Research Misconduct   
Policy and Procedure

Policy

# Introduction

* 1. York St John University is committed to maintaining the highest ethical standards in research carried out by its staff and 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.

# Scope

* 1. This policy and its accompanying procedures apply to allegations of misconduct in academic research made against staff and research students of the University and others undertaking research on behalf of the University, in the University’s name, or using its facilities. This includes visiting and honorary staff and research students.
  2. The policy is not time limited: investigations of misconduct against former staff or research degree graduates may still be undertaken, provided that the alleged offence was conducted whilst the individual was undertaking research on behalf of the University, in the University’s name, or using its facilities.
  3. As an alternative to these procedures, misconduct by research students within taught components of their degrees may be dealt with under the [Academic Misconduct Procedure](https://www.yorksj.ac.uk/staff/learning-and-teaching/academic-misconduct/). Research misconduct by staff may be dealt with under the Staff Disciplinary Policy. This will usually be the case in straightforward matters where the sanctions set out in the above procedures are adequate for the misconduct in question. 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.
  4. Research misconduct by research students within the research element of University of Leeds degrees will be conducted under the University of Leeds [Protocol for investigating and resolving allegations of misconduct in academic research](http://www.leeds.ac.uk/secretariat/documents/academic_misconduct_in_research.pdf).
  5. Investigation by YSJU or the University of Leeds does not preclude an investigation by an external body where they have an interest (e.g. as a funder) in the work.
  6. The decision on the appropriate procedure in each case shall be taken by the Academic Registrar.
  7. All references to post-holders should be understood as including the post-holder’s delegate or, in the event of a possible conflict of interest, appropriate alternate.

# What constitutes research misconduct?

* 1. In line with the definition set out in the Concordat, research misconduct is understood to mean (but not to be limited to):
     1. fabrication: making up results or other outputs (eg, artefacts) and presenting them as if they were real;
     2. falsification: manipulating research processes or changing or omitting data without good cause;
     3. plagiarism: using other people’s material without giving proper credit;
     4. 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; misuse of personal data; and abuse of research subjects or materials;
     5. improper dealing with allegations of misconduct: failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistleblowers.
  2. It 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.
  3. Anyone with relevant knowledge may be the Initiator of a research misconduct allegation. The Initiator may be external to the University, although YSJU staff and research students have a particular responsibility to the University to report any concerns that may arise.

# Principles

* 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.
  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.
  3. It is the University’s responsibility to establish that research misconduct is more likely than not to have taken place.

# Confidentiality

* 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:
     1. To protect researchers against malicious, frivolous or ill-founded allegations of misconduct in research;
     2. To protect the position and reputation of those alleged to have engaged in misconduct in research when such an allegation is not confirmed;
     3. To protect the position and reputation of those who make allegations of misconduct in research;
     4. 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.
  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:
     1. In relation to the proceedings, for example, to witnesses, advisers and trade union representatives; or
     2. To satisfy other obligations, such as the duty to inform a funding provider or the home institution of a visiting lecturer; or
     3. To the individual’s manager or supervisor(s) and others within the University who should appropriately be informed of the proceedings.
  3. All other disclosures, including to the media, are prohibited. Breaches in confidentiality shall be considered as a serious disciplinary matter.
  4. Anonymous allegations will not be considered. In exceptional circumstances, and at the discretion of the Academic Registrar, the identity of the Initiator may be kept confidential for as long as possible during the informal stage. Should the matter proceed to a formal investigation, the identity of the Initiator will be disclosed at this point.
  5. Where appropriate, for example where misconduct is believed to be widespread or encouraged at senior levels, allegations by staff, students and governors of the University may be considered under the University’s [Whistleblowing Policy](https://www.yorksj.ac.uk/policies-and-documents/whistleblowing/).

# Right to Accompaniment and Representation

* 1. During the investigation and any hearing, research students accused of research misconduct may be accompanied by a supporter, such as an officer of the Students’ Union or a friend. Staff accused of research misconduct may be accompanied by a trade union representative or a workplace colleague not involved in the matter under investigation.
  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 Academic Registrar in advance in writing, with reasons. Permission to have legal representation will not be withheld unreasonably.

# Record Keeping, Monitoring and review

* 1. The University will keep and dispose of all records relating to case of research misconduct in accordance with its records management policy.
  2. A report on research misconduct cases and their outcomes will be produced annually and submitted to the Strategic Leadership Team. A summary report will be considered by Research Committee (for staff) and Quality & Standards Committee (for students) and then provided to Academic Board and Board of Governors. This process will ensure appropriate monitoring of all research misconduct cases and related outcomes.

Procedure

# Allegations of Research Misconduct

* 1. Any allegation of misconduct in academic research should be submitted to the Academic Registrar in writing and be accompanied by any supporting evidence that is available to the Initiator.
  2. Upon receipt of an allegation, the Academic Registrar will acknowledge receipt to the Initiator (normally within five working days of the allegation first arising) and notify the Respondent that an allegation has been received, along with details of the allegation.
  3. The Academic Registrar will take advice from relevant areas of the University on which procedure should apply and make a decision accordingly. As set out in paragraph 4 above, procedures that may be invoked include the University of Leeds procedure for students pursuing University of Leeds awards, the academic misconduct procedure for students where the allegation relates to a taught element, or staff disciplinary procedures, as alternatives to this research misconduct procedure. The Academic Registrar will notify the Initiator and the Respondent of the chosen procedure and provide information about the procedure.
  4. A reasonable period of time to informally investigate and resolve the matter will be identified (normally 4-6 weeks) and will be communicated to the Initiator and Respondent. They will be kept informed if the Academic Registrar finds that it is necessary to extend the period.
  5. The Academic Registrar 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 or the home institution of a visiting lecturer.
  6. The Academic Registrar will make it clear to all parties that at this stage the allegation is still to be investigated and should not yet be considered as proven.
  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 Academic Registrar will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated.

# Initial Review

* 1. As soon as is practicable, the Academic Registrar will carry out an initial review of the allegation. In order to support this review the Academic Registrar may in confidence:
     1. Consider the evidence and if necessary invite additional evidence from the Initiator and any other such persons or bodies the Academic Registrar deems appropriate, to clarify any matters considered to be potentially relevant;
     2. Invite the Respondent to respond with written comments to the allegation and to any points of clarification as the Academic Registrar considers necessary and relevant;
     3. Seek advice from Human Resources.
  2. As part of this initial review, the Academic Registrar 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), although an individual from outside the University may be included where the University deems it appropriate. The Academic Registrar shall nominate one to act as Chair.
  3. On reaching its conclusion the Panel will report in writing to the Academic Registrar recommending one of the following courses of action, and giving reasons:
     1. That the allegation should be dismissed; or
     2. That the allegation should be addressed through non-disciplinary action such as education and training and in consultation with appropriate others. 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
     3. That there should be a formal hearing under the research misconduct procedure as set out below; or
     4. That the matter should be referred to another procedure, including the staff disciplinary procedure or the student academic procedure, or the University of Leeds procedure.
  4. The Academic Registrar 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.
  5. 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 the letter from the Academic Registrar. The Vice Chancellor will review the case and make a final decision on whether the matter should be referred to a formal hearing.

# Formal hearing

* 1. Where a formal hearing is instigated, the Academic Registrar will appoint a Hearing Panel consisting of a Chair and two members with appropriate expertise and seniority to deal with the matter. An individual from outside the University may serve on the Panel where the University deems it appropriate. To ensure fairness, an individual may not be a member of both the Screening Panel and the formal Hearing Panel.
  2. Subject to the principles set out above and within the framework laid down by these Procedures, the Hearing Panel will determine the conduct of its investigation.
  3. The Hearing Panel will invite the Initiator, Respondent, and any other parties it sees fit to the hearing. As set out in paragraphs 20 and 21 above, the Respondent has the right to be accompanied by a supporter.
  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.
  5. At the discretion of the Academic Registrar, parties may participate by video-conference rather than in person.
  6. 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.
  7. 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.

# Actions

* 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.
  2. In determining the appropriate penalty, the Hearing Panel will refer to the penalties set out in the academic misconduct procedure (for students) and staff disciplinary procedure (for staff). The Panel will normally seek the advice of the Committee on Special Applications and Appeals before imposing a penalty under the former procedure and the advice of Human Resources before imposing a penalty under the latter procedure. The Research Misconduct Policy is applied in accordance with the same underlying principles as the above procedures.
  3. The Panel may also decide on additional appropriate actions to be taken based on the findings. These may include (but are not limited to) the following actions:
     1. Retraction or correction of published research materials;
     2. Withdrawal and/or repayment of funding;
     3. Notification of misconduct to external bodies, including funding bodies, regulatory and professional bodies;
     4. Education, training and supervision arrangements;
     5. Where research misconduct is identified in work submitted as the basis of an award, the award may be retrospectively revoked, subject to the approval of the Progress and Award Examination Panel.

# Right to appeal

* 1. Respondents who are dissatisfied with the outcome have the right to appeal to the Vice Chancellor. The appeal should be submitted within ten working days from the date on the outcome letter.
  2. Grounds for appeal are as follows:
     1. The decision of the Hearing Panel was unreasonable in the light of the evidence available;
     2. The procedure of the hearing was deficient in a way which materially prejudiced the case;
     3. New evidence has arisen that means the Panel decision should be reconsidered.
  3. Appeals will be reviewed by the Vice Chancellor, 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.
  4. The outcome will be communicated in writing as soon as possible.

# For Postgraduate Researchers only

* 1. At this point, students will be issued with a Completion of Procedures letter. They have three months to apply for a review by the Office of the Independent Adjudicator for Higher Education. This 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. Its service is free to students. More information can be found on the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

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