee must provide the Complainant with the opportunity to submit any supplementary written materials that they wish to make available to the Committee; a copy of all such materials shall be provided to the Respondent who shall be granted the opportunity to comment, in writing, and provide any supplementary written response. The Respondent's written response, if any, shall be shared with the Complainant.

The Investigation Committee is not obliged to conduct a hearing; it is solely mandated to conduct a fair and objective investigation. It may, at the Committee's discretion, request an interview with the Complainant, the Respondent, or any other relevant individuals. Interviews,

**PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF  
RESEARCH MISCONDUCT**

*As per Policy for the Responsible Conduct of Research ([VPRGS-12](#))*

---

Page 8 of 15

when conducted, may be audio-recorded. A written summary shall be prepared and provided to the interviewed party for comment or revision. Audio-recordings, where applicable, and written summaries shall be included as part of the investigation file.

In the event that a Complainant decides to withdraw from the investigation process, at any time, the Investigation Committee may nevertheless decide to proceed with the investigation, if warranted.

In the event that the Respondent has been the subject of previous disciplinary measures as a result of Research Misconduct, the Investigation Committee shall be made aware of such disciplinary measures only as they may be relevant to recommendations with regard to the investigation underway. All other information concerning the previous investigation shall not be made available to the Investigation Committee, including the nature of the allegation.

In the event of simultaneous allegations of Research Misconduct against a Respondent, one Investigation Committee shall be appointed per allegation. The Investigation Committees shall not be privy to any information regarding the other allegations of Research Misconduct under investigation.

All members of the University are expected to cooperate with an investigation and in a timely manner. This may include providing documentation and information, and being interviewed by the Investigation Committee, if requested.

The Investigation Committee will set a deadline by which all responses must be made and all evidence must be submitted. No response or evidence will be accepted after the designated deadline except in exceptional circumstances and with the permission of and as instructed by the Committee Chair.

The Investigation Committee will take reasonable steps to provide the Respondent with reasonable access to relevant material in the Committee's possession so as to provide them with a fair opportunity to respond to such material. The Investigation Committee may provide the Complainant with access to relevant material where a response from the Complainant may be required to help in determining the facts of the case.



## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 9 of 15

To protect confidentiality, the Chair of the Investigation Committee will assume the responsibility of restricting the dissemination of the relevant materials and information to only those who are required to receive it. All parties receiving such materials and/or information may be required to sign a confidentiality agreement before such materials and/or information is provided to them.

### **Decisions and Reports of the Investigation Committee**

Supported by the RIO, acting in their capacity as a non-voting advisor, the Investigation Committee will prepare a written report that sets out its findings and its decisions. The written report may also state whether a serious scientific or other error has been made which does not constitute Research Misconduct.

The written report will contain:

- the full allegation;
- a list of the Committee members and their credentials;
- a list of the individuals who contributed relevant material to the investigation or were interviewed;
- a summary of relevant material or facts;
- a determination of whether Research Misconduct occurred, its extent and seriousness, where applicable; and
- recommendations on remedial action and/or recommendations of possible changes to standard practices.

Recommendations of the Investigation Committee may include, without limitation:

- the withdrawal of all pending relevant publications;
- the notification of publications where the research reported was/is affected by the Research Misconduct;
- ensuring the research unit(s) involved is(are) informed of appropriate practices and any possible changes to such practices, where appropriate, for promoting the proper conduct of research.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 10 of 15

The Committee's written report will be delivered to the Provost, the VPRGS, the relevant Faculty Dean or equivalent for non-affiliated Respondents, the Complainant, and the Respondent. All members of the Investigation Committee shall return all documentation in their possession to the VPRGS.

The Committee's written report is final and not subject to revision. However, the Respondent and Complainant have 5 working days to make submissions to the VPRGS regarding the Committee's findings. The VPRGS shall assess whether reporting is required to the relevant Agency and will act accordingly.

### **Cases Where No Research Misconduct Has Been Found**

When an Investigation Committee determines that Research Misconduct did not occur, the VPRGS shall ensure that a letter confirming the Committee's decision is sent to the Provost, the relevant Faculty Dean or equivalent for non-affiliated Respondents, the Respondent and the Complainant. At the VPRGS' sole discretion, and subject to any applicable legislation, including privacy legislation, a copy of this letter may be sent to other individuals with knowledge of the allegation. These individuals may include co-authors, co-investigators, collaborators and others directly or indirectly affected by the alleged Research Misconduct.

In some circumstances, even when a decision is made that no Research Misconduct occurred, the investigation may reveal a scientific or other error that requires further action. In such cases, the VPRGS will consult with the Provost, the Chair of the Investigation Committee, the relevant Faculty Dean or equivalent for non-affiliated Respondents and the Respondent, and will determine what action, if any, to take.

The VPRGS shall assess whether reporting is required to the relevant Agency and will act accordingly.

If the allegation is found to have been made in bad faith, the VPRGS may apply or recommend the application of appropriate sanctions to be taken.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 11 of 15

### **Cases Where Research Misconduct Has Been Found**

When the Investigation Committee determines that Research Misconduct has occurred, the VPRGS, in consultation with the Provost, will consider the recommendations of the Investigation Committee and will determine what remedial actions are appropriate.

The VPRGS shall ensure that a letter confirming the Committee's decision is promptly transmitted to the Provost, the relevant Faculty Dean or equivalent for non-affiliated Respondents, the Respondent and the Complainant.

The VPRGS will consult with the Provost and the appropriate University representatives before applying or recommending the application of any disciplinary measures. Disciplinary measures shall be reasonable and proportionate with the seriousness of the Research Misconduct.

The VPRGS may impose or recommend the application of disciplinary measures which could include:

- a verbal warning;
- special monitoring of future research;
- a verbal warning with a letter of concern to be held temporarily on file in the Department Head's or relevant Faculty Dean's office;
- a letter of warning to be held in the Respondent's permanent file;
- the withdrawal of specific privileges;
- the removal of specific responsibilities;
- suspension or expulsion;
- termination.

The VPRGS shall ensure that a letter outlining their decision or recommendation regarding disciplinary measures to be undertaken (the "Notice") is sent to the Provost, the relevant Faculty Dean or equivalent for non-affiliated Respondents and the Respondent. Such Notice shall be sent to the Respondent via courier to the last address provided by the Respondent to the University and shall be deemed to be received 1 day after delivery.

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 12 of 15

Irreversible disciplinary measures (such as suspension, termination, expulsion or public notifications) will not be instituted until 15 working days have elapsed from the issuance of the Notice and confirmation that the Respondent has received the Notice.

A Respondent may seek the review of the decision of the Investigation Committee or the decision or recommendation of the VPRGS with respect to disciplinary measures.

The VPRGS shall assess whether reporting is required to the relevant Agency and will act accordingly.

### **Appeal of the Decision of Research Misconduct by the Investigation Committee**

A Respondent may seek the review of the decision of the Investigation Committee via written request addressed to the VPRGS within 15 working days from the date of transmission of the Investigation Committee's decision to the Respondent. An Appeals Panel, as detailed below, shall decide whether an appeal shall be heard taking into account the circumstances of each case.

A request to appeal may be based only on the following grounds:

- the discovery of new relevant materials or facts following the decision of the Investigation Committee, or
- the presence of serious and/or prejudicial procedural defects of the Investigation Committee.

The request shall be state in clear and precise terms the grounds on which the appeal is based. The Appeals Panel shall be provided with the complete file of the Investigation Committee and its decision shall be based on the written record only.

An Appeals Panel shall be made up of three members: two members shall be either members of the University faculty and/or senior administration and one member shall be either an external faculty member or a member of senior administration from an alternate university. The members of the Appeals Panel shall be selected by the VPRGS, in consultation with the RIO, for

**PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF  
RESEARCH MISCONDUCT**

*As per Policy for the Responsible Conduct of Research ([VPRGS-12](#))*

---

Page 13 of 15

a given appeal. Every attempt will be made to select members from the Respondent's research discipline.

An Appeals Panel shall be convened as soon as possible after receipt of the request to appeal by the VPRGS and normally within 15 working days. The Appeals Panel shall normally make and render its decision with respect to the request to appeal within 5 working days of its consideration of the request. The decision shall be prepared with the support of the RIO.

If the authorization to appeal is granted, the appeal shall normally be heard within 15 days of the decision to authorize the appeal. Notification of such shall be sent to the Provost, the VPRGS, the relevant Faculty Dean or equivalent for non-affiliated Respondents, the Respondent and the Complainant.

The Appeals Panel has the authority to confirm, reverse or modify the decision being appealed. Further, should the appeal be based on the production of new evidence, the Appeals Panel may order a new investigation of the allegation by a new Investigation Committee.

The Appeals Panel shall normally render its decision within 10 working days of the hearing. The decision of the Appeals Panel shall be signed, dated and reasoned. The decision shall be prepared with the support of the RIO and shall be sent to the Provost, the VPRGS, the relevant Faculty Dean or equivalent for non-affiliated Respondents, the Respondent and the Complainant.

The decision of the Appeals Panel shall be final.

The VPRGS shall assess whether reporting is required to the relevant Agency and will act accordingly.

**Review of the Disciplinary Measures Imposed or Recommended by the VPRGS**

The Respondent may request a review of a decision or recommendation of the VPRGS regarding disciplinary measures. Such request must be made in writing to the Provost within 15 working days from the date of receipt of the Notice by the Respondent. The Provost shall be provided with the complete file of the Investigation Committee and its decision and the

## PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF RESEARCH MISCONDUCT

As per *Policy for the Responsible Conduct of Research* ([VPRGS-12](#))

---

Page 14 of 15

complete file of the VPRGS. The Provost shall conduct their review as soon as possible after receipt of the request to review and normally within 20 working days. The Provost will base their review on the files in their possession and may request interviews from any affected party.

The Provost has the authority to confirm, reverse or modify the decision or recommendation being reviewed. The decision of the Provost shall be signed, dated and reasoned and shall be sent to the VPRGS, the relevant Faculty Dean or equivalent for non-affiliated Respondents, and the Respondent.

The decision of the Provost shall be final.

Suspension, termination or expulsion, where applicable, shall take effect on a date to be determined by the Provost in accordance with the relevant university policy.

The VPRGS shall assess whether reporting is required to the relevant Agency and will act accordingly.

### **Record Keeping and Reporting**

Subject to any applicable legislation, including privacy legislation, the VPRGS under the guidance of the Provost, may communicate the outcome an investigation, directly, or through senior University administration, to other parties, including, but not limited to:

- Agencies (in accordance with the individual requirements and formats imposed by the Agencies, where applicable);
- Affiliated Institutions, co-authors, co-investigators, collaborators;
- editors of journals or other publications in which research or erroneous findings were published;
- sponsors and funding sources with which the Respondent had been affiliated with in the past in relation to research projects that are affected by the Research Misconduct;
- professional licensing boards;
- professional societies; and
- police authorities.

**PROCEDURES FOR THE INQUIRY AND INVESTIGATION OF ALLEGATIONS OF  
RESEARCH MISCONDUCT**

*As per Policy for the Responsible Conduct of Research ([VPRGS-12](#))*

---

Page 15 of 15

All documents related to an inquiry and investigation of allegations of Research Misconduct, including a report of an Investigation Committee and material submitted as part of an investigation, will be maintained in a confidential and secure manner in the offices of the relevant Faculty Dean, the VPRGS and the Provost.

Subject to any applicable legislation, including privacy legislation, the VPRGS will prepare and publish annual summaries of decisions (with personal or nominative information excluded) on confirmed findings of Research Misconduct and disciplinary measures taken.

**Promotion of Research Integrity**

The University is committed to promoting an understanding of research integrity. As such, it will employ the following measures:

- make available these Procedures and its related [Policy](#) and other research and behavioral policies on the relevant University webpages;
- provide workshops, seminars and written materials to employees; and
- provide orientation for new employees.

Approved by Senate on May 18, 2012.

Revisions approved by Faculty Deans on June 1, 2015.