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](https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-08/Updated%20FINAL-the-concordat-to-support-research-integrity.pdf) (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 employees, researchers with any other form of contract with the University, 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. If it is unclear which category the Respondent comes under the decision will be made by the Pro Vice Chancellor: Research & International.
	2. The decision on the appropriate procedure in each case shall be taken by the Pro Vice Chancellor: Research & International
	3. 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.
	4. For the purpose of this policy the ‘Respondent’ or ‘Respondents’ are the individual or group who are suspected or guilty of research misconduct.
	5. 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.
	6. 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.
	7. 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/). 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.
	8. If following the initial review, a formal procedure needs to be followed for suspected Research misconduct by an employee, the University’s [Disciplinary Policy & Procedure](https://staffroom.yorksj.ac.uk/Content/File/Index/ebd60f5f-b0b1-49a9-8b7b-a75f5f8e7beb?forceApprovalStatus=False&reviewComplete=False#/50463ff7-e195-4ac0-9767-979e530df34d) (available on the staff intranet) will normally be used.

# What constitutes research misconduct?

* 1. In line with the definition set out in the [Concordat](https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-08/Updated%20FINAL-the-concordat-to-support-research-integrity.pdf), 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 and misuse of personal data;
		5. 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;
		6. 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](https://www.yorksj.ac.uk/policies-and-documents/research/ethics-and-integrity/policies-and-reports/)); research undertaken without written ethical approval for the project prior to commencing the research project; and abuse of research subjects or materials;
		7. 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](https://www.yorksj.ac.uk/policies-and-documents/research/ethics-and-integrity/policies-and-reports/)] and received written ethical approval) and/or manipulate the research project outcome;
		8. applying for external research grant money without YSJ Research Office (Grants Team) approval (the Finance Office will refuse to allow the money to be transferred onto YSJ accounts);
		9. improper dealing with allegations of misconduct: failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistle blowers.
	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 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.

# 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 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. The decision to process such an allegation rests with the Pro Vice Chancellor: Research & International.
	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/).

# Support for Initiators and Respondents

**Support for staff (any researcher with any form of contract with the University)**

* 1. Staff are encouraged to speak to their line manager, in the first instance, if they have questions or require further support regarding this process.
	2. Where staff feel unable to contact their line manager or more senior line manager, then they should HROD@yorksj.ac.uk for guidance.
	3. Staff also have access to a range of additional sources of welfare advice and support, including the Employee Assistance Programme, Wellbeing Champions, and Trade Unions. Details of which can be found on the [Health and wellbeing](https://staffroom.yorksj.ac.uk/redirect/3df95285-a7b8-480f-b902-f8286ddd63d6) intranet page.

**Support for research students**

**Wellbeing and Welfare Support**

* 1. 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 | York St John University (yorksj.ac.uk)](https://www.yorksj.ac.uk/wellbeing-and-welfare/)
	2. For students studying on the London campus, they are able to access these services remotely and can also email wellness.london@yorksj.ac.uk to connect with a member of the Student Support and Guidance team on the London campus.

**Disability support and inclusion**

* 1. 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 | York St John University (yorksj.ac.uk)](https://www.yorksj.ac.uk/wellbeing-and-welfare/disability-support/).

**International student support**

* 1. 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 (yorksj.ac.uk)](https://www.yorksj.ac.uk/international/international-student-support/)

**YSJ Students’ Union**

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

**External support guidance for initiators**

* 1. Additional support on reporting suspected research misconduct and preparing to report suspected misconduct, can be found in the [UKRIO Reporting research misconduct](https://ukrio.org/wp-content/uploads/Reporting-Research-Integrity-Concerns-180523.pdf) guidance document.

# 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. For staff, a summary report will be considered by the Research Committee, for students, the 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

# Allegations of Research Misconduct

* 1. Any allegation of misconduct in academic research should be submitted to the Pro Vice Chancellor: Research & International in writing and be accompanied by any supporting evidence that is available to the Initiator.
	2. Upon receipt of an allegation, the Pro Vice Chancellor: Research & International 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 Pro Vice Chancellor: Research & International will take advice from relevant areas of the University on which procedure should apply and make a decision accordingly. As set out in 2.7/2.8, procedures that may be invoked include 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 Pro Vice Chancellor: Research & International 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 Pro Vice Chancellor: Research & International finds that it is necessary to extend the period.
	5. The Pro Vice Chancellor: Research & International 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. This will usually fall within the 4-6 week timescale as set out under 9.4.
	6. The Pro Vice Chancellor: Research & International 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 Pro Vice Chancellor: Research & International will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated.

# Right to Accompaniment and Representation

* 1. 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.
	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.

# Initial Review

* 1. As soon as is practicable, the Pro Vice Chancellor: Research & International will carry out an initial review of the allegation. In order to support this review the Pro Vice Chancellor: Research & International may in confidence:
		1. Consider the evidence and if necessary, invite additional evidence from the Initiator and any other such persons or bodies the Pro Vice Chancellor: Research & International 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 Pro Vice Chancellor: Research & International considers necessary and relevant;
		3. Seek advice from Human Resources where the respondent also works for the University in any capacity.
	2. As part of this initial review, the Pro Vice Chancellor: Research & International 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 Pro Vice Chancellor: Research & International shall nominate one to act as Chair.
	3. On reaching its conclusion the Panel will report in writing to the Pro Vice Chancellor: Research & International 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 there should be a formal hearing under the University’s [Disciplinary Policy & Procedure](https://staffroom.yorksj.ac.uk/Content/File/Index/ebd60f5f-b0b1-49a9-8b7b-a75f5f8e7beb?forceApprovalStatus=False&reviewComplete=False#/50463ff7-e195-4ac0-9767-979e530df34d) (employees); or

That the matter should be referred to another procedure, i.e. the [Academic Misconduct Procedure](https://www.yorksj.ac.uk/media/content-assets/registry/policies/code-of-practice-for-assessment/23.Academic_misconduct_policy_2024-25.pdf).

* 1. The Pro Vice Chancellor: Research & International 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.
	2. 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 Pro Vice Chancellor: Research & International. 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 Research Misconduct hearing is instigated, the Pro Vice Chancellor: Research & International 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.
	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 Pro Vice Chancellor: Research & International parties may participate by videoconference rather than in person, if this is required by the Respondent the request should be made at least three days in advance of the meeting.
	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.
	8. A copy of the outcome letter will be sent to the Head of HR or relevant operational head, where the individual also carries out work for the University, to consider whether any further action is required.
	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. Staff accused of research misconduct may be accompanied by a trade union representative or a workplace colleague not involved in the matter under investigation. 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.
	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 University Secretary in advance in writing, with reasons. Permission to have legal representation will not be withheld unreasonably.

# 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](https://www.yorksj.ac.uk/staff/learning-and-teaching/academic-misconduct/) (for students). The Panel may seek the advice of the Student Appeals and Conduct Committee before imposing a penalty under this procedure. The Research Misconduct Policy is applied in accordance with the same underlying principles as the above procedures.
	3. The Hearing 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 external grant funding. The Hearing Panel, in liaison with the Research Office Grants Team, will contact the funding body within 10 working days of the Formal Hearing to make this as a recommendation, the final decision lies with the funding body;
		3. Withdrawal and/or repayment of quality-related research funding. The Hearing Panel, in liaison with the Research Officer – REF Policy & Delivery, will contact the appropriate UK higher education funding body within 10 working days of the Formal Hearing to make this as a recommendation, the final decision lies with the funding body;
		4. Notification of misconduct to external bodies, including funding bodies, regulatory and professional bodies;
		5. Education, training and supervision arrangements;
		6. 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 Assessment Board.

# 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 12 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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