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CANADIAN
ARMED FORCES

Department of National Defence and Canadian Armed Forces Science Integrity Policy

BREACH PROCESS GUIDELINES APPENDIX





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Appendix A: DND/CAF SIP breach process

The broad elements of the Science Integrity Policy Breach Process are provided in the Department of National Defence and Canadian Armed Forces Science Integrity Policy (DND/CAF SIP) [breach process guidelines](#), which is to be used in conjunction with this appendix.

An overview graphic of the process is presented at [figure 1](#). The detailed steps within the phases are elaborated upon in [appendix A](#) below.

The process itself will be progressed in a secure and consistent manner of phases appropriate to each case. The separate phases are:

[Phase 1. Detection and consultation](#)

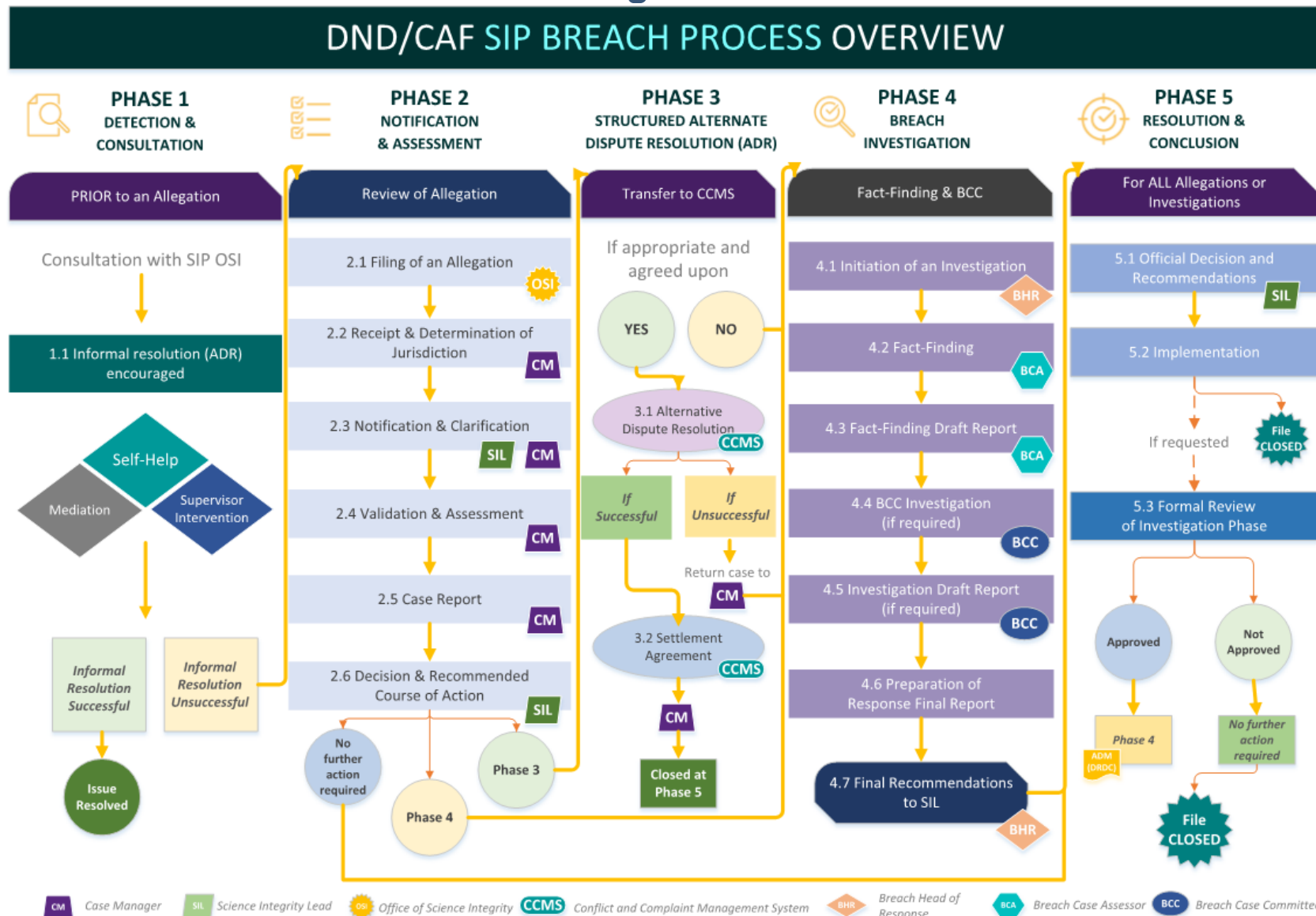
[Phase 2. Notification and assessment](#)

[Phase 3. Structured alternative dispute resolution \(ADR\)](#)

[Phase 4. Breach investigation](#)

[Phase 5. Resolution and conclusion](#)

Figure 1



Appendix A: Detailed process

Phase 1. Detection and consultation			
Procedures	Description	Responsible	Time (working days)
1.1 Detection and informal resolution	<p>The alleged and/or their bargaining agent representatives are invited to consult the Office of Science Integrity (OSI) to obtain information about definitions or criteria associated with a breach of scientific integrity, and/or to obtain more details about this process and the procedures involved. In the event of a breach of scientific integrity, the alleged should consider the use of informal resolution such as alternative dispute resolution (ADR) methods prior to submitting an allegation, unless there are good reasons not to use them, and advise the OSI of the course(s) of action chosen.</p> <p>ADR options include the following:</p> <ul style="list-style-type: none"> • Self-help: <ul style="list-style-type: none"> ◦ Communicating with the respondent directly as soon as possible; either orally or in writing. • Supervisor intervention: <ul style="list-style-type: none"> ◦ If personal initiative is unsuccessful or inappropriate, a manager within the chain of command can intervene to resolve the conflict, in a win-win manner. ◦ The manager is invited to consult the OSI in order to better understand the SIP, the criteria and principles associated with a possible breach, and discuss options to resolve it at a lower level, while respecting the principles of disclosure. • Mediation: <ul style="list-style-type: none"> ◦ A voluntary process through which an impartial third party with the necessary training or experience can act as a mediator to encourage communication between the parties to arrive at a settlement acceptable to all. <p>More information on ADR options available to civilian and CAF members of the Defence Team may be found by contacting a Conflict and Complaint Management Services (CCMS) centre.</p>	Allegor	Ideally no more than 30 days

Phase 2. Notification and assessment

Procedures	Description	Responsible	Time (working days)
2.1 Filing of allegation	<p>Allegations of a breach of scientific integrity that could not be solved through the ADR methods must be brought to the OSI. Allegations, and all subsequent SIP breach procedures, shall respect the principles described in section 5 of the DND/CAF SIP breach process guidelines.</p> <p>The allegor(s) must complete the DND 4830 form (available in the Defence Forms Catalogue) which includes:</p> <ul style="list-style-type: none"> • Information on the allegor(s) and the respondent; • A brief description of the alleged breach(es); • Whether, in their view, it/they represent an isolated incident or a pattern of conduct; and • Evidence supporting the allegation. 	Allegor	5
2.2 Receipt and determination of jurisdiction	<p>Once the allegation of breach of science integrity is received by the OSI, the science integrity lead (SIL) will be advised and a case manager designated by the Director Research and Development Strategic Resource Planning and Management (DRDSRPM) in consultation with the SIL. The case manager will acknowledge the receipt of the allegation, and initiate a case file to coordinate and monitor the progress of reports and other correspondence through all phases of the breach process. Based on the definitions at section 6 of the DND/CAF SIP breach process guidelines that define a breach of scientific integrity and on the case manager's discussions with the allegor, the case manager will make an initial situation assessment and determine whether or not the allegation as submitted falls within the purview of the DND/CAF SIP with guidance from the SIL as required.</p> <ul style="list-style-type: none"> • If the allegation relates to possible misconduct or an unethical or unprofessional behaviour, the case manager will discuss the allegation with the SIL to determine the appropriate approach in the next steps of the validation and assessment phase; • If the allegation relates to a policy non-compliance, the case manager may advise the SIL in their determination of appropriate organizational corrective measures; • In cases where the allegation does not fall within the purview of the SIP, the case manager will advise the SIL and must inform and redirect the allegor to the appropriate resource or offices. 	Case manager	5

Phase 2. Notification and assessment

<p>2.3 Notification and clarification</p>	<p>As this stage will bring the allegation formally to the attention of the respondent, it must be handled in a manner that best meets the principles at section 5 of the DND/CAF SIP breach process guidelines. Situations will vary. They may be straightforward with the allegor and respondent working in the same organization or chain of command, or they may be more complex – for example with the allegor and respondent in separate offices/organizations. Another complexity may result should the respondent be an entire group or organization. In such cases, the nature of the allegation may require special handling.</p> <p>In a straightforward situation, the case manager notifies the respondent of the allegation and invites him/her to share their perspective of the facts in writing within 5 days. Informal discussions with the respondent can be planned by the case manager to understand and validate aspects of the allegation.</p> <p>In a more complex situation, the SIL may consider alternative manners in which to engage the respondent's organization or immediate chain of command at a level appropriate to the case in the notification. A response from the respondent in writing is still required.</p>	<p>SIL and case manager</p>	<p>10 - 15</p>
<p>2.4 Validation and assessment</p>	<p>Based on the responses received from the notifications at step 2.3, the case manager meets informally and individually with the allegor and the respondent (as required) to fully understand all aspects of the allegation and responses, and provide an assessment to the SIL.</p> <p>In more complex cases, and as discussed with the SIL in step 2.3, a meeting between the case manager and the immediate supervisor or appropriate manager may be required. The case manager may also be present in meetings with the SIL and appropriate parties.</p>	<p>Case manager</p>	<p>10-15</p>

Phase 2. Notification and assessment

2.5 Case report	<p>As an output of the assessment discussions at step 2.4, the case manager shall prepare a case report to the SIL providing:</p> <ul style="list-style-type: none">• A brief description of the alleged breach(es);• A description of the evidence and strength to support or refute the allegation;• An observation as to whether, based on the information received, there is likely to be independent evidence that might substantiate the allegation, and the nature of this evidence;• An observation of its/their severity and magnitude, and whether the alleged breach represents an isolated incident or a pattern of conduct;• A recommendation as to whether:<ul style="list-style-type: none">○ No further action is recommended;○ ADR is warranted as per phase 3; or○ Investigation is warranted as per phase 4. <p>If appropriate, an observation as to whether, based on the information at hand, the concerns about a potential breach appear to have been raised with malicious intent rather than in good faith, and the basis for this judgment.</p>	Case manager	5
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Phase 2. Notification and assessment

<p>2.6 Decision and recommended course of action</p>	<p>On receipt of the consolidated case report with the recommendations of the case manager, the SIL will decide on whether the alleged breach constitutes a breach of scientific integrity and whether to respond to the allegation(s) under the DND/CAF Science Integrity Policy and Instructions or under some other directive, policy or law.</p> <p>As such, the decision should indicate whether:</p> <ul style="list-style-type: none"> • No further action is required; • Further informal discussion, consultation, mediation or some other action is recommended; or • Resolution under these SIP breach process guidelines is required, or appropriate action under some other directive, policy or law. <p>In deciding, the SIL should consider the severity of the alleged breach(es); the strength of the evidence brought by the source; the likelihood of independent evidence being available and the nature of this evidence; the respondent's response to the allegation; and the range of potential response instruments (e.g. other directives or policies) available.</p> <p>A decision for further action under these breach process guidelines will be implemented in accordance with phases 3 or 4 respectively. A recommendation for action under other directives will be forwarded to the appropriate offices and chains of command. Recommendations for corrective action to the SIP or its implementation will be directed to the OSI for appropriate action.</p> <p>Should the decision be that no further action is required because the allegation of a breach is not sufficiently substantiated, the case should be formally closed in accordance with phase 5.</p> <ul style="list-style-type: none"> ▪ In this case, the official decision should include a formal statement to the effect that an allegation was made, a review process was established, that the allegation was found to not be sufficiently substantiated, and that no further action will be taken. 	<p>SIL</p>	<p>5</p>
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Phase 3. Structured alternative dispute resolution (ADR)

Procedures	Description	Responsible	Time (working days)
3.1 CCMS alternative dispute resolution (ADR)	<p>With the consent of the alleged and the respondent, a validated allegation is forwarded to the Conflict and Complaint Management Service (CCMS) senior conflict manager practitioner/case coordinator for resolution through ADR. According to the assessment of the CCMS staff, and the preferences of the alleged and the respondent, the chosen ADR method may vary (e.g. consultation, dispute coaching, mediation, facilitation or group response). More information can be found by contacting a CCMS centre.</p> <p>As a result of these ADR methods:</p> <ul style="list-style-type: none"> • If both parties come to a settlement, that will result in a settlement agreement; or • If both parties can't come to a settlement, the allegation will be returned to the SIL (via the case manager) and an investigation as per phase 4 is warranted. <p>If a case submitted by the SIL for ADR cannot be closed within a six-month timeframe, the CCMS practitioner will advise the OSI case manager of the delay and substantiation for it.</p>	CCMS staff	In accordance with CCMS service standards
3.2 CCMS settlement agreement	<p>Subsequent to a resolution, the CCMS centre's staff will arrange for a settlement agreement to be signed by both parties and a record of settlement provided to the alleged and to the respondent.</p> <p>The CCMS staff will advise the OSI of the outcome including whether the matter was resolved, unresolved or partially resolved, and any outstanding actions that are expected. If all parties agree during the ADR resolution process, any resulting settlement agreement may be shared with the OSI. The case manager will then close the SIP case file as per phase 5.</p>	CCMS staff	5

Phase 4. Breach investigation

Procedures	Description	Responsible	Time (working days)
4.1 Initiation of an investigation	<p>If a phase 4 investigation is called for, the SIL shall, with the support of the case manager, designate the breach head of response to coordinate the investigation. The case manager shall provide the case report and the ADR report (if there is one) to the head of response, the alleged, the respondent, and investigators as assigned.</p> <p>The head of response may, if warranted, consult other offices and personnel, including union representatives, legal services, Access to Information and Privacy (ATIP), research ethics boards and human resources (e.g. labour relations).</p> <p>The investigation of a breach of scientific integrity may include two stages, a fact-finding stage and then, if still warranted, a full investigation stage. For the fact-finding stage, the Breach Head of Response will appoint the breach case assessor(s) in writing, remaining cognizant of the fact that the breach case assessor cannot be part of the breach case committee (BCC).</p> <p>During the investigation, the breach head of response may decide to terminate it¹. If the decision to terminate is made on the basis that the allegation of a breach is not sufficiently substantiated, the head of response should ensure that the response final report to the SIL indicates:</p> <ul style="list-style-type: none"> • The review process conducted; • That the allegation was found to be not sufficiently substantiated; and • That no further action is recommended. 	Case manager	5

¹ For example, if the respondent admits to the alleged breach, the investigation may be terminated without going through both stages. In such a case, corrective action and/or disciplinary measures may be appropriate.

Phase 4. Breach investigation

4.2 Fact-finding	<p>The breach case assessor(s) (BCA) shall:</p> <ul style="list-style-type: none">• Review and consider the case report;• Gather and assemble relevant evidence (data, information, documents, electronic files, etc., including all documents produced as a result of the allegation prior to the fact-finding stage);• Take appropriate measures to secure all evidence;• As required, interview the alleged and the respondent, as well as any other persons (witnesses) whom the BCA(s) consider may provide relevant additional evidence;• Obtain a written statement from the respondent(s) as to whether they admit to partial or complete responsibility for the alleged breach; and• As required, consult internal and external subject matter experts from within the federal government or external institutions.	Breach case assessor	15
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Phase 4. Breach investigation

<p>4.3 Fact-finding report</p>	<p>The BCA(s) shall provide to the head of response (with a copy to the case manager and the SIL) a draft fact-finding report that includes:</p> <ul style="list-style-type: none"> • Relevant background information to the case and any other uncovered relevant facts as part of its inquiries; • Their assessment of the severity of the allegations; • A description of the steps taken and evidence gathered in the fact-finding, • A summary of the interviews with the alleged and the respondent; • A description of potential other sources of evidence that have not yet been investigated; and • The relevant facts (if any) to which the respondent agrees. <p>Based on the elements listed above, the BCA(s) shall provide explicit recommendations including the reasons for them as to whether to:</p> <ul style="list-style-type: none"> • Terminate the investigation with no further action; • Terminate the investigation and pursue some other action (including recommended measures); or • Proceed to the full investigation stage. <p>Prior to acting on a recommendation to proceed with a full SIP investigation, the breach head of response could consult with DND legal services to ensure that the fact-finding report establishes reasonable grounds to do so and, if not, what additional evidence would be required to establish such grounds. The head of response should request that the BCAs consider if and how the additional evidence determined necessary for establishing reasonable grounds might be obtained. If, in the BCA's view, acquisition of this additional evidence is feasible, it should attempt to do so and incorporate it in a revised version of its report. If in the BCA's view, the acquisition of this evidence is not feasible, it should revise the draft report to include an explicit statement to this effect.</p> <p>If the breach head of response accepts to proceed to a full investigation, continue at step 4.4.</p> <p>If the breach head of response decides to terminate the investigation on the basis of the draft fact-finding report, proceed to step 4.6 to complete this stage.</p>	<p>Breach case assessor</p>	<p>5 (up to 20 days needed)</p>
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Phase 4. Breach investigation			
4.4 BCC investigation	<p>If proceeding with a full investigation, the breach head of response will select breach case committee (BCC) members. The respondent and the alleged shall be apprised of the proposed members in writing, and be invited to provide comments to the case manager if desired. Based on comments received, the case manager shall finalize the appointment of the BCC membership and notify both the respondent and the alleged to this effect.</p> <p>The case manager will provide the BCC with a copy of the fact-finding report, including a copy of, or supervised access to, the evidence described therein.</p> <p>All meetings of the BCC will be convened by the head of response.</p> <p>The BCC should:</p> <ul style="list-style-type: none"> • Use diligent efforts to ensure that the process is thorough and sufficiently documented and includes examination of all relevant evidence, including the fact-finding report; • Determine whether an expansion of the scope of inquiry should be recommended to the head of response; • Interview the alleged(s), the respondent and any other person who has been identified as potentially having information relevant to the inquiry; • Make and retain a record of each interview, provide the record to the persons interviewed for review, and ensure that both the interviews and any associated reviews are included in its report; and • Diligently pursue all significant issues and leads discovered that are determined to be relevant to the review. 	Breach Head of Response	15
	BCC		

Phase 4. Breach investigation

<p>4.5 Investigation report</p>	<p>The BCC should provide to the breach head of response, in writing, a draft investigation report that includes:</p> <ul style="list-style-type: none"> • A brief description of the initial allegations, and any other breaches uncovered as part of its inquiries; • A brief summary of the fact-finding report on the initial evaluation (the full report should be included as an appendix); • A description of any additional evidence gathered during the full investigation stage; • A <i>statement of finding</i> for each allegation that includes: <ul style="list-style-type: none"> ○ A clear identification of the respondent; ○ The BCC's evaluation of the strength of the evidence for (supporting) and against (inconsistent with) the allegation; ○ The BCC's determination of whether in its view the alleged breach was committed and, if so, whether it was done so intentionally or unwittingly; ○ Any recommended actions flowing from that determination; and • For breaches that the BCC considers to have been committed, suggestions about measures by which DND might reduce the prevalence of, or prevent, future such breaches. 	<p>BCC</p>	<p>5</p>
<p>4.6 Preparation of the response final report</p>	<p>At this stage, the head of response is in possession of a draft fact-finding report and may also have a subsequent draft of a more detailed draft investigation report. The later of these two reports becomes or is the basis of the draft response final report.</p> <p>The case manager will provide the respondent and the alleged with a copy of the initial draft response final report. The respondent and the alleged shall provide a written response to the case manager within ten working days, indicating any further considerations felt warranted. The case manager will transmit the written responses to the drafter of the response final report (BCA or BCC as appropriate).</p> <p>On the basis of this information, and any other information it considers relevant, the drafters of the response final report shall produce a final version and forward it to the head of response. The response final report should include comments on their consideration of those responses. The written responses of the alleged and respondent should also be included as appendices.</p>	<p>Case manager</p>	<p>10</p>

Phase 4. Breach investigation

4.7 Final recommend- ations	<p>On the basis of the response final report and any other information deemed appropriate, including consultation with DND legal services, union representatives, labour relations, and other relevant institutions, the head of response should decide which, if any, of the allegations are considered to be sufficiently well-substantiated, and consider the recommendations for subsequent actions.</p> <p>The response final report and final determinations and recommendations of the head of response shall be provided to the SIL (via the case manager) for follow-up action, according to the procedures in phase 5.</p>	Head of response	10
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Phase 5. Resolution and conclusion

Procedures	Description	Responsible	Time (working days)
5.1 Official decision and recommend- ations	<p>The SIL, in an official decision letter, will document the follow-on actions to be implemented to resolve the allegation and the considerations supporting them.</p> <p>As appropriate, the considerations may include the recommendations of the CCMS report on the outcome and any outstanding actions remaining from the ADR efforts at phase 3, or of the response final report from phase 4 and any other information the SIL deems appropriate, including consultation with legal services, union representatives, labour relations, manager, etc.</p> <p>This shall be provided to the allegor and the respondent, with copies to any institution or organization who were notified of the decision to proceed with an investigation, and to those involved with implementation at step 5.2.</p> <p>The decision letter should indicate whether:</p> <ul style="list-style-type: none"> • The allegations were resolved formally through ADR means coordinated by the CCMS leading to a settlement agreement between the parties involved; or • The allegations have been investigated and it was determined that there is insufficient evidence to support any findings of breach. Consequently, the case file has been closed and no further action will be taken; or 	SIL	10

Phase 5. Resolution and conclusion

	<ul style="list-style-type: none"> The allegation(s) has/have been found to be supported; the reason(s) for this/these determinations; and recommendations for corrective measures to be undertaken by the appropriate representative within the chain of command or other authorities. <ul style="list-style-type: none"> In this case, official decision letter should be accompanied with a copy of the response final report. <p>Note that if the recommendations of the SIL differ substantially from those of the investigation final report, this shall be communicated in writing to the head of response, case manager, BCC and BCA(s) along with the reasons for the difference(s).</p> <p>Lastly, other parties outside of the investigation may need to be advised of the breach if it weakens the credibility of subsequent decisions or actions taken based on it.</p>		
5.2 Implementation	<p>Party(ies) responsible for the implementation within the chain of command of the respondent will be informed by the official decision letter and will apply, or ensure the application of, the corrective measures with the appropriate parties, as per the TBS Guidelines for Discipline, applicable Defence Administrative Orders and Directives and other policies for specific measures (e.g. amendments or corrections to briefings and official records, withdrawal of publication, modification of scientific procedures, administrative or disciplinary measures, etc.).</p> <p>In exceptional cases, the party(ies) responsible for the implementation may decide to implement corrective measures that differ slightly from the SIL recommendation. In that case, this shall be communicated, in writing to the SIL, along with the reasons for the difference(s).</p>	Chain of command	As required
5.3 Formal review request	<p>A request to the assistant deputy minister (Defence Research and Development Canada) [ADM (DRDC)] (or more senior authority where the ADM is in a conflict of interest or a respondent) for a formal review of the investigation phase may be made by the respondent, the alleged, or any other concerned/affected parties within twenty (20) working days of receipt of the official decision letter. This request shall be made through the OSI.</p> <p>A request for a formal review will be entertained only if the requester provides evidence that:</p> <ul style="list-style-type: none"> The appropriate procedure was not followed in conducting the original review (which may include undisclosed conflict of interest); or The original review failed to consider significant evidence, the nature of which is described in the request. 	Any concerned or affected parties	20

Phase 5. Resolution and conclusion

5.4 Formal review response	If the request for a formal review is granted, the phase 4 investigation shall be repeated. In such a case, a new head of response will be appointed, and no member of the initial BCC shall be eligible for membership.	ADM (DRDC)	20
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