

Research Misconduct Policy and Procedure (Research Students)

Policy

1 Introduction

- 1.1 York St John University is committed to maintaining the highest ethical standards in research carried out by its research students. Its approach to research integrity complies with the [Concordat to support research integrity](#) (the Concordat). The University treats all allegations of misconduct seriously and is committed to ensuring that allegations are investigated with thoroughness and rigour.
- 1.2 Research students are researchers in training. As such, concerns about research misconduct must be considered within an educational context. While the University expects the same standards of honesty, transparency, and ethical conduct as apply across our research community, the purpose of this policy is not only to protect research integrity but also support research student development and ensure responses to concerns are proportionate.

2 Scope

- 2.1 This policy and its accompanying procedures apply to allegations of misconduct in academic research made against research students (standard doctorates, professional doctorates designated as a research degree, Masters by Research, MRes).
- 2.2 This policy applies to allegations relating to research activity forming part of a research degree, including thesis work, publications, research data, and other related scholarly outputs that directly or indirectly form the basis of the award.
- 2.3 If concerns relate solely to assessed taught components within a research degree (for example, a research methods module), these may be dealt with under the [Academic Misconduct Procedure](#). The purpose of the current procedure is to provide for the investigation of more complex issues and/or matters where actions may be required that fall outside the scope of the other procedures.
- 2.4 The policy is not time-limited. Allegations may be investigated after a student has graduated, provided the alleged misconduct occurred during their registration.
- 2.5 For the purpose of this policy the 'Initiator' is the individual or nominated individual (if representing a group) who has raised the possibility of suspected research misconduct for this process. It is though recognised that there may not always be a specific initiator.
- 2.6 For the purpose of this policy the 'Respondent' or 'Respondents' are the research student or students who are suspected or guilty of research misconduct

3 What constitutes research misconduct?

- 3.1 In line with the definition set out in the [Concordat](#), research misconduct is understood to mean (but not to be limited to):
 - i. fabrication: making up results or other outputs (eg, artefacts) and presenting them as if they were real;
 - ii. falsification: manipulating research processes or changing or omitting data without good cause;
 - iii. plagiarism: using other people's material without giving proper credit;
 - iv. inappropriate use of Generative AI (see [YSJU Guidance](#));

- v. failure to meet ethical, legal and professional obligations: for example, failure to declare competing interests; misrepresentation of involvement or authorship; misrepresentation of interests; breach of confidentiality; lack of informed consent and misuse of personal data;
 - vi. questionable research practices (QRP's) may in some instances constitute research misconduct rather than poor scholarship depending on the intention and extent. HARKing, cherry-picking, *P*-hacking, fishing and data dredging or mining are some examples;
 - vii. failure to seek ethical approval for the research project from the University and/or other appropriate body (IRAS for example) where required, this includes subsequent amendments to the project outside of agreed processes (see [Research Ethics Policy](#)); research undertaken without written ethical approval for the project prior to commencing the research project; and abuse of research subjects or materials;
 - viii. intentional act/s of deception where the intent is to deceive (and this has not been documented in the de-brief [see [Research Ethics Policy](#)] and received written ethical approval) and/or manipulate the research project outcome;
 - ix. improper dealing with allegations of misconduct: failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistle blowers.
- 3.2 Research misconduct does not include honest error or differences in the interpretation or judgement in evaluating research methods or results or misconduct unrelated to the research process. Similarly, it does not include poor research, unless this encompasses the intention to deceive.

4 Category of Offence

- 4.1 Enrolment on a research degree designed to train and improve research skills provides an important context for consideration of research misconduct for research students as does extent of research misconduct, intent and deception involved in the research misconduct, level of study (L7 and L8), and stage of training of the research student (pre-transfer and post-transfer).
- 4.2 In context of the completion of research as part of research degrees the University distinguishes between three categories of offence:
- i. Category 1 – research misconduct that has had no discernible impact on a student's claim to original contribution to knowledge and/or independence of the work, and no material advantage to the student in progressing or completing their research.
 - ii. Category 2 – research misconduct that has a minor impact on a student's claim to original contribution to knowledge and/or independence of the work, and a minor material advantage to the student in progressing or completing their research that can be expunged via reasonable and restorative action (e.g., minor revision and/or removal of material).
 - iii. Category 3 – research misconduct that has a major impact on a student's claim to original contribution to knowledge and/or independence of the work, with the intention of gaining a material advantage in progressing or completing their research. Repeated category 2 offences will also constitute a category 3 offence.

5 Principles

- 5.1 The University is committed to procedures that are fair and transparent, and decisions that are reasonable and have regard to law. The principles of natural justice will be observed, that is to say the Respondent will be fully informed about the allegation and will have the fullest opportunity to reply, and nobody shall be involved in the investigation and decision-making

where there is a potential conflict of interest. Failure to declare a potential conflict of interest is itself an act of misconduct and may be subject to appropriate action.

- 5.2 This procedure shall be implemented with due regard to the need to eliminate discrimination, harassment and victimisation, advancing equality of opportunity, and fostering good relations. The procedure applies equally to all individuals, irrespective of age, disability, gender reassignment, pregnancy or maternity, race, ethnic origin or national identity, religion or belief, sex or sexual orientation.
- 5.3 It is the University's responsibility to establish that on balance research misconduct is more likely than not to have taken place. The balance of probability approach means that the University is satisfied an event occurred if they consider that, based on the evidence, the occurrence of the event was more likely than not to have taken place.

6 Confidentiality

- 6.1 In all enquiries and in any action taken as a result of their outcome, due regard should be given to the need to take all reasonable measures:
- To protect research students against malicious, frivolous or ill-founded allegations of misconduct in research;
 - To protect the position and reputation of those alleged to have engaged in misconduct in research when such an allegation is not confirmed;
 - To protect the position and reputation of those who make allegations of misconduct in research;
 - To observe the principle of no-detriment such that neither the person making the allegation of misconduct in research (the Initiator) nor the person against whom such an allegation is made (the Respondent) should suffer solely as a result of the allegation having been made. For the Initiator, this is subject to the proviso that the concern must be a genuine one, whether or not it is later found to be substantiated. Appropriate action will be taken against anyone found to have made a frivolous, vexation or malicious allegation.
- 6.2 With these principles in mind, all parties involved in this procedure, including the Initiator and the Respondent, are bound by confidentiality, except in so far that disclosure is necessary:
- In relation to the proceedings, for example, to witnesses, advisers and trade union representatives; or
 - To satisfy other obligations, such as the duty to inform a funding provider or the home institution of a visiting student; or
 - To research student supervisor(s) and others within the University who should appropriately be informed of the proceedings.
- 6.3 All other disclosures, including to the media, are prohibited. Breaches in confidentiality shall be considered as a serious disciplinary matter.
- 6.4 Anonymous allegations are generally not accommodated through this procedure due to the challenges posed by anonymity. Investigating becomes difficult, hindering a fair right of reply and impeding the provision of appropriate resolutions. However, in exceptional cases, an anonymous allegation may be considered if the Initiator presents a compelling case supported by evidence.

7 Support for Initiators and Respondents

- 7.1 Raising and responding to an allegation of research misconduct can be upsetting. The University is committed to supporting all parties during the process. Sources of support should be highlighted in communication with both Initiator(s) and Respondent(s).

Wellbeing and Welfare Support

- 7.2 Students can access free support to help them manage their wellbeing and welfare. More information on the service can be found here - [Wellbeing and welfare, I need help now](#), and here [Wellbeing and welfare, Student Hub](#)

- 7.3 For students studying on the London campus, they are able to access these services remotely and can also email wellness.london@yorks.ac.uk to connect with a member of the Student Support and Guidance team on the London campus.

Disability support and inclusion

- 7.4 For students with a disability, long term health condition, mental health condition or a specific learning difficulty (SpLD), information can be found here - [Disability support current students](#).

International student support

- 7.5 A dedicated Global Campus Team are available to provide support and guidance to international students – more information can be found here - [International student support | York St John University \(yorks.ac.uk\)](#)

YSJ Students' Union

- 7.6 The Students' Union Presidents and Advice Service are also available for support and advice. They can be contacted at su.advice@yorks.ac.uk or can be found in the SU building.

External support guidance for initiators

- 7.7 Additional support on reporting suspected research misconduct and preparing to report suspected misconduct, can be found in the [UKRIO Reporting research misconduct](#) guidance document.

8 Record Keeping, Monitoring and review

- 8.1 The University will keep and dispose of all records relating to case of research misconduct in accordance with its records management policy.
- 8.2 The PGR School should be notified of all cases of alleged research misconduct by research students and the outcomes of all investigations.
- 8.3 A report on research misconduct cases and their outcomes will be produced annually and submitted to Research Degrees Committee with a summary report also provided to Quality & Standards Committee. It will then be provided to Academic Board and Board of Governors. This process will ensure appropriate monitoring of all research misconduct cases and related outcomes.

Procedure

9 Responsibilities

- 9.1 The Pro Vice Chancellor: Research & International is responsible for research ethics throughout the University.
- 9.2 In context of research misconduct for research students, the Pro Vice Chancellor: Research & International permits suitable senior academic staff at the University to serve as their delegated representative.
- 9.3 Delegation of responsibility is intended to be commensurate with the level, complexity, and potential impact of the research misconduct, and aligned with the seniority, expertise, and accountability of the individual acting as representative.
- 9.4 The delegated representative for doctoral research students and Masters by Research students will typically be the Associate Pro Vice Chancellor: Research.
- 9.5 The delegated representative for MRes students will typically be MRes programme leaders.

10 Allegations of Research Misconduct

- 10.1 Allegations of misconduct in academic research should be submitted to the delegated representative in writing and be accompanied by any supporting evidence that is available to the Initiator.
- 10.2 Upon receipt of an allegation, the delegated representative will acknowledge receipt to the Initiator (normally within five working days of the allegation first arising) and ensure that the Respondent is notified that allegation has been received, along with details of the allegation.
- 10.3 The delegated representative will take advice from relevant areas of the University on which procedure should apply and make a decision accordingly. As set out in 2.3, procedures that may be invoked include the academic misconduct procedure.
- 10.4 A reasonable period of time to informally investigate and resolve the matter will be identified and will be communicated to the Initiator and Respondent. The intention is to resolve all allegations in a timely manner (4 to 6 weeks).
- 10.5 The delegated representative will inform any external bodies to whom the University has a duty to disclose that an allegation of research misconduct is being investigated. These may include, for example, a funding provider.
- 10.6 In all communication it should be made clear to all parties that at this stage the allegation is still to be investigated and should not yet be considered as proven.
- 10.7 Where the allegations concern situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice), then the delegated representative will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated.

11 Right to Accompaniment and Representation

- 11.1 During the initial review stage and any additional hearing, the Respondent(s) may be accompanied by a supporter, this person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret your responses, or speak on your behalf.
- 11.2 Legal representation is not normally considered appropriate under these proceedings but may be appropriate where the consequences are likely to be particularly serious for the Respondent. Where a Respondent wishes to be legally represented at the formal hearing, permission should be requested from the Pro Vice Chancellor: Research & International in advance in writing, with reasons. Permission to have legal representation will not be withheld unreasonably.

12 Reasonable adjustments and protected characteristics

- 12.1 Those involved will not discriminate against research students because of a protected characteristic and will make any reasonable adjustments to the process to remove any disadvantage faced by a research student with a protected characteristic.
- 12.2 Respondents will be invited to advise of any specific adjustments required to meet their needs; this will include but is not limited to:
 - i. The preferred title, name and contact details of the respondent/s
 - ii. Potential conflicts of interest
 - iii. Specific requirements relating to disability, pregnancy, maternity and religion or belief
- 12.3 The University will make every effort to support requests for reasonable adjustments but cannot always guarantee this.

13 Initial Review

- 13.1 As soon as is practicable, the delegated representative will carry out an initial review of the allegation. In order to support the initial review, the delegated representative may in confidence:
 - i. Consider the evidence and if necessary, invite additional evidence from the Initiator and any other such persons or bodies deemed appropriate, to clarify any matters considered to be potentially relevant;
 - ii. Invite the Respondent to respond with written comments to the allegation and to any points of clarification considered necessary and relevant;
- 13.2 Plagiarism detection software is permissible evidence and when provided as evidence should be shared with the Respondent.
- 13.3 As part of this initial review, the delegated representative may convene a Screening Panel to consider the evidence. This Panel would normally comprise of two individuals from within the University (with appropriate expertise and seniority). The delegated representative shall nominate one to act as Chair.
- 13.4 The delegated representative may choose not to convene a screening panel. The decision will be based on the nature of the allegation, evidence provided by the Initiator, and written comments from the Respondent.
- 13.5 The Screening Panel will recommend one of the following courses of action with reasons:
 - i. That the allegation should be dismissed; or
 - ii. That the allegation should be addressed through non-disciplinary action such as education and training and in consultation with appropriate others (category 1). As part of this informal approach, the Respondent must be advised in writing of any conditions required to be met, that such conduct is inappropriate and must not occur again. Allegations dealt with informally would not normally form the basis of subsequent formal disciplinary action. However, failure to meet any conditions issued during the informal process may lead to the instigation of disciplinary action; or
 - iii. That there should be a formal hearing under the research misconduct procedure as set out below (category 2 and 3); or
 - iv. That the matter should be referred to another procedure, i.e. the Academic Misconduct Procedure.
- 13.6 After consideration of the recommendation of the Screening Panel (or their own assessment), the delegated representative will notify the Initiator and the Respondent in writing of the decision and may also notify any other persons or bodies as deemed to be appropriate within 5 working days, including the PGR School.

- 13.7 A Respondent who is dissatisfied with the outcome of the Screening Panel may appeal to the Vice Chancellor in writing within 10 working days of receiving notification of the outcome. The Vice Chancellor will review the case and make a final decision on whether the matter should be referred to a formal hearing.

14 Research Misconduct Hearing Panel

- 14.1 Where a formal Research Misconduct hearing is instigated, the delegated representative will appoint a Research Misconduct Hearing Panel consisting of a Chair and two members with appropriate expertise and seniority to deal with the matter. To ensure fairness, an individual may not be a member of both the Screening Panel and the formal Hearing Panel.
- 14.2 Subject to the principles set out above and within the framework laid down by these Procedures, the Research Misconduct Hearing Panel will determine the conduct of its investigation.
- 14.3 The Research Misconduct Hearing Panel will invite the Initiator, Respondent, and any other parties it sees fit to the hearing.
- 14.4 The Respondent will be provided with all evidence to be considered at the Hearing at least 5 working days in advance of the hearing. The Respondent may provide a response and/or additional evidence in writing before the hearing or orally at the hearing.
- 14.5 At the discretion of the delegated representative, parties may participate by videoconference rather than in person, if this is required by the Respondent the request should be made at least 3 days in advance of the meeting.
- 14.6 Audio or video recordings of the meeting must not be made by the Respondent or any accompanying person. AI notetaking software must not be used during the meeting by the Respondent or any accompanying person.
- 14.7 Where an Initiator or Respondent does not appear before the Hearing Panel, the Panel reserves the right to make a decision in their absence, drawing such conclusions as it deems appropriate.
- 14.8 The Respondent has the right to be present during the presentation of any evidence during the hearing and has the right to reply. Once it deems that all the relevant evidence has been presented, the Hearing Panel will ask all parties to withdraw. It will deliberate and will issue its final decision in writing, as soon as possible after the hearing, and normally within 10 working days.
- 14.9 During the investigation and any hearing, research students accused of research misconduct may be accompanied by a supporter, this person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret your responses, or speak on your behalf. The Respondent will be asked to provide the name and capacity in which the supporter is attending in advance. Should the Respondent's supporter behave inappropriately at any point during the Hearing or the following procedures, they will be asked to withdraw.
- 14.10 Legal representation is not normally considered appropriate under these proceedings but may be appropriate where the consequences are likely to be particularly serious for the Respondent. Where a Respondent wishes to be legally represented at the formal hearing, permission should be requested from the Pro Vice Chancellor: Research and International in advance in writing, with reasons. Permission to have legal representation will not be withheld unreasonably.

15 Outcomes

- 15.1 The Hearing Panel will decide whether the allegation should be dismissed or upheld, in full or in part, and giving reasons for its conclusions.

- 15.2 On reaching its decision the Panel will report in writing to the delegated representative confirmation of the category of offence and one of the following courses of action, and giving reasons:
- i. That the allegation should be dismissed (no further action); or
 - ii. That the allegation represents poor scholarship rather than research misconduct (non-disciplinary action). Poor scholarship will be considered through normal marking and assessment processes. As part of this approach, the Respondent must be advised in writing of any conditions required to be met, that such conduct is inappropriate and must not occur again. In addition, failure to meet any conditions issued during the informal process may lead to the instigation of disciplinary action. Findings to be noted on the Respondent's student record and may be considered in context of any future allegations; or
 - iii. Research misconduct (sanction and remedial action). The Respondent will be informed of this decision, sanction, and remedial action.
- 15.3 The PGR School will be notified of the outcome. In the case of research misconduct, details of the investigation, evidence, and the outcome will be stored on the student record.
- 15.4 Whichever decision is made, the Respondent may be referred to appropriate support and guidance to develop their academic research skills. This may include, for example, a referral to the relevant Academic Liaison Librarian, Study Development team or London Learning and Wellness team. If the Respondent fails to take up the support offered, this will be considered negatively should any further allegation of academic or research misconduct be made.

16 General Sanctions and Remedial Actions

- 16.1 As part of providing its decision, the hearing panel will also recommend a sanction and any remedial action they consider appropriate. In determining the appropriate sanction, the Hearing Panel may refer to the sanctions set out in the Academic Misconduct Procedure. The Panel may also seek the advice of the Student Appeals and Conduct Committee before imposing a sanction.
- 16.2 In deciding the appropriate sanction, consideration will be given to the category of offence (category 2 or category 3), level of study (L7 or L8), stage of study (pre- or post-transfer on doctoral study), evidence of intent, degree of deception, and previous academic or research misconduct (at any previous level of study).
- 16.3 The Respondent may ask for other factors to be considered, but personal difficulties are unlikely to be seen as excusing research misconduct. Where reference to exceptional circumstances is made, evidence will be required and will be shared with hearing panel. A sanction will not be reduced based on the fact that the Respondent ran out of time to complete their work, or the Respondent mistakenly submitted a draft rather than a final version, or had IT difficulties.
- 16.4 Sanctions may include (but are not limited to):
- i. Mandatory training;
 - ii. Retraction or amendment research publications;
 - iii. Removal or revision of the content of work or thesis;
 - iv. Collection of new or additional data;
 - v. Withdrawal of funding;
 - vi. Resubmission of the work or thesis;
 - vii. Re-examination of the thesis;
 - viii. Termination of registration;
 - ix. Failure of award.
- 16.5 The Hearing Panel may decide that termination of registration from the research programme is appropriate, subject to approval of Research Degrees Committee.
- 16.6 Where research misconduct is identified in work submitted as the basis of a previous award, the award may be retrospectively revoked, subject to the approval of the Assessment Board.

- 16.7 Termination and revoking of award are the most severe sanction and are only expected to be used if the research misconduct undermines the integrity of the work as a whole and no remediable action is possible or appropriate.

17 Sanctions and Remedial Actions (MRes Programmes)

- 17.1. MRes provide a specific context for sanctions and remedial action in response to research misconduct because the research takes place in context of a module and the module is marked and contributes to the classification of the award.
- 17.2. In the case of a decision of research misconduct by the Research Misconduct Hearing Panel, the following sanctions will typically apply;
- First offence – capped pass for the thesis module
 - Second offence – enforced withdrawal of enrolment due to programme failure
- 17.3. In instances where academic misconduct or research misconduct has been found previously on the programme, subsequent instances would be considered a second offence.
- 17.4. Due to the nature of the research misconduct, there may be circumstances when the Research Misconduct Panel wishes to implement a sanction that does not align with the two sanctions listed above. In these cases, approval must be sought from the Pro Vice Chancellor – Research and International.
- 17.5. No mark is awarded for work affected by research misconduct and this means that the Respondent does not receive any credits for that work.
- If successfully passed the module mark will always be capped at the pass mark due to reassessment regulations.
 - Where the research misconduct reassessment is not of passing standard the mark for the thesis is retained and is used to determine the final module mark, and a grade of AF (Academic Failure) will be given.
- 17.5 The Respondent will only be permitted to resubmit the thesis where they are entitled to another resubmission attempt in accordance with the University Regulations. If the research misconduct affects the resubmitted thesis, Respondents will not be entitled to a further attempt.
- 17.6 Where a Respondent is permitted another resubmission attempt, the resubmission completed can be a revised resubmission of the original thesis.
- 17.7 Research misconduct may be identified after marks have been ratified. Where this happens, the above process should still take place and any mark amendments processed accordingly.
- 17.8 If research misconduct is identified after the Respondent has graduated with an award, the award may be revoked or otherwise amended, for example, by reducing the degree classification. Where Respondents' studies are withdrawn due to findings of research misconduct or as a result of not being able to progress, Respondents will exit with the credits that have been through ratification processes at the time of the first communication to the Respondent about the concern that eventually led to the withdrawal decision.

18 Right to appeal

- 18.1 Respondents who are dissatisfied with the outcome have the right to appeal to the Vice Chancellor or nominee. The appeal should be submitted within ten working days from the date on the outcome letter to Student Casework, Casework@yorksj.ac.uk.
- Grounds for appeal are as follows:
 - The decision of the Research Misconduct Hearing Panel was unreasonable in the light of the evidence available;
 - The procedure of the hearing was deficient in a way which materially prejudiced the case;
 - New evidence has arisen that means the Panel decision should be reconsidered.
- 18.2 Appeals will be reviewed by the Vice Chancellor or nominee and this decision will be final with regard to York St John University procedures. This review will normally limit itself to the

written material relating to the case at all previous stages. However, the Vice Chancellor reserves the discretion to interview the Respondent and/or other relevant individuals.

18.3 The outcome will be communicated in writing as soon as possible.

19 Independent Adjudicator for Higher Education

19.1 At this point, students will be issued with a Completion of Procedures letter. They have 12 months to apply for a review by the Office of the Independent Adjudicator for Higher Education.

19.2 The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body which was established by the Higher Education Act 2004 to consider student complaints which had not been resolved through an institution's internal procedures. It became the statutory body for dealing with such student complaints on 1 January 2005. If a student receives a 'Completion of Procedures' letter from the University and the student remains dissatisfied with the outcome, the student may ask the OIA to review their case. The student must normally apply to the OIA within 12 months of the date of the 'Completion of Procedures' letter. This service is free to students. More information can be found on the OIA website.

20 Research Misconduct and Oral Examination

20.1 If research misconduct is alleged by internal or external examiners prior to examination, this policy should be followed to investigate the allegation. Regardless of the outcome of the investigation, the examiners should be replaced in any subsequent examination.

20.2 If an allegation of research misconduct emerges in the oral examination, the examination can be halted, if considered appropriate, and the PGR School contacted. This decision will be made by the examiners. However, any resulting outcome will be conditional upon investigating the allegations of research misconduct.

20.3 If research misconduct is alleged after the examination has taken place, but before the qualification has been awarded, the award shall be suspended pending the outcome of an investigation conducted in accordance with this policy.

21 Research Students and Employees

21.1 The Pro Vice Chancellor Research and International will be notified in all cases where the research student is also an employee of the university.

21.2 When research students are also employees of the University, the University's Research Misconduct Policy (Staff) and [Disciplinary Policy & Procedure](#) (available on the staff intranet) will normally be used.

Associated links: [Guiding Principles on the Use of Generative Artificial Intelligence](#)
[Research Ethics and Integrity](#)

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